Afghanistan: Militias Governance and their Disputed Leadership

Taliban, ISIS, US Proxy Militais, Extrajudicial Killings, War Crimes and Enforced Disappearances

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Introduction

In Asia and the Middle East, the role of proxy militias have been of great importance since 2001. From assassins and mercenaries to bounty markers and paramilitary organizations, all are sponsored by states to further their national security interests. Analyst and editor Joshua Duke (06 August 2020) views the operational mechanism of these militias with different perspective; "Assassination has commonly been used as a form of political terrorism. From a historical context, assassinations have been used to instigate larger movements, such as insurrections, rebellions, revolutions, and other events over time designed to conquer a social system or ideology of an era or region on Earth". In Afghanistan, the US and NATO proxy militias were also established to kill and kidnap innocent Afghans. The services and expertise offered by these militias are typically similar to those of governmental security, military or police forces in the country, but they are not answerable to the Defence Ministry. As substantiated by their diverse role, private militias acted for the CIA, NATO members and non-ally states. Killed and looted the US army and kidnapped young children and women with impunity. Nevertheless, they have also committed war crimes in night raids, destroyed houses, kidnapped young girls, women and boys and damaged national critical infrastructure.

Afghanistan is still run by proxy militias of different internal and external stakeholders. In October 2015, Kunduz was destroyed by these militias which looted banks, markets and houses. After the Soviet invasion of Afghanistan, and emergence of Mujahideen's militias in Pakistan and Iran, regional powers, US, NATO and the Arab world's military experts arrived in Pakistan to train, support, and arm every terrorist and extremist group to defeat the Soviet army in Afghanistan.

Afghan communist governments also established several proxy militias to counter the Mujahideen insurgency, but these militias couldn't play effectively due to the lack of proper training and modern weapons. The Dostum militia (Gillam

Jam) was better trained by the government-purveyed weapons and financial resources to operate across the country. During the Soviet–Afghan War in the 1980s, Dostum supported Afghan National Army and the regional commander of the country's north, commanding about 20,000 troops mostly Uzbeks. In 1992, he unhorsed Dr. Najibullah government, joined the Mujahideen militias, and established the Junbish Milli party to play a political role in future government. At present, Dostum was maintaining a strong militia of 40,000 men-adorned with modern and sophisticated weapons. Mr. Dostum played a crucial role in crushing the Mujahideen in several Northern districts, but later on became part of civil war. Analyst and expert Niels Terpstra noted important points of civil war after the Soviet withdrawal:

"The withdrawal of the Soviet Union in 1989 created a power vacuum. Political fragmentation and continued violence characterized the 1989–1994 period. Afghanistan descended into a brutal civil war between rivalling mujahideen groups and other strongmen. The war against the Soviet Union had already lasted for ten years, and its impact on Afghan society was severe. An estimated one to two million Afghans were killed during the war and land mines and indiscriminate bombing injured hundreds of thousands more. Hence, a whole generation grew up as refugees or as fighters. With the Soviet Union gone, much of the territory was open to armed opportunists and radical preachers. Local armed groups continued to fight over land, water sources, and mountain passes at different localities. The various mujahideen groups became either players in the battle for Kabul or localized armed actors. The multitude of commanders increasingly tolerated their fighters to loot and rape the civilian population, partly due to their inability to pay salaries and as an incentive to keep them fighting. The key individuals that would eventually establish the Taliban as a separate movement in 1994 were relatively passive between 1989 and 1994. Those who would come to form the senior leadership after 1994 used to be village mullahs or worked in religious education and therefore returned to their home villages or original madrassas. Some mujahideen, however, reconvened in 1993 and 1994 to discuss the chaotic situation in Kandahar. The dynamics of

rebel governance and rebel legitimacy, however, do not exist in isolation from other powerful actors. The actions/responses of the state are relevant to the analysis of rebel legitimacy as well. Powerful external actors may also influence the relations between armed groups and civilians. Much research has been devoted to the effects of external support to rebel groups and the attempts of rebel groups to acquire international legitimacy and/or recognition. In this article, I shift the perspective and demonstrate how powerful external actors that support the incumbent government shape (though less directly) the dynamics of rebel governance and rebel legitimacy. The presence of foreign enemy forces is an important source of legitimacy for rebel groups and has remained relatively under-studied in the literature on rebel governance. Rebel legitimacy is a function of present-day events but also of prior armed conflicts and societal tensions. As Schröder and Schmidt observe, 'the most important code of the legitimation of war is its historicity."

All these private militias of communist and Mujahideen era are still dancing to different tangos in all provinces of Afghanistan. They receive financial support from different channels-challenging territorial authority of the national army of the country. The role of warlords and their political and economic role have been highlighted by Analyst and researcher, Romain Malejacq. He has noted the use of these militias by states against their own alienated citizen to stabilize their territories:

"States in turn have an interest in using the warlords' ability to arbitrage, that is, to 'take advantage of a price differential for political, economic, and cultural goods across terrains' as part of their own extraversion strategies. While warlords are tied to their previous territorial control, their local authority gives them leverage among international actors. They take advantage of the complexity and heterogeneity of the international system, in which many competing actors with a variety of domestic and foreign policy agendas coexist and operate in a system where 'subjects are governed by a complex hodgepodge of foreign powers, international and non-governmental organisations (NGOs), and domestic

institutions'. Though warlords interact with a constellation of national and international actors who rigidly structure the political environment, they have the ability to operate and exert agency in that environment. 'Today's successful warlords', writes Mark Duffield, 'think globally but act locally'. They are indeed able to 'act financially and politically in the international system without interference from the state in which [they are] based' while exerting authority at the local level. The warlords' political success (and legitimacy) in part rests on their ability to conduct their own foreign policy in ways that are otherwise reserved to sovereign states (through high-level diplomacy for example), as well as on their ability to conduct relations with (and infiltrate) their own state".

The CIA proxy militias have been committing war crimes in Afghanistan by killing innocent and unarmed women and children since the US and NATO so called war against terrorism. These militias were established not to crush Taliban and the Al Qaeda terrorist groups, but to punish Afghans for their love with their country. All but, 20 years later, the CIA, Pentagon and NATO are still running the business of killings and torture, support Taliban and the ISIS terrorist groups, and plundering mineral resources of Afghanistan with impunity. The CIA's army was not designed for classic counterinsurgency operations and definitely not for "winning-hearts-and-minds." Their mission was to humiliate and kill Afghans. In 2015, the US army helped the National Directorate of Security (NDS), to establish its own militias to fight the Taliban terrorist group. Analysts and researcher, Astri Suhrke1 and Antonio De Lauri (21 august 2019) in their paper highlighted collaboration between CIA and NDS, and operational mechanism of their militias:

"The new NDS unit added significantly to the total number of irregular forces supported by the CIA. Two years later, in 2017, then-CIA Director Mike Pompeo publicly announced that a policy change to use the militias more intensely was under way. The CIA would expand its operations in Afghanistan, targeting Taliban as well as al-Qaeda. Small teams of CIA-rostered officers would spread out alongside Afghan units in a campaign the Director promised would be

“aggressive,” “unforgiving,” and “relentless.” The CIA’s Army: Who Are They and How Do They Operate? Little is publicly known about the CIA’s Afghan army. Nevertheless, investigative journalists, concerned analysts and human rights activists have pieced together the covert program’s basic outlines. The “army” has two types of components. One is a set of older units whose relations with the CIA go back to the offensive operations carried out during and immediately after the 2001 invasion. They work closely with the agency. The most well-known and powerful of these is the Khost Protection Force (KPF), which operates out of the CIA’s Camp Chapman in the northeastern province of Khost. Importantly, the KPF is an illegal armed group in the sense that its existence has no basis in Afghan law and no formal place in the state security apparatus or its budget, as the UN has emphasized. A second type of unit is the formally designated Special Forces of the Afghan intelligence agency, the National Directorate of Security (NDS). It has four main units, numbered from 01, and each has a regional area of operation: NDS-01 operates in the Central Region, NDS-02 in the Eastern Region, NDS-03 in the Southern Region, and NDS04 in the North”.

After ten years of its establishment, the Afghan local police (ALP) was undermined due to its failure to stabilize remote regions of the country. The police operated like a criminal militia-killing farmers, traders and businessmen. And it was a controversial force since its inception. Only 30,000 weak, untrained and illiterate forces failed to counter the Taliban terrorist group. This project was implemented in a hurry, therefore, to become wealthy and rich, commanders of the ALP supported and facilitated insurgent and terrorist groups who crushed, rather than advanced, local security and stability. Analysts and experts of Afghanistan, researcher Kate Clark, Erica Gaston, Fazal Muzhary and Borhan Osman (July 2020) in their well-written paper noted aspects of its abusive action and corruption:

“The significant record of abuses, corruption and criminality attached to the ALP ultimately contributed to the decision to wind up the force. Although the ALP may be ending, the idea

of leveraging local communities into the counter-insurgency fight is not. A new local force, the Afghan National Army Territorial Force (ANA-TF or TF), was created in 2018 under the Ministry of Defence (MoD) and is currently 10,000 strong, while the even more thinly regulated Uprising Forces, managed by the Afghan intelligence service, the National Directorate of Security (NDS), have also been mobilised in various provinces. As a result of all of these different strands of mobilisation, by the closing stage of this research, it was not at all difficult to find areas in which three different types of local forces operated – the ALP, the ANA-TF and the Uprising Forces, each beholden to a different institutional master, the Ministry of Interior (MoI), MoD and NDS, respectively, and with different international backers. The lessons from the ten years of experimentation, missteps and learning from the ALP are thus still ripe for the moment in Afghanistan and very relevant for the many other theatres of conflict where international actors continue to support or even create local forces".

The US proxy militias caused consternation, destruction in all provinces of Afghanistan. The US established an incompetent intelligence agency (NDS) to serve its interest. The NDS established regional militias to support the CIA and Pentagon war crime mission. The NDS established Unit-01 for Central Region, Unit-02 for Eastern Region, Unit-03 for Southern Region, and Unit-04, as a Khost Protection Force (KPF), and committed war crimes in these regions with the support of the US army and CIA. Analysts and researchers, Antonio De Lauri & Astri Suhrke in their recent paper on US proxy militias have documented some aspects of these militias:

"The most well-known and powerful of these is the Khost Protection Force (KPF), which operates out of the CIA's Camp Chapman in the northeastern province of Khost. Significantly, the KPF is an illegal armed group in the sense that its existence has no basis in Afghan law and no formal place in the state security apparatus or its budget, as the UN has emphasized. A second type of unit is the formally designated Special Forces of the Afghan intelligence agency, the NDS. There are four main units, numbered from 01 through 04, each

with its own regional area of operation: NDS-01 operates in the Central Region, NDS-02 in the Eastern Region, NDS-03 in the Southern Region, and NDS-04 in the Northern Region. This is the only transparent and publicly known part of their organization. The NDS Special Forces exist in a regulation twilight zone. The NDS is heavily funded by the CIA, and its Special Forces have a close working relationship with CIA operatives: according to most reports, they are trained and paid directly by the CIA……There is no public disclosure of the size of the CIA-supported units, but they probably have more than doubled since the estimate of 3,000 given by Woodward in 2010. A journalist maintained in 2017 that NDS-02 alone had 1,200 men. Among the older units, the KPF was said to have 4,000 members in 2015. Three years later, in 2018, estimates of the KPF size were 'anywhere from 3,000 to over 10,000. Other than that, all we know is that the CIA sponsored forces are uniformed and well equipped, sometimes work with men who speak American English during raids, use American phrases, and have been able to call in air strikes, most of which are executed by the American military. The paramilitary forces are also very well paid, which may be a principal reason why highly skilled and capable Afghans would want to join the units. The secrecy of the CIA program greatly compounds the difficulties of ascertaining facts about civilian casualties and related violence involving pro government forces".

Another militia that fought in Syria alongside Hezbollah and Syrian army returned to Afghanistan. Fatemiyoun militia consisted of Afghan Shia fighters prompting fears that Iran could mobilize the proxy group to target U.S. interests in Afghanistan. Now, in the presence of all these powerful militias, how can we expect peace and stability in Afghanistan? On 06 September 2020, Afghanistan noted in its editorial page: "Nizamuddin Qaisari, a commander of public uprising forces, charged with violation of human rights was arrested two times but released without facing any consequences. At this juncture, relying on militia commanders for security would be a lame and mistaken move. The least one can learn from the four decades of war is that distributing weapons to illegal groups has proven to be a failed experiment".

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London

Chapter 1

From Rebel to Quasi-State: Governance, Diplomacy and Legitimacy in the Midst of Afghanistan's Wars (1979–2001)

Romain Malejacq

Abstract

How do warlords build their legitimacy and eventually exert authority? The case of Afghan leader Ahmad Shah Massoud demonstrates that warlords do not only build legitimacy through the internal provision of goods and services to the population under their control, but also build their legitimacy by projecting authority externally, through the development of their own form of diplomacy. In this article, I show that warlords develop complex and complementary legitimisation strategies that extend beyond their territorial realms to include consequential relationships with foreign actors.

Keywords: Afghanistan; warlords; rebel governance; rebel diplomacy; quasi-states; Ahmad Shah Massoud; Soviet–Afghan war

Academics and journalists alike have long singularised warlords for their self-service nature. In this view, warlords are 'driven overwhelmingly by personal power, glory and monetary gain',[1] the raison d'être of warlordism.[2] It is widely assumed that warlords do not use resources for the purpose of building or consolidating a distinct political community, that they do not govern. Warlords are not only considered illegitimate on the domestic political scene, they are also viewed as irrelevant on the international one.[3] Yet, and these actors cannot be reduced to mere local bandits and criminals. In this article, I retrace the political trajectory of Afghan warlord Ahmad Shah Massoud to show, first, that warlords can

provide crucial services in certain 'politico-security environments'[4] (governance) and, second, that they can operate in the international system, through the development of their own kind of diplomacy.

I argue that warlords use their ability to both govern and conduct diplomacy as complementary legitimisation strategies that allow them to consolidate their political authority and eventually survive in challenging environments. Warlords can be defined as astute political entrepreneurs with a proven ability to organise violence and the faculty to both exert and transform authority across different realms (ideological, economic, military, social and political) and at different levels of political affairs (local, national and international). They rise in places like Afghanistan, Somalia and Syria, when they can be seen as restoring order and protecting the population against the violence and mayhem of failed and failing states, in which '[distrust has become] more salient and consequential'[5] and people tend to rely primarily on family and kin, ethnic, tribal or otherwise. It is in these situations, when the state no longer holds the monopoly of legitimate physical violence and is not able to provide those crucial services, or when 'its reputation as a defender of its population'[6] has been damaged, that warlords strive and survive.

Warlords do not only provide security, protection and trust. Their authority is not limited to the military sphere, for 'functional differentiations between politics, economics, and the military are virtually non-existent'[7] in failed and failing states. Warlords provide 'alternative forms of governance',[8] not necessarily conceived as a normative concept associated with 'good' and 'democratic' governance, but rather as the act of governing, the way power is being exercised. Governance is 'a mix of all kinds of governing efforts by all manner of social-political actors, public as well as private; occurring between them at different levels, in different governance modes and orders'.[9] Not only do warlords at times provide public services, but they also have a proven track record of providing governance, which in turn contributes to the legitimisation of their authority. The social capital that these actors use to construct and legitimise their authority is based

upon their charisma and military strength and operationalised through the provision of services and other benefits to people under their control.

This is governance, but not governance as most states (particularly contemporary states) conceive it to be. Warlords also develop complex survival and legitimisation strategies beyond their territorial realms to include consequential (and largely under-researched) interactions with the state and international actors. They conduct their own kind of warlord diplomacy, a distinctive form of diplomacy that exploits personal networks as much as it does formal ties and is conducted to enhance personal authority. This suggests that warlord diplomacy is not only a 'wartime tactic'[10] or a way to acquire political capital within the international system[11] but also a legitimisation strategy aimed at strengthening one's personal authority internally. Schlichte and Schneckener argue that non-state armed actors must rely on compatible, even mutually reinforcing sources of legitimacy in order to gain and maintain power.[12]

In this article, I highlight 'reinforcing feedback effects between domestic and international support'[13] and argue that warlord diplomacy and 'delivery-based legitimisation'[14] are both compatible and complementary. Methodologically, this article draws on over 200 semi-structured repeat interviews with prominent political actors (warlords, governors, ministers, diplomats, etc.) I conducted in Afghanistan from 2007 to 2015,[15] as part of a larger comparative project.[16] I asked my interviewees detailed and previously prepared open-ended questions about their life histories and then 'pursued topics in depth as seemed appropriate and relevant'.[17]While existing work on 'rebel diplomacy' focuses on armed groups and organisations,[18] looking at individual leaders allows me to conduct careful process tracing of the ways these individuals–and Massoud in particular–evolved, transformed their power and developed successful survival strategies throughout their political careers, rebels one day, quasi-state leaders the next.

This method further allows me to shift the focus from 'rebel diplomacy', 'a rebel group's conduct of foreign affairs during

civil war for the purpose of advancing its military and political objectives',[19] to warlord diplomacy. This work is divided into three sections. In the first section, I show that warlords like Massoud have the ability to operate in the international system and conduct their own form of diplomacy. The following sections follow a chronological order and focus on Ahmad Shah Massoud's political trajectory and legitimisation strategies: first as a rebel, from the beginning of the Soviet–Afghan war in 1979 up to the fall of the communist regime in 1992, a period during which Massoud captured a (well-disposed) community to create a governance structure for the regions under his control while simultaneously projecting authority externally, through the development of his own foreign policy; then as the de facto leader of a quasi-state, from the fall of the communist regime up to his assassination on 9 September 2001, a period during which he enjoyed official recognition but lost control of most of his territory and during which the structure he had created earlier kept operating in parallel to the central state.

Warlords in the international system

Warlords may have 'intruded upon international relations', they remain excluded from systemic analyses.[20] In fact, 'much of the academic analysis of warlordism has been developed at the comparative level and there is a paucity of research on warlordism at the level of the international system'.[21] Those who conceive of warlords as actors of the international system are often limited in the way they see international links, as they privilege clandestine networks and do not consider how warlords try to influence the interests of international actors through diplomacy.[22] Diplomacy is widely understood as 'the strategic use of talk by states'[23] and by states only, hence depriving non-state armed actors of an important source of legitimisation. I argue that warlords have the ability to conduct diplomacy and operate in the international system. They operate as alternative providers of governance; challenge the 'idea of the state'[24] and the existence of a social contract; and participate in shaping the process of state formation. Warlords therefore affect the process of state evolution and impact the

interstate system.[25] If one conceives of states as 'makers and maintainers of boundaries' between different spheres (public/private, licit/illicit, legal/illegal, etc.) and territories, warlords can be considered 'creatures of the borderlands, growing up in regions where states and empires [are] both needy and inexpert'.[26]

States in turn have an interest in using the warlords' ability to arbitrage, that is, to 'take advantage of a price differential for political, economic, and cultural goods across terrains' as part of their own extraversion strategies.[27] While warlords are tied to their previous territorial control, their local authority gives them leverage among international actors. They take advantage of the complexity and heterogeneity of the international system, in which many competing actors with a variety of domestic and foreign policy agendas coexist and operate in a system where 'subjects are governed by a complex hodgepodge of foreign powers, international and nongovernmental organisations (NGOs), and domestic institutions'.[28]

Though warlords 'interact with a constellation of national and international actors who rigidly structure the political environment'[29] they have the ability to operate and exert agency in that environment. 'Today's successful warlords', writes Mark Duffield, 'think globally but act locally'.[30] They are indeed able to 'act financially and politically in the international system without interference from the state in which [they are] based'[31] while exerting authority at the local level. The warlords' political success (and legitimacy) in part rests on their ability to conduct their own foreign policy in ways that are otherwise reserved to sovereign states (through high-level diplomacy for example), as well as on their ability to conduct relations with (and infiltrate) their own state. The warlords' faculty to reinvent themselves over time (from rebel to quasi-state leader, for example) partly depends on their position in the international system.

They reject the internal hierarchy on which the existence of the Weberian state is based, conduct their own diplomacy (in which the concepts of domestic and international undergo a

shift) and enter the international system de facto, while instrumentalising and subordinating elements of the state. At times, they accumulate resources and attempt to replace the state (as rebels). At other times, they rule in a mutual understanding with and along the central state. Warlords are actors who construct political authority on a different plane from the state. They exist on the same territory, but their realms of authority do not coincide entirely. In that sense, they may exercise a type of authority that is more flexible and durable than that of the state in the broader context of instability and violence.

The Rebel Leader (1979–1992)

Rebel governance

Ahmad Shah Massoud was born in 1952 in the Panjshir valley town of Jangalak, north of Kabul. His father was a Colonel in the Afghan Royal Army of King Zahir Shah. His grandfather, Yahya Khan, was a well-respected elder who had also worked for the king. The Massoud family held prestige and reputation and belonged to the highly respected Sarkarda tribe. Ahmad Shah's mother came from a prominent Panjshiri family of the Bakshi tribe. Like most children of military families, Ahmad Shah Massoud had to move regularly and live in different parts of the country, until his father was eventually assigned to a position in Kabul, where Massoud attended the Lycée Istiqlal and learned to speak French.

In the early 70s, after he had failed getting in military school, he enrolled at the Kabul Polytechnic Institute for Engineering and Architecture, where he became increasingly involved with the student wing of Burhanuddin Rabbani's Jamiat-e Islami (Jamiat), a political party inspired from the Egyptian Muslim Brotherhood that aimed at establishing a state founded on the principles of Sharia law.[32] On 17 July 1973, supported by a fraction of the military and by leftist parties who had grown dissatisfied with the government's failure to improve the country's overall living standards, infrastructures and public services, Mohammed Daoud Khan, King Zahir Shah's cousin (and long-time political rival), staged a (bloodless) coup that ended the Afghan monarchy. The coup, in conjunction with

the rise of Islamist and communist radicalism, marked the beginning of political instability in the country and directly triggered the beginning of Ahmad Shah Massoud's political career.

After Daoud took power in 1973, his new government started imprisoning radical Islamists. Most of them (including Massoud and Rabbani) fled to Pakistan, where the Pakistani authorities, eager to install a friendly regime in Kabul, started providing Massoud and others with secret military training. In 1975, Massoud joined with Gulbuddin Hekmatyar, one of the founders of the Jamiat's student wing, in a revolt against Daoud's regime. His role was to start the uprising in the Panjshir, but he largely failed, due, he believed, to a lack of support from the local population. Massoud returned to exile in Pakistan; Hekmatyar split from the Jamiat to create his own party, the Hezb-e Islami, now considering Massoud, who had remained loyal to the Jamiat's leader Burhanuddin Rabbani, as his most dangerous enemy.[33]

In April 1978, the pro-Soviet People's Democratic Party of Afghanistan (PDPA) came to power in a coup against Daoud's regime, causing uncoordinated uprisings all across the country. In December 1979, this was followed by the invasion of Afghanistan by the Soviet Union, in an attempt to support and ultimately steer the new communist regime, in a classic cold war fashion. Massoud, then in his mid-20s, returned to the Panjshir to stir up a revolt against the new communist government. Others undertook similar action, either on behalf of Rabbani and the Jamiat, like Massoud, or under a different political banner. In the meantime, the leaders of all these different political parties remained in Peshawar, Pakistan, where they could gather support from Pakistan, Saudi Arabia and, indirectly, the United States (US)–which, in the context of the cold war, started a covert action program to support the Afghan holy warriors (mujahideen) in their war against the Soviet Union.

These political leaders would then redistribute the weapons and financial resources they received to their commanders based in different parts of Afghanistan, thus fostering the creation of a strong, but highly fragmented, resistance

movement in the country.[34] Massoud showed up in the Panjshir with only a very limited number of men. Yet, this time, he did not arrive unannounced. The failure of 1975 had made him very well aware of the importance of local legitimacy. Learning from his mistakes, Massoud had carefully prepared his return, sending representatives to the Panjshir ahead of time to get support from mullahs and elders and hence be able to build on his existing social capital (his family's prestige and reputation), which was key to his personal legitimacy and later to his ability to provide governance while waging a war (hence relying on mutually reinforcing sources of legitimacy). According to one of his former commanders:

'If [Massoud] had not belonged to this family, Panjshiris would not have obeyed him'. Support from the tribes was 'key to his war'.[35]Despite his young age, Massoud's authority in the Panjshir quickly grew, in particular due to his charisma and military prowess.[36] Opposition in the valley was, for the most part, quickly overcome, although sometimes through violent means. To further affirm and legitimise his authority, Massoud engaged in considerable propaganda efforts, starting very early on with inscribing anti-Soviet slogans on rocks and publishing newspapers that were used by mullahs in their Friday prayers. This legitimisation strategy is not uncommon in civil wars. 'By portraying the enemy, be it the state or another armed group, as particularly brutal, inhuman and evil', write Schlichte and Schneckener, 'the armed group aims not only to create solidarity but also to present itself and its violent actions as necessary, appropriate and comparatively less destructive'.[37]

In 1980, a Dawat-e-Jihad (invitation to holy war), a non-military governing body, was created alongside every military base under Massoud's control. These bodies were in charge of recruiting young mujahideen, engaging in propaganda efforts, printing newspapers, running radio channels and educating children and cadres to the necessity of Jihad against the Soviet Union, hence building a common symbolic repertoire to 'bring together the disparate agendas at the local level with the central cleavage'.[38]Classes for the educated elites were

organised around disciplines such as international politics and Islamic ideology. Massoud, a fervent reader of Mao, Che Guevara and others, even taught a class on guerrilla warfare.[39]Although the valley was only inhabited by about eighty thousand people, it was of vital importance to the Soviet Union, for it neighboured their main and only reliable overland supply route to Kabul, the Salang highway (and tunnel) passing through the Hindu Kush mountains.

Once Massoud had established his authority in the valley, he and his men started raiding and looting Soviet convoys on the Salang highway, using hit-and-run tactics before quickly disappearing in the adjacent mountains. The Soviet Union reacted to Massoud's attacks by launching six consecutive assaults on the Panjshir valley between 1980 and 1982, but could never defeat Massoud, although he only commanded over roughly one thousand fighters at the time of the first assault. Thanks to Massoud's intelligence networks in the Afghan Army, his forces were able to disappear and hide in the mountains before aerial bombings began, to later suddenly reappear and surprise Soviet tanks entering the Panjshir. By targeting the first and last tanks going through the narrow valley, Massoud's forces were able to stop entire columns, forcing the Soviets to abandon their tanks to the enemy.[40]

Over the years, Massoud also became increasingly autonomous from Rabbani and the rest of the Jamiat leadership based in Peshawar. In 1983, a blockade organised by the Hezb-e Islami caused a critical food shortage in the Panjshir. Massoud reacted by concluding a temporary truce with the Soviet Union, first reaching out to Afghan Government officials and military personnel, then discussing directly with Soviet KGB officers without consulting with the Jamiat leadership. The agreement, formally endorsed by the General Secretary of the Communist Party in Moscow, stipulated that all Soviet troops had to leave the Panjshir (except for one battalion located at the southern entrance of the valley). Until then, Massoud had not been able to exert his own high-level diplomacy. Although the truce certainly worsened his relationships with the party and the Pakistani

authorities, he felt it 'would raise his stature by placing him on an equal footing with a superpower'.[41]

It established Massoud, the 'Lion of the Panjshir', as a major player able to conduct his own diplomacy with the Soviet Union and hence affirm his independence vis-à-vis the Jamiat leadership. The truce further allowed Massoud to assert his autonomy from Rabbani and the party by extending his sphere of influence (not without encountering local resistance). Liberated from Soviet pressure, Massoud moved north and created a proto-state structure named the Shurah-e Nazar (Supervisory Council) to govern most of north-eastern Afghanistan. The move had mutually reinforcing objectives: defeat rival organisations (in particular the Hezb-e Islami) and hence further secure the Panjshir; bring law and order to an extended fiefdom; and further establish his autonomy vis-à-vis the Jamiat. Massoud formed a civilian shadow government separated from the military one, at a time when the activities of most Afghan commanders were limited to classic guerrilla tactics with no governing capacities. Various committees were created within the Shurah-e Nazar to provide a number of services to the population: a taxation system, courts, military police, education, a bank, etc.[42] Although these committees were not always fully functional, they provided the commencements of what could be dubbed rebel governance, that is, 'the production of government for civilians during the protracted violence and high levels of coercion produced by civil war'.[43]

Rebel diplomacy

In the same period, Massoud also developed his own warlord diplomacy, and then a form of rebel diplomacy aimed at building his personal authority, at first interacting mostly with foreign journalists (a critical component of the international arena[44] especially for rebels with limited outside access). As Bridget Coggins perceptively notes: 'Using media outlets and personal contacts to spread the insurgents' ideology, propagandise, and inform may win the favour or neutrality of key constituencies'.[45] Western journalists started to provide detailed reports of Massoud's war in the Panjshir as early as

1981. Foreigners established close relationships with Massoud, spreading his message of resistance to the Soviets throughout Europe, contributing to his fame and attracting more media attention, as part of his own 'marketing' strategy (hence increasing his personal legitimacy and eventually 'inventing an icon').[46] Journalists from around the world started to come to the Panjshir.

If a British journalist wanted to come to the Panjshir, for example, he first had to contact Massoud's brother, Ahmad Wali, the Shurah-e Nazar representative in the United Kingdom (UK); Ahmad Wali would then contact someone in the Peshawar office that was created in parallel to the one of the Jamiat; and then that person would have to coordinate with someone in the Panjshir. Not only did Massoud have people in Peshawar in charge of organising their trip to the Panjshir, but he also had a person of trust to take care of them once in the valley. He even had a guesthouse built to make sure they would be properly hosted.[47]

According to the former Shurah-e Nazar representative in Washington, 'Massoud didn't leave Afghanistan [from 1979 to 1990]. He reached people outside through intelligence, diplomatic channels, but mostly through journalists'.[48] For Massoud's former head of intelligence, it was 'a strategy to avoid [the Inter Services Intelligence (ISI), the Pakistani secret service] and get international connections' free of interference from the party (which also contributed to building his domestic legitimacy vis-à-vis the population under his control).[49] All in all, Massoud was very well aware of the importance of good public relations (PR). He knew the role the media could play in shaping his image and portraying him as the main resistant leader to the Soviets in the West and how this could benefit him in the long run, both internally and externally. Massoud's relations with NGO workers followed a similar pattern.

They often took the same routes as journalists and were in contact with the same people. NGOs played an important role in the functioning of Massoud's complex administration. The Shurah-e Nazar in fact depended on them for most non-

military matters: health, reconstruction, education, etc.[50] Massoud was able to harness NGOs and international organisations working in his fiefdom as part of a strategy of asserting power through providing protection and taking credit for services that foreigners provided, an indirect 'delivery-based legitimisation' of sorts. Hence, the importance, for Massoud, of boosting his image abroad, claiming a monopoly over diplomatic channels and portraying himself not only as the main leader of the anti-Soviet resistance but also as a 'good' warlord, that is, a military figure that NGOs would be willing to support.

In parallel, Massoud developed international networks through his offices abroad, such as the ones in London and Peshawar previously mentioned. Massoud's ability to connect with foreign countries was still limited, as officially he remained a commander working under the Jamiat leadership. The party started to open offices around the world in the mid-1980s, with people lobbying in Washington, DC, New York, London or Paris to get financial and military support, with both Rabbani and Massoud sending their own people to make sure their personal interests would be represented. In addition to bringing journalists to the Panjshir, the Peshawar office was also in charge of setting up direct links to foreign services. It is, for example, thanks to this office that Massoud established a connection with Abdullah Azzam (one of the future founders of al-Qaeda) and in turn started receiving aid from the Arab world through Azzam's networks of supporters.

Other offices had similar though less covert activities (meeting with journalists, state officials and Members of Parliament; publishing newspapers; etc.). The offices were also taking care of getting support from the Afghan Tajik diaspora, which was providing extra lobbying power as well as finding buyers for the gems of the Panjshir valley. These offices became increasingly important and Massoud soon started to staff them with people of trust: the Peshawar office was reinforced with some of his most trusted advisors in the midst of the war as the Soviets started attacking the Panjshir again; and Massoud sent his own brother to be his representative in London.[51] However, in the absence of direct contacts with the ISI,

Massoud remained highly dependent on the Jamiat's redistribution of resources for weapons and ammunition provided by the Pakistani intelligence. For a long time, the only external support he received was military training (both inside and outside Afghanistan) and material (radios, communication material, etc.) from France and the UK.

The French, who also provided doctors, nurses and money for reconstruction, liked to portray Massoud as an Afghan liberator, probably in part because he went to Afghanistan's only French high school (and was therefore able to speak French). In fact, his bourgeois upbringing, urban youth and Western-style education certainly explain the relative ease with which Massoud interacted with Western countries in general and France in particular.[52] The Central Intelligence Agency (CIA) had been suspicious of Massoud since he had signed a truce with the Soviet Union. In 1984 they started to provide him with cash through the Peshawar office up to, according to an American journalist, $200,000 a month in 1989, with two additional payments of $900,000 and $500,000 made to one of his brothers between May 1989 and January 1990. Massoud eventually sent his representatives to Riyadh, Saudi Arabia, to meet with Prince Turki al-Faisal, the chief of Saudi intelligence and facilitate a rapprochement with the ISI. He himself took a trip to Peshawar in 1990 to meet with the ISI Director and the CIA Station Chief, a trip that led to increased shipments from the Pakistani intelligence service.[53]

The quasi-state leader (1992–2001)

From rebel to quasi-state leader

On 14 April 1988, on the brink of collapse, the Soviet Union signed the Geneva agreement, by which it promised to withdraw its troops from Afghanistan between May 1988 and February 1989. Contrary to American expectations, the communist regime was able to remain firmly in place for another three years. Through his connections in the government and the army, Massoud was allegedly offered the defence minister position in the communist regime, as well as the leadership of an autonomous north-eastern region to be created. He turned both offers down. Unlike other warlords

who pursued regionalist interests, Massoud always had a national project and a national ambition, aimed at capturing and centralising power, something that has always remained consistent in his external communication.

For him more than for anyone else, the state had become the principal objective, providing international recognition, legitimacy and resources.[54] After Moscow's supplies to the Afghan communist regime got cut off with the collapse of the Soviet Union in December 1991, Massoud started approaching the most powerful pro-government commanders of the North to plan the capture of Kabul and the ensuing power-sharing arrangements. Massoud was designated to become the future defence minister through the Peshawar accord, a power-sharing agreement signed by the main political leaders exiled in Pakistan on 24 April 1992, the day before he and his northern allies took control of the capital. Starting in 1992, Massoud and Rabbani (who would become President of the Islamic State of Afghanistan a few months later) therefore controlled the most important buildings in Kabul.

As such they were recognised by the international community as the official government of Afghanistan, although they could not meet the demands of empirical statehood, hence becoming the representatives of a quasi-state, a state that is recognised as such by the international community but does not have the capacities to exert de facto sovereignty.[55] Not only was the new government unable to control and exert effective power over the entire territory–after all no Afghan ruler has ever met this standard – but it could not even control the whole capital city, which was divided between armed factions and became the scene of violent combats. The end of the communist regime had resulted in a violent power struggle and changing alliances between the different armed groups, some that had participated in the highly fragmented anti-Soviet resistance (the Jamiat, the Hezb-e Islami, etc.), others led by former militia commanders who had been fighting alongside the communist regime.[56]

Yet, despite the government's weakness, by seizing Kabul and capturing state institutions (which was facilitated by the

Panjshir's geographical proximity to the capital), Massoud had become the state (a quasi-state), a major shift from the previous period. Although Rabbani was officially the President of the Islamic State of Afghanistan, de facto Massoud was exerting authority on behalf of the state, hence benefiting from international recognition. As an acute observer of Afghan politics once told me, the Rabbani– Massoud relationship was in some ways comparable to the one between King of France Louis the XIII and Cardinal Richelieu in the seventeenth century: Rabbani was the legitimate monarch (with the advantage of printing money and receiving hard currency) to whom Massoud was paying allegiance, but the latter, because of his charisma, military skills and local legitimacy, was in command.[57]

At the time Massoud took Kabul, Rabbani had pressured him to end the Shurah-e-Nazar, which had already become largely independent of the Jamiat during the Soviet–Afghan war. While Massoud accepted and announced the dissolution of the proto-state structure, he never took concrete actions to end it, maintaining his own separate structure as a way to build his personal authority, in parallel to both the state and the party. According to American reporter Steve Coll, by 1994 the Panjshiris were seen by many Pashtuns in Kabul as a kind of battle-fighting mafia. United by a decade of continuous war under Massoud's charismatic leadership, the Panjshiris were close-knit, tough, secretive, and a government within the government.[58]

Rabbani's government's exercise of power was further undermined with the creation, in 1994, of the Taliban, an Islamic fundamentalist militant movement that aimed at conquering power, progressively took control of most of the country (except the north-eastern corner) and eventually seized Kabul in 1996. While Massoud and Rabbani had gained international recognition by capturing the capital and toppling the government in 1992, the same rule did not apply to the Taliban. Only three countries recognised the Taliban as the official regime in Afghanistan: Pakistan, Saudi Arabia and the United Arab Emirates.[59]

Rabbani's government remained the official representative of the Islamic State of Afghanistan throughout the war, even though it no longer controlled Kabul and had to move to the north-east of the country, still controlled by Massoud and his men, in 1996. Massoud reacted to this forced exile by creating and leading the Northern Alliance, a loose coalition of warlords and commanders who had fought against each other throughout the 1990s.[60] From then onwards, Tajikistan remained the Afghan government's only land contact to the outside and thus became of tremendous strategic value. Engaged in his own war against Islamist radicals and afraid that they would join the Taliban, President of Tajikistan Emomali Rahmanov (nowadays known as Emomali Rahmon) started supporting Massoud. The government of Afghanistan was given access to Tajik airports as well as the permission to enter Tajik territory without visas, which provided Massoud with both a safe haven (where he could hold his diplomatic meetings safely) and a direct access road for Russia and Iran to deliver military supplies.[61]

Quasi-state diplomacy

Since the beginning of the Soviet–Afghan war, Massoud had always recognised the value of good PR and foreign policy. Belonging to the officially recognised Government of Afghanistan gave him the means to develop a fully fledged diplomatic campaign and become a real 'wartime diplomat'.[62] His first step was to build a diplomatic corps, both by sending representatives abroad and by delegating diplomatic tasks to senior aides to get broader international support and rally the Afghan diaspora to the anti-Taliban resistance, under his leadership. Massoud continued to search for potential backers and dispatch some of his most trusted aides abroad, this time as official representatives of the Afghan Government. His representatives were asked to meet very specific people from whom Massoud could get support.[63] Ahmed Wali, for example, remembers meeting with Pakistani Prime Minister Benazir Bhutto or the Aga Khan on his brother's request.[64]

Massoud had a profound understanding of international affairs, knew how to read his audience and adapted his

discourse accordingly. With the emergence of the Taliban, and even more so after they took control of Kabul in 1996, he portrayed himself as the last rampart against Islamic radicalism and a defender of women's emancipation, always depicting the Taliban as a threat to the Islamic world and the West.[65] The role of his most trusted lieutenants overseas therefore shifted with the geopolitical context, from explaining to foreigners the danger the Soviets represented to that of a radical group (the Taliban) associated with a terrorist organisation (al-Qaeda), while continuing their efforts to reach out to the Afghan diaspora.

Dr Abdullah, Massoud's former spokesman-turned minister of foreign affairs, recalls that after the Taliban took control of Kabul, the main offices abroad, in particular the UK and the US ones (staffed mostly by Massoud's and Rabbani's aides and ethnic Tajiks in exile), also started to work as branch offices of the ministry of foreign affairs.[66] Massoud was also sending his representatives to foreign countries. Dr Abdullah, attended conferences and multilateral events (Economic Organization Conference, United Nations Millennium Summit, etc.), spread Massoud's message abroad (Iran, India, Uzbekistan, etc.), and dealt with the diplomatic missions. Massoud also started travelling abroad for important occasions.

His efforts to create a competent diplomatic team were accompanied with his personal involvement in his foreign policy through extensive foreign travel, in contrast to his approach during the Soviet–Afghan war or while in Kabul. Although Massoud had previously built his aura around the fact that he had always stayed in Afghanistan, he started to act as a state leader and take numerous trips abroad, including to Russia, Iran, Uzbekistan, India and France. Like the other countries in the region, the Russian Government became concerned after the Taliban took Kabul and advanced north towards Mazar-e Sharif. Massoud, who had developed his Russian, networks during the Soviet–Afghan war and through his later involvement in the Tajik peace process, travelled to Moscow in 1997 to open negotiations about arms supplies and airfield access. He later met with the Russian defence minister

in Dushanbe, took another trip to Moscow to meet with President Putin in 2000 and eventually started buying weapons and ammunitions from the former occupying power he had spent a decade fighting against.[67]

Massoud's relations with Teheran, cold at best, also changed dramatically as the Taliban took Mazar-e Sharif, attacked the Iranian consulate and killed everyone inside (including several dozens of diplomats and Sepah-e Pasdaran, Iran's Revolutionary Guards) in 1998. Massoud requested an urgent meeting with the Iranian authorities as they had gathered soldiers to the border with Afghanistan for retaliation against the Taliban. An Iranian Falcon was sent to Dushanbe to pick him up and brought him to Teheran to meet with the foreign affairs minister and his deputy. Massoud, now the uncontested leader of the Afghan resistance, persuaded the Iranians to go through him and to give him the monopoly over arms and ammunition distribution instead of attacking the Taliban directly. From there on, Massoud received regular deliveries of ammunition and logistical aid from Iran through Dushanbe, with the support of the Tajik Government. A number of other countries offered minimal support. Massoud was in contact with the Uzbek authorities and travelled a couple of times to Tashkent, where he met with President Karimov and the head of the Uzbek secret service.

Massoud also took a diplomatic trip to New Delhi in 2000, but India only offered limited political support and built a military hospital in the north-eastern city of Farghar, in the zone under his control.[68] France had been providing limited support, most notably paying for the Jamiat mission and the Afghan embassy in Paris and delivering computers and radio equipment, but nothing significant since the end of the Soviet–Afghan war. In April 2001, Massoud travelled to Strasbourg, France, to speak in front of the European Parliament. A few months earlier, an invitation had been made to French politicians to visit Massoud in the Panjshir, as part of a PR operation. The invitation was then extended to a group of European Parliament members and a resolution condemning the Taliban regime adopted by the European Parliament shortly thereafter.

Massoud was then invited to Strasbourg, where he met with a number of European officials, political groups and parliament members, to give a speech before the European Parliament. This speech, which was particularly well received, greatly boosted his international image and his legitimacy vis-à-vis the Afghan diaspora.[69] Yet, Massoud was fully aware that PR operations and a safe heaven, though necessary to the survival of the government in exile, would not be sufficient to defeat the Taliban. He quickly understood the need for US support. In the 1980s and 1990s, Massoud's relationship with the CIA had been bumpy. The US agency had been very suspicious of him since he had refused their demand to close the Salang highway during the Soviet–Afghan war (for he also needed this major trade route to remain open) and sceptical of his potential role in the fight against al-Qaeda.

Furthermore, with the end of the cold war, the American interest for Afghanistan faded and the CIA stopped supporting Massoud.[70] Contacts were re-established in September 1996, right before the Taliban capture of Kabul, as the CIA's Islamabad Station Chief Gary Schroen flew into the Afghan capital to discuss a Stinger missile recovery programme with Massoud.[71] The meeting 'marked the rebirth of unilateral CIA engagement with Afghanistan after a four year hiatus'.[72] The contacts were maintained in the following years, as the CIA sent teams to the Panjshir to help Massoud and his men with logistical issues, as well as establish direct secure communication lines between him and the CIA headquarters to pass along information on Bin Laden and al-Qaeda. State Department officials retained a negative bias towards the Panjshiri leader, whom they considered to be self-righteous. Secretary of State Madeleine Albright and the rest of the Clinton administration remained deeply sceptical of Massoud and his allies in the Northern Alliance.

The US Ambassador to Pakistan believed that supplying arms to Massoud would only fuel the conflict along ethnic lines. Others were concerned about alleged drug-related activities undertaken by the Shurah-e Nazar. The situation changed with al-Qaeda's bombings of US embassies in Kenya and Tanzania in 1998. A more nuanced policy towards Massoud emerged

out of the State Department in the summer of 1999. Clinton declared a policy of strict neutrality in the Afghan Civil War, but stated that his administration would be willing to cooperate with Massoud on intelligence operations. At the same time, the US made it clear to Iran and Russia that they did not oppose their arms deliveries to Massoud. Massoud later tried to convince the new Bush administration to do more for the Afghan resistance. He wrote a letter to Vice President Cheney, dispatched Dr Abdullah to Washington and even hired a lobbyist there, but to no avail. State Department policy towards the Northern Alliance would only change after Massoud's death and the attacks on the World Trade Centre and the Pentagon that followed two days later.[73]

Conclusion

Massoud's successful political career can be attributed to a variety of factors. Above all, the 'Lion of the Panjshir' was a charismatic leader with 'a strong sense of survival [and] a special nose for guerrilla warfare and tactics'.[74] As a rebel, he used these to take advantage of the geography of the Panjshir and resist the Soviets, extending his local authority, protecting the population, providing governance and contributing to the creation of his own 'brand'[75] internationally, in particular through the media. Foreign journalists 'fell in love with him', said his former representative in Washington, DC, so much so that The Wall Street Journal called him 'the Afghan who won the Cold War'.[76] In the long term, Massoud did not owe his political survival to his sole military achievements and branding.

He also had unmatched diplomatic and inter-personal skills, which allowed him to negotiate with and turn former enemies into allies (both internally and externally), seize the central state, obtain international recognition and represent his military prowess and charismatic leadership capabilities to a variety of foreign governments. These governments were acting on their national interests and may have preferred cooperation with Massoud because he controlled strategic territory. Nonetheless, they became more eager to work with him as a consequence of his self-representation. Massoud was

able to use the resources that these foreigners provided to him to assert his domestic authority. In fact, the international diplomacy of the warlord gave him the autonomy to rule as he saw fit. While further research on the relationship between non-state armed groups' internal and external sources of legitimacy (and legitimisation strategies) is required, the case of Ahmad Shah Massoud shows that, in certain circumstances, the ability to project authority internally (through governance) and the ability to conduct foreign relations are mutually reinforcing.

The ability to behave like a state internally and that to do so externally are intrinsically linked.[77] On 9 September 2001, two days before the terrorist attacks on the World Trade Centre and the Pentagon, two al-Qaeda agents disguised as journalists played Massoud's desire to promote his reputation in the Arab world to obtain an interview. During the audience they blew themselves up and killed the Panjshiri leader,[78] unintentionally participating in the creation of the Massoud 'myth' in Afghan politics.[79] One of Massoud's main strengths, his ability to communicate and reach out to the media, had become a source of vulnerability that his enemies were able to exploit in order to destabilise the anti-Taliban resistance, in anticipation of the forthcoming US-led intervention (thus foreshadowing the events of 9/11).

In the end, Massoud's assassins did not manage to completely disorganise the resistance, at least not sufficiently to prevent the Northern Alliance, assisted by overwhelming US firepower, from taking over Kabul. What it did achieve, however, was deprive the Northern Alliance, and Afghanistan in general, from a highly charismatic political leader. Given Massoud's inability to unite the different factions under his leadership in the aftermath of the Soviet–Afghan war, it is unlikely, however, that he would have been able to unite the different groups under his name in the post-Taliban Afghanistan.

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Chapter 2

Rebel Governance, Rebel Legitimacy, and External Intervention: Assessing three Phases of Taliban Rule in Afghanistan

Niels Terpstra

Abstract

This article focuses on rebel governance and rebel legitimacy during civil war. It investigates how external intervention in support of an incumbent government and withdrawal of external forces shape rebel legitimacy dynamics and rebels' opportunities to govern. It adopts a longitudinal perspective on Afghanistan's Taliban, analyzing three phases of the movement's existence. Moral forms of legitimacy resonated particularly during instances of external intervention, whereas pragmatic forms of legitimacy became more relevant after the withdrawal of external forces and during periods of the Taliban's opponents' ineffective govern.

Introduction

In response to the 9/11 attacks on the United States in 2001, international coalition forces and their Afghan allies ousted the Taliban regime from power. Although the Taliban regime collapsed quickly, the movement re-grouped in Pakistan and re-appeared as an insurgency only a few years later. As of 2020, the Taliban controls large swaths of Afghanistan's territory. As in the 1990s, it has become increasingly involved in governance, expanding the reach of its judiciary and governors. Though the Taliban are known to rule by coercion and intimidation, the movement has also gained a level of legitimacy among segments of the civilian population at the

expense of the Afghan state. However, how the Taliban legitimizes its rule and how civilians respond to this require further empirical study. This article, therefore, focuses on how the Taliban has become involved in governance and how it has attempted to acquire legitimacy.

Several authors have investigated questions of rebel governance and legitimacy over the past decade, mainly from a political science or anthropology perspective.[1] The recent academic literature on rebel governance aims for a better understanding of the interactions between rebels and civilians during civil war.[2] It criticizes the 'failed state' paradigm and attempts to show that political and social order each exist in various ways during civil wars.[3] Related studies have tried to gain a better understanding of rebel legitimacy.[4] Rebels often draw from a variety of sources to legitimize their own existence and justify their rule.[5]

The dynamics of rebel governance and rebel legitimacy, however, do not exist in isolation from other powerful actors. The actions/ responses of the state are relevant to the analysis of rebel legitimacy as well.[6] Powerful external actors may also influence the relations between armed groups and civilians.[7] Much research has been devoted to the effects of external support to rebel groups[8] and the attempts of rebel groups to acquire international legitimacy and/or recognition.[9] In this article I shift the perspective and demonstrate how powerful external actors that support the incumbent government shape (though less directly) the dynamics of rebel governance and rebel legitimacy. The presence of foreign enemy forces is an important source of legitimacy for rebel groups and has remained relatively under-studied in the literature on rebel governance. Rebel legitimacy is a function of present-day events but also of prior armed conflicts and societal tensions. As Schröder and Schmidt observe, 'the most important code of the legitimation of war is its historicity'[10]

In other words, the 'symbolic meaning of prior wars is re-enacted and reinterpreted in the present, and present violence generates symbolic value to be employed in future confrontations.[11] It is therefore necessary to study rebel

governance and legitimacy from a longitudinal perspective. Whereas current sources of legitimacy, such as service provision and protection, are an important part of the analysis, the legitimizing effect of prior events and external interventions in particular, require further scrutiny. Omitting historical sources of legitimacy may lead to an incomplete understanding of rebel groups' legitimacy.

The Afghan Taliban has had a unique historical trajectory. Some members were part of the mujahideen[12] fighting against the Soviet regime; they then formed a separate insurgency (pre-1996), transitioned to a semi recognized statehood (1996–2001), were ousted from power, and again started an insurgency against the new Afghan government and coalition forces (2001–2020). To understand where specific sources of legitimacy originate, it is necessary to consider the period prior to the US intervention in 2001 and even before the Taliban established itself as a separate movement in 1994. For example, many older generation Taliban commanders as well as many commanders and governors in the current Afghan government shared their experiences as mujahideen. This is still relevant today. Previous research regarding the historical trajectory of the Taliban takes different positions in terms of continuity and change.

As Ruttig notes, for example, 'the [Taliban's] organizational structure including the composition of its leadership, ideology, political aims and programme' has remained largely consistent from the 1990s until the 2010s.[13] Conversely, Strick van Linschoten and Kuehn warn against perceiving the Taliban's thinking and policies as static; rather, they insist they are evolving.[14] By applying the concepts of governance and legitimacy to the full timeframe of the Taliban, this article aims to show the specificities of both continuity and change. The findings are based on fieldwork data collected between 2013 and 2018 and insights from several previous studies.[15] This article makes empirical and conceptual contributions to the academic literature.

First, it reiterates that the Taliban has emphasized and de-emphasized specific religious, cultural, and political sources of

legitimacy over the past decades. I argue that moral forms of legitimacy resonated particularly during instances of external intervention, while pragmatic forms of legitimacy became more relevant after the withdrawal of external forces and during instances of the Taliban's opponents' ineffective governance. Second, this article highlights the contrasting effects of external intervention on rebel governance and rebel legitimacy. External intervention in support of an incumbent government decreases the number of opportunities for rebel groups to govern, while it increases the potential moral sources of rebel legitimacy. However, the departure of external forces gives rebels opportunities to govern, while it diminishes the resonance of some specific moral sources of legitimacy.

First, I discuss the theoretical background of rebel governance and rebel legitimacy. Then, I present my methodological considerations. Subsequently, I analyze the traces of governance and legitimacy in the pre-1996 insurgency phase, the phase of the Taliban's proclaimed Islamic Emirate of Afghanistan (IEA) between 1996 and 2001, and the post-2001 insurgency phase. The last section presents the main findings and contributions.

Rebel governance and legitimacy during civil war

Rebel governance

Rebel governance usually takes place under the conditions of civil war. Civil war can appropriately be defined as 'armed combat within the boundaries of a recognized sovereign entity between parties subject to a common authority at the outset of the hostilities.[16] Within the boundaries of that initial sovereign entity, several armed groups may operate, often competing with one another. This includes various types of rebel groups, militias, auxiliary forces, self-defense forces, para-militaries, warlords, and strongmen.[17] Hence, during a civil war, territorial control becomes fragmented and controlled by more than just state actors. Different warring parties fully or partially controls territories, while other swaths of territories are contested with shifting frontlines.[18]

Crucially, however, the conditions of civil war do not necessarily result in 'ungoverned spaces.[19] sometimes, previous governance practices continue, and in other instances new governance practices emerge. As Kalyvas notes, insurgency can be understood as 'a process of competitive state building.' [20] To gain a better understanding of the relationship between rebels and civilians during civil war, the concept of governance should not be understood as the prerogative of a formal government. I agree with Rosenau and colleagues (1992) and view governance as a more encompassing phenomenon. Governance embraces informal, non-governmental mechanisms of persons and organizations as well as formal institutions.[21] According to Kasfir; rebel governance is, at a minimum, 'the organization of civilians within rebel-held territory for a public purpose'.[22]

As I define it, governance contains no prescriptive implications; it is comprised of the conduct of rebel-civilian relations regardless of morally good or bad behavior or treatment by either side.[23] Previous studies show how armed groups are involved in various governance sectors, including security, justice, education, health care, taxation, and utility services.[24] In this article I focus on the Taliban's two main governance sectors: justice and security.[25] Changes regarding external involvement can create incentives for armed groups to become more prominently involved in governance.[26] After the withdrawal of external troops, power vacuums can emerge, which armed groups may exploit. In Sri Lanka, for example, the Liberation Tigers of Tamil Eelam (LTTE) suddenly controlled of much of the northern territories after the Indian Peace Keeping Forces (IPKF) withdrew in 1990. The Northern Jaffna peninsula came under full rebel control, and became the first locality that was de facto-governed by the LTTE.[27] The vacuum that external political actors leave behind provides opportunities for rebels to govern.[28]

The dynamics of rebel legitimacy Rebel groups and civilians Rebels that are involved in governance cannot take their relationship with the civilian population for granted. The dynamics of legitimacy are in a permanent state of

contestation.[29] Even rebel groups that rely mainly on coercion to implement their rule may pursue legitimation practices to increase civilian compliance. According to Suchman, legitimacy is a 'generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions.'[30] Despite the absence of juridical legitimacy or international recognition, rebel groups may hold a level of legitimacy among a particular constituency.[31] While external legitimacy–i.e., how a rebel group is viewed and treated in the international arena–s an important element, particularly for secessionist movements,[32]

I largely confine my analysis to the relationship between rebels and civilians but take into account external actors that support the incumbent government as these influences the legitimation practices of the Taliban vis-à-vis civilians. For analytical purposes, I distinguish two forms of rebel legitimacy, but I acknowledge that these forms of legitimacy may empirically overlap and intertwine. These two forms of legitimacy are pragmatic and moral legitimacy. Pragmatic legitimacy is based on the provision of services, protection, or even a willingness to share power, while moral legitimacy is based on 'narratives of goodness, compatibility with existing norms and moral codes,' and, for example, 'explicitly referenced against religion or ethnicity.'[33] Pragmatic legitimacy includes the provision of basic services, sometimes referred to as 'delivery-based legitimation.'[34]

Pragmatic legitimacy can also be based on the rebel group's ability to provide protection or a relatively stable social and political order. Especially in countries racked by civil war, the capacity of an armed organization to offer protection and stability is important to civilian populations.[35] Moral forms of legitimacy refer to a broader set of social norms and moral codes in society. As Schlichte and Schneckener note, rebels' claims to legitimacy are often tied to encompassing ideologies or worldviews.[36] This includes, for instance, religious ideas of a political order. Moreover, rebels' claims to legitimacy are often rooted in 'communal myth-symbol complexes,' popular

belief systems, traditions, and cultures.[37] Furthermore, moral claims to legitimacy are often made in reference to external threats and established enemy depictions.

By portraying the enemy as 'particularly brutal, inhuman and evil, the armed group aims not only to create solidarity but also to present itself and its violent actions as necessary, appropriate and comparatively less destructive.[38] Crucially, without the recognition of followers, the legitimacy of a movement or its ideas does not exist.[39] Like the concept of power, rebel legitimacy is a relational notion, not a fixed attribute.[40]

Incumbent governments' responses

Although rebel groups stake their claim to legitimacy strategically, not all legitimation effects occur due to actions of the rebel's alone.[41] Legitimacy is affected by contextual factors, such as the actions of opposing parties. In Sri Lanka, for example, the operations and actions of the Sri Lankan Armed Forces and the intervening IPKF also contributed to perceptions regarding the LTTE's legitimacy.[42] Corruption and misconduct within the Afghan government and the inability to protect its citizens legitimize the insurgency if the Taliban is relatively better capable of providing some rule of law and relative stability.[43] It is not a zero-sum game, but the incumbent government's actions also shape the dynamics of rebel legitimacy.

Powerful external actors

Powerful external actors affect the dynamics of rebel legitimacy too.[44] Some provide external support to rebel groups, such as military, moral, political, or material support.[45] In this article, however, I focus on powerful external actors that side with the incumbent government. The intervention of the Soviet Union and the intervention of the coalition forces have been important factors fostering armed resistance over time.[46]

Methodology

This article presents three case studies of rebel governance and legitimacy corresponding to three phases of Taliban rule. The first two phases are mainly based on document research. I relied on the vast amount of literature on the Taliban movement and the contemporary political history of Afghanistan. The third phase is mainly based on empirical evidence from fieldwork. Accordingly, this article combines a literature-based macro perspective with a more empirical micro perspective to connect past and present forms of Taliban rule. The findings are partly based on various fieldwork trips by the author to Afghanistan since 2013. I conducted fieldwork in Kunduz province and Kabul in 2013 and 2016 in collaboration with various Afghan research organizations.

In 2013, a total of 99 structured interviews were held with community members, militiamen, local elders, jirga/shura members, civil society representatives, Afghan Local Police (ALP) officers, and Afghan National Police (ANP) officers in Kunduz. On the German-led Provincial Reconstruction Team (PRT)[47] in Kunduz, I conducted indepth interviews with police trainers, military staff, diplomats, and NGO workers. During the fieldwork conducted in 2016, I interviewed various analysts, NGO workers, diplomats, military staff, and informants from Kunduz and Kabul. The latest set of interviews dates from late 2018. I cooperated with The Liaisons Office (TLO) in Kabul, and we developed a structured questionnaire with open ended questions in order to investigate the experiences of civilians under Taliban rule. Researchers from TLO who were originally from Kunduz province conducted 20 structured interviews with civilians who lived under the direct control and/or influence of the insurgency in Chahar Dara district, Kunduz province.

The themes covered during these interviews were the implementation of the Taliban's rule, modes of governance, governance interactions, service provision, and symbolism. Throughout 2018, local sources living under Taliban rule in Kunduz province were consulted to corroborate specific findings from interviews and open-source data. This sample of respondents is certainly not representative of Kunduz province or the population of Afghanistan. Nevertheless, the data

provide unique insight into daily civilian life under Taliban rule. The data come with several limitations that should be kept in mind.[48] The triangulation of different sources has reduced but not eliminated these methodological concerns. The article proceeds with the analysis of the three selected phases of Taliban rule: early insurgency (pre-1996), semi-recognized statehood (1996–2001), and post-2001 insurgency (2001–2019).

From the fall of the Shah to the emergence of the Taliban insurgency (1973–1996)

Context of resistance: early Taliban 'fronts'

To understand the emergence of the Taliban, we need to study the 1970s and 1980s. In 1973, Mohammed Daoud Khan, supported by a fraction of the military and leftist parties, seized power from his cousin (and long-term rival), King Zahir Shah, in a bloodless coup d'état.[49] Daoud ended the monarchy of the Shah and proclaimed a republic.[50] While attempting to sideline his leftist allies, Daoud also attempted to wipe out the Islamists that opposed him. Simultaneously, the opposition to Daoud, in the form of the Marxists and the Islamists, stepped up their recruiting efforts, seeking to weaken Daoud's power.[51] For years, Afghanistan had been courted by the United States and the Soviet Union in their Cold War rivalry, but by the 1970 s, the amount of Soviet advisors increased, and the Marxist People's Democratic Party of Afghanistan (PDPA) gained more support in urban areas.[52] Factions of the PDPA came to power in a coup d'état in April 1978, which was later referred to as the Saur Revolution.[53]

The newly established PDPA regime was not only interested in ruling the country but was also keen to transform Afghanistan by revolutionary policies of land reform, education reform, and changes in family law.[54] The revolutionary regime of the PDPA attempted to clear the country of religious elements and opposing forces, including traditional landowners, the old military establishment, and the Islamic clergy.[55] The regime rejected the country's traditional Islamic symbols of legitimacy by striking religious salutations from government

speeches and decrees, and it changed the color of Afghanistan's flag to red.[56] Overall, the regime legitimized its policies in Marxist terms. From the beginning, revolts against the PDPA involved religious motives and, occasionally, religious forms of organization.[57]

Prior to the 1979 Soviet invasion, the PDPA regime faced resistance since it was seen by many Afghans as 'godless' (kafer), but after the Soviet invasion, a nationalist element gained more prominence: the fight against an 'illegitimate foreign occupation'.[58] Hence, a crucial element in the mobilization of the broader public and its religious clergy was the arrival of Soviet troops in 1979–1980.[59] Overall, both Islamic resistance and nationalistic resistance were apparent in the 1970s and 1980s even before the Taliban existed as a separate movement. What became known as the Taliban movement emerged from religious networks that were part of the wider resistance in the 1980s.[60] The primary motivation of the mujahedeen groups and the first-generation Taliban among them can be described as political and based on religious infrastructure.

In the 1980s, the Taliban, led by their religious teachers, did not yet constitute a separate movement as we know it at the present time, but so-called 'Taliban fronts' already existed amongst the mujahideen.[61] Early incarnations of these Taliban fronts were primarily mullahs leading their students[62]–taliban–as commanders.[63] These fronts consisted of madrassa-or mosque-centered networks. The Taliban fronts distinguished themselves from other mujahedeen groups by a more radically devoted form of religious jihad.[64] The ideologically heterogeneous resistance was re-interpreted as jihad after Pakistan officially and exclusively recognized seven Sunni Islamist resistance movements, known as the Peshawar Seven,[65] that exclusively received Western and Arab financial support.[66] The American Central Intelligence Agency (CIA) subcontracted its financial contributions through Pakistan's Inter-Services Intelligence (ISI), the country's main intelligence agency. The CIA's covert actions empowered the

more radical factions of mujahideen, largely at the direction of the ISI.[67]

Traces of governance and legitimacy during the Taliban fronts

The religious clergy already operated so-called mujahideen courts during the Soviet–Afghan war. These pre-Taliban courts would settle disputes, and the mujahideen largely respected the court's judgements.[68] The courts were initially indistinguishable from the military clout of the commanders, but throughout the 1980s, courts were established as separate institutions at various locations in Afghanistan and run by clerics of different mujahideen groups.[69] What would become the Taliban leadership already yielded a certain status of legitimacy due to these religious courts. Mullahs set up structures providing conflict mitigation; they would pass judgements and issue edicts and fatwas that were mainly concerned with issues arising among the civilian population or between different mujahideen groups/factions.[70]

Therefore, a level of pragmatic legitimacy based on these groups' ability to settle disputes already existed. The Taliban fronts were different from other fronts in terms of composition and membership. While most of the other fronts were structured along tribal and kinship lines, the Taliban networks existed through their common educational backgrounds and their pursuit of religious studies.[71] Their experience as mujahideen during the Afghan– Soviet war instilled strong social ties among the religious students who had become fighters in the various Taliban fronts. Though not always in the same group, the Talibs had spent many years together, always in some form of close proximity or contact.[72] Even today, the Taliban frequently refer back to the 1980s jihad as part of their founding narrative.[73]

Soviet withdrawal and political fragmentation

The withdrawal of the Soviet Union in 1989 created a power vacuum. Political fragmentation and continued violence characterized the 1989–1994 period. Afghanistan descended

into a brutal civil war between rivalling mujahideen groups and other strongmen.[74] The war against the Soviet Union had already lasted for ten years, and its impact on Afghan society was severe. An estimated one to two million Afghans were killed during the war, and land mines and indiscriminate bombing injured hundreds of thousands more.[75] Hence, a whole generation grew up as refugees or as fighters.[76] With the Soviet Union gone, much of the territory was open to armed opportunists and radical preachers.[77] Local armed groups continued to fight over land, water sources, and mountain passes at different localities.[78]

The various mujahideen groups became either players in the battle for Kabul or localized armed actors[79] The multitude of commanders increasingly tolerated their fighters to loot and rape the civilian population, partly due to their inability to pay salaries and as an incentive to keep them fighting.[80] The key individuals that would eventually establish the Taliban as a separate movement in 1994 were relatively passive between 1989 and 1994.[81]Those who would come to form the senior leadership after 1994 used to be village mullahs or worked in religious education and therefore returned to their home villages or original madrassas.[82] Some mujahideen, however, reconvened in 1993 and 1994 to discuss the chaotic situation in Kandahar.

As Mullah Abdul Salam Zaeef–a key Taliban figure–interpreted the situation in early 1994, 'all over Afghanistan people faced the same situation; the entire province of Kandahar was crawling with rogue commanders and bandits lingering along the roads and cities.'[83] Allegedly, several mujahideen who operated in the earlier Taliban fronts approached Mullah Omar in 1994 with the request to respond collectively to the dire situation in Kandahar and other areas.[84] The founding meeting of what became the Taliban movement as we know it today took place in autumn 1994.[85] The initially fragmented political landscape of the civil war slowly transformed from 1994 onward due to the battlefield successes of the Taliban. By 5 November 1994, Taliban fighters had

taken over Kandahar city. Initially, the Taliban's actions were reactive and not based on long-term goals.[86]

The movement, however, gained momentum and expanded from Kandahar province to Zabul, Helmand, and Uruzgan. It captured Herat in September 1995 and Jalalabad and Kabul in September 1996. The Taliban continued to target 'warlords who were deemed responsible for much of the destruction, instability, and chaos that plagued the country since the outbreak of the civil war.[87] An anti-Taliban front formed too late and was far from monolithic as its members kept subverting one another.[88] These rivalries rendered the opposition relatively ineffective even after Kabul fell to the Taliban[89]

Traces of governance and legitimacy after the Soviet Union's withdrawal

The decline of legitimacy among the Taliban's opponents – including other mujahideen factions – during the early 1990s and the chaotic situation that followed set the stage for the Taliban's early success. The inability of various mujahideen factions to cooperate effectively weakened their legitimacy. The Taliban gradually expanded the reach of its Taliban courts nationwide from 1994 onward. In addition to the military advances, the movement presented itself as an organization with a strict religious ideology and the ability to reestablish law and order after years of disunity among various mujahideen and the exhausting civil wars.[90] Though the movement was certainly unable to live up to all its promises, it created a level of order in the areas it controlled. The civilian population had grown tired of the continuing wars between military commanders, and no credible end was in sight.[91] This context made the promises of the Taliban resonate, and large segments of the civilian population initially welcomed the Taliban's efforts to restore law and order.[92]

Phase one findings

During the presence of the Soviet forces, moral forms of legitimacy were most important, but pragmatic forms of

legitimacy were also relevant. The early Taliban fronts derived their moral legitimacy from religious networks and sources. They claimed to be involved in a religiously 'justified' battle against 'foreign occupation.' Furthermore, some of the mujahideen courts already provided the Taliban fronts with a measure of pragmatic legitimacy. In the years after the Soviet withdrawal and the political fragmentation that followed, pragmatic forms of legitimacy became increasingly important, especially the Taliban's ability to provide law and order. These years laid the foundations for the IEA, as discussed below.

The Islamic Emirate of Afghanistan (1996–2001)

The Taliban captures Kabul, proclamation of the IEA

The second phase of Taliban rule followed the capture of Kabul in September 1996 and the proclamation of the IEA. Militarily, various commanders of Junbesh (Dostum), Jamiat-e Islami (i.e., Masoud, Rabbani, Atta Noor, and Ismail Khan), and Hezb-i Islami (Hekmatyar) continued to challenge the Taliban or had brief alliances with it but with limited success.[93] Overall, the Taliban was militarily successful and able to increase its control over Afghan territory significantly over these five years until the US-led intervention of 2001.

Governance during the IEA

The increased territorial control put the Taliban in a position to become more involved in governance.[94] During the IEA, the Taliban formed a two-track governance system, including a political–military leadership council based in Kandahar called the Supreme Council and an executive Council of Ministers in Kabul.[95] While the Supreme Council represented the Taliban as an insurgency, the Council of Ministers reflected the Taliban's efforts to transform into a state structure.[96] The Islamic clergy played a central role in the Taliban. In that sense, the Taliban's aspirations to govern marked a sharp break with long-standing Afghan political traditions. Despite the fact that religion had always played a significant role in Afghan politics, Muslim clerics had always functioned as servants of the state rather than its leaders.[97]

Given the role of the mullahs in the resistance against the Soviets, the clergy rose from 'social inferiority to a position of political power.'[98] That system of governance built on the unofficial power that mullahs already possessed: 'the power of the sermon.[99] The position of mullahs strengthened when the Taliban regime turned them into the 'eyes and ears' in the villages and started to emphasize the collection of ushr and zakat, the religious taxes that traditionally made up the mullahs' income.[100] Although the Taliban has always claimed to implement sharia, there is an underlying ambiguity regarding its interpretation. As Otto notes, 'Like its counterpart "Islamic law" the term "sharia" is surrounded with confusion between theory and practice, between theological and legal meanings, between internal and external perspectives, and between past and present manifestations.'[101] There is not one static and uncontested sharia. There have been different interpretations throughout time, in various countries, and from various positions –e.g., lawmakers, judges, religious scholars, religious leaders, and academics.[102]

In fact, all Afghan constitutions except the Constitution of 1980 already endorsed the supremacy of sharia in Afghanistan, but the Taliban's interpretation of sharia was different from that of previous regimes.[103] During the IEA, the Taliban established its religious police, deployed by the Taliban's so-called Department for the Promotion of Virtue and the Prevention of Vice.[104] This department 'was given unlimited authority for the enforcement of all decrees issued by the Taliban Government.'[105] Its enforcement had a strong effect on public life, particularly for women. As Rashid notes, 'An announcement on Radio Kabul on 28 September 1996 stated that "thieves will have their hands and feet amputated, adulterers will be stoned to death and those drinking alcohol will be lashed." TV, video, satellite dishes, music, and games, including chess and football, were pronounced un-Islamic.'[106] Particularly women were discriminated against and severely constrained by the IEA regime. The regime essentially controlled every aspect of women's behavior both in the private and public sphere.[107] As explained by Yassari and Saboory, women were:

> *Forbidden to take employment, to appear in public without a male relative, to participate in government or public debate, and to receive secondary or higher education. As a result, women were deprived of the means to support themselves and their children. Only female doctors and nurses were allowed – under strict observation of the religious police – to work in hospitals or private clinics. These edicts were ... enforced through summary and arbitrary punishment of women by the religious police.*[108]

According to Edwards, the Taliban 'forced women in territory under their control to wear the burqa, the traditional Afghan head-to-toe veil that has a small patch of gauze over the eyes. They have declared that Saudi-style veils, which do not cover the eyes, are not allowed.'[109] The Taliban excluded women from all public places and enforced a strict code imposing the veiling and seclusion of women, and it banned all forms of entertainment.[110] The IEA's implementation of the law stood in stark contrast with that of the communist regime and with the norms and values of large segments of the population. As Yassari and Saboory explain:

> *A decree issued in 1997 by Mullah Omar, the founder of the Taliban movement, declared that all the laws against the principles of Hanafi Islamic jurisprudence were not applicable. The Taliban announced via the radio that after the seizure of Kabul, they would abolish all the laws and regulations of the communist regime and reintroduce the system of law that was in place during Zahir Shah's reign (1964–- 1973), with the exception of the provisions related to the king and the monarchy.*[111]

During the IEA, the Taliban enforced a religious regime with a severe and coercive interpretation of sharia.[112] This included a violent display of public punishments, coercing the population to follow the rules that, among others, prohibited music, shaving beards, and flying kites and ordered the exclusion of women from public life.[113] Viewing themselves as custodians of Islamic justice, the Taliban courts were an important institution to materialize the Taliban's vision.[114] Its implementation of sharia through the mullahs had not been so

prominent in the past because the Afghan state had assumed some of these functions.[115] Now that the Taliban had captured state institutions, it implemented its rules more widely and comprehensively.

Legitimacy during the IEA Pragmatic forms of legitimacy

While the Taliban was initially lauded for bringing a measure of security to the regions it captured, its social and religious policies were widely unpopular among the general public.[116] Its social and religious policies were met with resistance, particularly in the bigger cities.[117] Particularly in cities like Kabul and Mazar-e Sharif, the Taliban's conservative style of living contrasted with the modern lifestyle of much of the urban population and was confronted with pushback. For example, Wormer notes:

> *The commanders of the Taliban forces in Mazar-e Sharif did not stick to the agreement to share power with Malek Pahlawan and immediately introduced their interpretation of sharia law in the city instead. The Taliban soldiers closed the city's school as well as the university and tried to completely disarm all North Alliance militias, including Malek's. When some Wahdat units*[118] *resisted, an uprising against the Taliban broke out in one of the Hazara quarters and quickly seized the entire city. On 29 May, 1,000 to 1,500 Taliban soldiers were killed and nearly 3,000 captured.*[119] *To give another example, on 17 October 1996, over one hundred women in Herat protested against the closure of bath houses.*[120] *The women were beaten and arrested by the religious Taliban police, and men were warned to keep their women inside their houses.*[121].

Moral forms of legitimacy

In April 1996, only a few months before the Taliban was able to capture Kabul, approximately 1,500 Islamic scholars from across Afghanistan gathered to meet. During this gathering, the Taliban's leader, Mullah Omar, was proclaimed the Amir ul-Mu-mineen ('Commander of the Faithful').[122]The

proclamation aimed to project the universal nature of the movement that transcended tribal and ethnic divisions.[123] In its commissioned national anthem, the Taliban made no strong ethnic or Pashtun allusions; instead, it chose 'to refer to Islamic or other national symbols.'[124] The claimed legitimacy of the movement and its leadership was derived from Islam and was presented as standing in the tradition of previous caliphates.[125] The religious and political institutions merged into one person and one institution.

As Strick van Linschoten explains, 'some of the most symbolic and powerful/potent moments and statements from during the Taliban's rule come when the distinction was blurred; Mullah Mohammad Omar's assumption of the title amir ul-mu'mineen is perhaps the best example of this – a mosque was the site of what was directly a merger between religious and political spheres of activity.'[126] However, based on religious claims and sources, the Taliban's rule was not necessarily perceived as legitimate by the general public. Coercion strongly underpinned the Taliban's Emirate, which makes it questionable whether the extreme interpretations of religious sources attracted approval from the population.[127] Ibrahimi elaborates in that regard:

> *Although Afghanistan is an Islamic country and Islam has functioned as a source of legitimacy and jurisprudence for centuries, the Taliban's interpretation of Islam and its coercive approach to enforcing it was not broadly welcomed in the country. Except for individuals who joined the Taliban, the rest of the Afghan population, even the rural religious communities, did not tend to freely follow the Taliban's Islamism.*[128]

Moreover, in terms of legitimacy, the remaining perception of favoritism towards ethnic Pashtuns was a problem for the Taliban. The Taliban's ideology potentially allowed the movement to overcome ethnic, political, and regional barriers, but in practice it failed to expand its core leadership beyond its parochial Pashtun base throughout the years.[129] As Ibrahimi explains:

> *... despite the Taliban's claim of being ethnically tolerant, there is numerous empirical data and evidence that indicate the IEA's ethnic-based behavior. The IEA was entirely dominated by Pashtuns with other ethnic groups being excluded from the IEA's political and leadership arenas. For example, non-Pashtuns were largely excluded from the IEA's both governing councils, the Supreme Council and the Council of Ministers. Of the six original members of the Supreme Council, five were Pashtuns and only one ... was a Tajik from Badakhshan. Likewise, out of 17 members of the Council of Ministers in 1998, only two were non-Pashtuns.*[130]

In a similar vein, Edwards's study indicates that the Taliban specifically encountered resistance from non-Pashtun communities. Most non-Pashtun groups showed 'little willingness to relinquish their hard-earned autonomy.'[131]Moreover, the … *determination of the Taliban to impose their morality throughout the country ... further alienated groups with different and often considerably more liberal traditions (for example, with regard to female veiling and the right of individuals to worship as often and with whom they please) than those of the conservative and conformist Taliban.*[132]

A final problem regarding legitimacy during the IEA was the lack of a clear external enemy. What had 'glued' together some fighters of the mujahideen during the Soviet–Afghan war, for example, was a common enemy in the image of the Soviet Union and the Afghan government.[133] For the Taliban regime, the common enemy had become less obvious. As Barfield points out, 'In the absence of an external enemy, the Taliban found it difficult to gain legitimacy internally when so many Afghans saw its regime as too dominated by Pakistan and al Qaeda Arabs.'[134] Particularly from 1998 onward, the Taliban became more heavily reliant upon foreigners, such as Pakistani recruits from madrassas and international jihadis (e.g., Arabs, Uzbeks, and Chechens).[135]

Phase two findings

Although the Taliban proved to be militarily superior to its opponents during the 1990s, the movement faced several challenges once it was put to the test of governing the country. The Taliban was initially hailed for restoring order and security. Locally, this gave them a measure of pragmatic legitimacy. However, as the Taliban expanded its reach throughout the country, it became clear that its social and religious policies encountered fierce resistance, particularly in larger cities and within non-Pashtun communities. Moreover, an essential form of moral legitimacy disappeared during this phase due to the lack of a clear external enemy.

A return to ruling as insurgents (2001–2019)

Below, I discuss the third phase: the post-2001 insurgency. This analysis combines a macro perspective with a micro perspective of Chahar Dara district in Kunduz province. US-led intervention, the Taliban reverts to insurgency mode After the US and its allies ousted the Taliban regime from power in 2001, the Taliban leadership went into hiding, watching the events in Afghanistan unfold. The Taliban initially contemplated an inclusion in the new political system, but that seemed impossible given the US 'no talks with terrorists' policy.[136] Instead, the Taliban reverted to a strategy of insurgency. As early as April 2002, Taliban messaging re-appeared in Afghanistan in the form of night letters and leaflets, in which the movement called upon the population to resist the new Afghan government and its international allies.[137]

By mid 2003, the Taliban leadership had regrouped in Quetta, Pakistan. This is where the Rhabbari shura, also known as the Quetta shura, was established.[138] Based on a regional command structure, the initial council members were responsible for specific regions in Afghanistan.[139] During the resurgence phase of 2003 until 2005–2006, the Taliban re-emerged in most areas of Afghanistan.[140] In the first years, the structure transitioned from a state-like structure with ministries, a sub-national administration, and a security apparatus back to an insurgent or guerilla movement without a 'liberated zone' in which to establish a parallel government.

Gradually, however, as its territory expanded, the Taliban became more involved in governance again.[141]

Governance during the post-2001 Taliban insurgency

With fluctuations over time, the movement controlled more territory and reestablished a parallel administration with provincial and district governors, judges, police, and intelligence commanders and a system of taxation.[142] Through its shadow judiciary and governors, the Taliban increasingly filled political spaces and regulated daily life in insurgent-controlled and contested territories.[143] The key development in governance has been the re-establishment and expansion of the Taliban's shadow judiciary.[144] By 2003, some of the Taliban courts had already re-emerged, though these were initially mainly reactive bodies that held sessions for specific events and issues.[145] If we consider Kunduz province, for instance, the Taliban judiciary was one of the main mechanisms that resolved judicial cases by 2018, but the exact figures are unknown.[146] Due to increased territorial control in Kunduz province, the Taliban judiciary expanded its reach.[147] A respondent from Chahar Dara confirmed that the 'Taliban has courts and judges, who resolve disputes based on Islamic Sharia and rules,'[148] and another respondent noted:

> *The Taliban might have one or two or more permanent judges, but it is also true that the Taliban uses a lot of mullahs of the mosque to resolve disputes. For example, there was a problem between families, then one day the imam of the mosque mediated and resolved the dispute. People knew that imam of the mosque had support from the Taliban. If anyone had a problem with the decision, the imam could easily enforce it anyway due to the force of Taliban.*[149]

In a recent study by the Afghanistan Analyst Network (AAN) in Dasht-e Archi district of Kunduz province, most respondents agreed that 'the Taliban "outgovern" the Afghan administration particularly in the justice sector in addressing disputes among local people.'[150] This is not because the

Taliban judiciary system is perfectly organized but because the government justice system is essentially paralyzed, operating remotely from Kunduz city.[151]Locals tend to take their cases to Taliban courts because cases are generally 'adjudicated faster, without corruption and with satisfactory outcomes.'[152] The Taliban continues to implement its interpretation of sharia. According to one of the respondents, the Taliban 'make people pray on time in order to stay in accordance to Sharia.

[The Taliban] impose the veil, Chadari [burqa], on women in order to avoid bi Hejabi [unveiling]. Another example of their imposition is the prevention of people from playing music in their marriage parties. They even prevent the use of dollar currency.'[153] Another respondent noted that the Taliban 'prohibits youths to have smartphones. If anyone gets caught with a smartphone, the Taliban would severely punish that person.'[154]Another respondent mentioned that the Taliban representative in his village 'behaves respectfully with people and tries his best to resolve disputes. However, he hates government employees and always preaches that government employees are working for foreign infidels.

When Taliban members commit a wrongdoing, he usually ignores the issue.'[155] Legitimacy during the post-2001 Taliban insurgency Pragmatic forms of legitimacy Continuing its efforts from the IEA, the obvious area for the Taliban to rebuild its political legitimacy after 2001 was its judiciary.[156] It has used the judiciary to legitimize itself, condemning the corruption in the Afghan state and providing an alternative. Weigand indicates that the ability to resolve disputes is one of the main sources of legitimacy for the Taliban.[157] According to Weigand, 'What matters much more [to the people] is the perception of the Taliban as being less corrupt than the state.'[158] Similarly, a respondent in my study explained, 'We do not have any issue with any group; the government and the Taliban do not differ much for us. We want a governing body that can keep people secure, and it should be in accordance with Islam. Otherwise, we have no problem with them; we just want peace.[159] A Pashtun farmer from Chahar Dara noted, 'People like that there is no robbery … in this Taliban

controlled area.'[160] Similar to other insurgent courts, the Taliban courts act as a measure of legitimacy and reach as well as an instrument used to extend and entrench that legitimacy.[161]

Moral forms of legitimacy

The Taliban has incorporated the international troop presence into its nationalistic narrative. Nationalism has been a key element of the Taliban's communications, beyond a purely Pashtun-centric message.[162] The purpose of that narrative has been to unite 'all Afghans' against foreign occupation. The narrative often includes references to the past, such as the hardships during resistance against the Soviets, the British, Genghis Khan, and Alexander the Great..[163] This nationalistic source of legitimacy gained more prominence in the post-2001 timeframe. The Taliban's interpretation of the post-2001 situation became a religious fight that continued against another 'foreign invader' with a 'puppet' Afghan regime.[164] The current framing corresponds to that during the Afghan–Soviet war: Non-religious outsiders occupy 'our' land in cooperation with an 'ingenuine' Afghan regime. The message conveyed is that the current coalition forces are the same as the Soviet army in 1980s.[165]

As in the earlier timeframes, the Taliban's policy has been to re-establish an Islamic system based on its interpretation of sharia. As Johnson notes,'The Taliban continue to use Islamic piety, based loosely on the strict dogmatic Deobandi interpretation of Islam, to construct a jihadist image that evokes righteousness and greater justification to their violent anti-government military campaign.[166] The Taliban's perspective continues to be that all Muslims have a duty to protect their religion if it is threatened.[167] A 23-year-old farmer in Chahar Dara echoed the Taliban's interpretations and his own perceived religious duty: 'We are Muslims and follow the holy Quran. Islam mandates us to stop the current corrupt government and withstand foreigners who intend to destroy our country and distance us from Islam.[168] Others do not share the Taliban's religious interpretations and note, for example, that 'the Taliban have provided wrong interpretations of Jihad

to locals, and they have brainwashed people through politicizing Islam and portraying a violent understanding of Jihad.'[169]

In a similar vein, a 43-year-old Pashtun school teacher from Chahar Dara stated, 'We are all Muslims, and we know what Islam is, the principles have been taught to us … The Islam that Taliban represents is not the true one; they are extremists, while Islam in every aspect of life always encourages people to choose moderation. This is the reason people do not always follow the rules that are enforced by the Taliban.[170] According to a 28- year-old Uzbek from Chahar Dara, 'People have different opinions regarding the truth or falsehood of Taliban rules. Many believe the rules to be in compliance with Islam since they are uneducated and have insufficient religious knowledge. Meanwhile, the majority thinks that the current state is corrupt and non-Islamic, a sufficient reason that provokes many to fight against it.[171] Regarding the rightfulness of the Taliban's interpretation of sharia and Islam in general, the expressions of the respondents oppose one another. A common religious symbol employed by the Taliban is its white flag with black text. As one of the respondents noted, 'The only thing about Taliban that is common everywhere is their flag.[172] Usually the flag is inscribed with the shahadah, the Islamic profession of faith, but sometimes it reads 'Islamic Emirate of Afghanistan.' Since 2001, the Taliban has focused more on this outlook. As Osman notes,

> *The Taliban appear to have woken up to the importance of organisational symbols and their political meaning. Compared to how little they cared about their image during the 1990s and the initial years of the insurgency, the Taliban now project an increasing consciousness of their "brand." This is seen in both their media and the actions of fighters and officials on the ground.*[173]

Furthermore, the Taliban uses shabnameh, the so-called night letters.[174] As Johnson explains, night letters 'have been a traditional and common instrument of Afghan religious figures, jihadists and rebels to encourage people, especially (but not exclusively) rural populations to oppose both state

authority and regulations.'[175]Common symbolism the Taliban uses in these night letters and other correspondence include stamps of the Islamic Emirate of Afghanistan.[176] The stamps indicate the formal nature of the documents issued by Taliban representatives, such as local imams. As a respondent pointed out, 'the Taliban have a particular stamp that they use to validate their letters.[177] Similarly, a 28- year-old Uzbek respondent noted, 'Local imams also have stamps. Once, I went before a governor to address a problem. He asked me for a letter from the mosque imam confirming that I was a resident of Chahar Dara. When I referred to the imam, he issued the letter and stamped it, confirming me as a resident of the district. The stamp is credible in all commissions and Taliban-related offices.[178]

A 35-year-old Pashtun farmer noted, 'The Taliban uses its own paperwork, such as summoning letters.[179] Johnson emphasizes in his study on Taliban night letters that it is nearly impossible to evaluate how the Taliban's night-letter campaign has contributed to support for the Taliban, but he indicates that 'Taliban narratives have clearly resonated' and 'where their messages have not resonated with the populace, the Taliban has compensated by waging an effective intimidation campaign.'[180] In the post-2001 timeframe, the Taliban has learned from earlier strategic misjudgments and tends to be more inclusive towards non-Pashtun communities. Particularly in the North, the Taliban has included different ethnicities. In Badakhshan, for instance, the Taliban started to recruit and install non-Pashtuns in key provincial positions and as fighters.[181]

This is remarkable since Badakhshan was a stronghold of long-term Taliban rival Ahmad Shah Masoud and a province that was not conquered during the IEA regime before 2001. As Ali notes, 'From 2008, and in sharp contrast to behaviour exhibited during the Taliban regime (1994–2001), the Taliban leadership council offered most local posts to this new generation of local Taliban, instead of merely using Badakhshani recruits from Pakistani madrassas as foot-soldiers.'[182] The Taliban has often been characterized as a

Pashtun movement, but currently it is more accurately a movement with many Pashtun members.[183] Finally, in several of the interviews, the practice of bacha bazi[184] was mentioned. There is no clear legal definition of bacha bazi, but it generally refers to 'local powerful individuals keeping one or more boys, typically between 10 to 18 of age, for use as bodyguards, servants, dancers, and for sexual exploitation or other forms of harassment.'[185] Bacha bazi involves men in positions of power who exploit, enslave, and abuse young boys sexually or for entertainment.[186] Not every police chief is involved in bacha bazi, but it is a common practice.[187]

Bacha bazi seems most prevalent in northern Afghanistan, where it is associated with local militias and state security commanders.[188] Human Rights Watch reported that perpetrators of the sexual abuse of boys are rarely prosecuted, which can be partly explained by taboos regarding the issue, but is primarily 'because the perpetrators are often members of powerful militias or have the protection of state security forces.'[189] Based on the perceptions of the respondents, the Taliban positions itself as an organization that effectively counters bacha bazi and other 'forbidden practices.' A Pashtun farmer from Chahar Dara noted, 'People like that there is no robbery, that there is no gambling in this Taliban-controlled area.

There is no bacha bazi. People's sons are not taken by force for bacha bazi because some government commanders take underage boys by force to their checkpoints where they sexually abuse them.'[190] Similarly, another farmer from Chahar Dara noted, 'bacha bazi is a very bad thing; it is not allowed by the Taliban. People love and support the Taliban for stopping bacha bazi. In the same way, people hate the government for being involved in bacha bazi, because we know that almost each commander of the police has one or more boys who they use for dancing and for sex.'[191] Already during the 1990 s the Taliban opposed the practice of bacha bazi as one of its claims to a legitimate authority, and it continues to do so.[192] The Taliban deliberately refers to the actions of the Afghan security forces and pro-government

militias as a source of its own legitimacy and uses them to justify its own policies.

Phase three findings

The beginning of the 21st century revealed new possibilities for the Taliban movement in terms of moral legitimacy and pragmatic legitimacy. With the international troop presence, the Taliban has faced an external enemy that is more clearly identifiable. The aspirations for the Islamic Emirate of Afghanistan–the name the Taliban continues to employ–have gradually revived against the backdrop of the US-led intervention. Moral legitimacy has become more important, as evident in the narratives about foreign occupation and religion being under threat by external forces. Pragmatic legitimacy continues to be relevant given the Taliban's ability to resolve disputes. The Taliban judiciary thereby exploits instances of corruption and incompetence of the Afghan state.

Conclusions

This article has made empirical and conceptual contributions. Empirically, it has shown that both pragmatic and moral forms of legitimacy have been relevant throughout these three phases of Taliban rule. In terms of pragmatism, the Taliban's ability to create a relatively safe and stable environment and to adjudicate disputes has been a legitimating factor for the movement. As Roy noted, if an actor in the context of the Afghan state appears as a relatively honest broker between local factions, clans, tribes, and ethnic groups, even if some are more favored than others, it can be a major source of legitimacy.[193] This finding also underpins Weigand's observation that 'the people's immediate concern is having any rule of law – regardless of its ideological sources.'[194] Moral sources of legitimacy, however, have certainly not been irrelevant.

The Taliban's narrative of a 'justified' struggle in the name of Islam and against external interference has provided them with a level of legitimacy as well, particularly in reference to external forces. Overall, the moral forms of legitimacy were more prominent during the presence of external forces, while

pragmatic forms became more prominent following their withdrawal and during periods of the Taliban's opponents' ineffective governance. Complementary to the existing literature, this article has demonstrated the value of a longitudinal perspective on rebel governance and legitimacy. The post-2001 Taliban insurgency was not new to governing; it used prior networks, claims, and experiences. Several claims to legitimacy and policies continued albeit with small adjustments based contextual changes. Understanding rebel governance and legitimacy, therefore, also requires researchers to consider the contemporary history of armed conflict.

As Schroder and Schmidt previously noted, the 'symbolic meaning of prior wars is re-enacted and reinterpreted in the present.'[195] During the Soviet timeframe, the pre-Taliban fronts mobilized based on a perceived legitimate struggle against an external enemy that invaded Afghanistan. In the post-2001 timeframe, the foreign enemy image re-appeared in the form of the international coalition forces. Together with the corruption and ineffective governance by the state, the narrative of a nationalistic and 'necessary' armed resistance has been revived. Finally, this article has contributed to the existing literature by investigating how external intervention in support of the incumbent government affects the rebels' opportunities to govern and the dynamics of rebel legitimacy. It expands upon other studies that have either focused on external support for rebel groups or the strategies rebel groups employ to gain international legitimacy and/or recognition.

External intervention has contrasting effects on rebel governance and specific forms of moral legitimacy. On the one hand, external intervention decreases the number of opportunities of rebel groups to govern; on the other hand, external intervention increases the potential resonance of moral forms of rebel legitimacy. The departure of external forces also has contrasting effects on governance and moral forms of legitimacy. Withdrawal can create more opportunities for rebel governance as it opens political space while simultaneously undermining specific earlier forms of moral legitimacy when the rebels had a clearly identifiable external enemy.

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Chapter 3

Afghanistan's Newest Local Defence Force: Were "All the Mistakes of the ALP" Turned into ANA-TF Safeguards?

Kate Clark

Executive Summary

The Afghan National Army Territorial Force (ANA-TF) is two years old. Within a few weeks, it should have ten thousand soldiers, with companies mobilised in almost every province of the country. It is the newest of Afghanistan's local defence forces, the result of discussions in 2017 between President Ashraf Ghani and the then commander of the international military Resolute Support (RS) mission, General John Nicholson. They were looking into the idea of a new local force that would be cheaper to run than regular forces and could secure districts, thereby freeing the regular Afghan National Army (ANA) to take more offensive action against the Taliban. Local forces have many potential advantages – better intelligence, more support from local people and greater motivation to defend their own land. For those at the Ministry of Defence (MoD) ultimately charged with hosting the new force, it was the very mixed experience of the Afghan Local Police (ALP) and the risks of local force mobilisation that were uppermost in their minds.

Those risks are well-documented: local forces are more easily co-opted by strongmen, factions and other partisan or criminal interests, may abuse rather than protect local people and, in some instances, behave so badly that they turn people towards the Taliban. In trying to harness the potential benefits and mitigate the risks of local force mobilisation, an official said they had turned "all the mistakes of the ALP" into safeguards. These include institutionalising the new force within the ANA,

ensuring there is community support and consultation, and laying out strict criteria for where ANA-TF companies are located. The main elements of the ANA-TF design, including where it differs from the ALP, are:

- The ANA-TF is mobilised at the district level, unlike the ALP which is mobilised in villages. This is designed to give it some protection against local co-option.
- The ANA-TF is under the control of the ANA and Ministry of Defence (MoD), both of which are seen as less corrupt and having better command and control than the ANP and Ministry of Interior (MoI), under which the ALP falls. Institutionalisation into the ANA is encouraged, including by: officers being serving or retired ANA officers, soldiers getting the same training as regular army recruits, and officers and men being subject to the military law and code of conduct.
- Soldiers must be from the district where the ANA-TF company is deployed. Officers must be from outside it. This aims to tap into local knowledge while mitigating the risk of pre-existing militias simply being‘re-hatted’ as ANA-TF.
- There must be endorsement from the community for an ANA-TF company to be established.
- Provincial and district governors must support the force.
- Strict site criteria mean ANA-TF companies are only mobilised where (a) a company is needed (there is an insurgent threat), but (b) it is not in danger of being overrun, AAN Special Report, August 2020 3 (c) there is regular ANA support nearby; and (d) the company will not exacerbate existing local conflicts or be at risk of co-option by strongmen, politicians and/or criminals.

One lesson from the ALP experience, however, is that problems can arise not just because of flaws in the model, but

also because safeguards are ignored or overridden. This research, therefore, wanted to understand not only whether the safeguards built into the ANA-TF model were useful, but also whether they have in fact been implemented.

Findings

Those designing the ANA-TF anticipated that it would be subject to the same pressures that had so undermined the ALP–power brokers wanting companies in their areas and the military leadership trying to rush additional forces to the field, even if there was a risk of them being overrun. The safeguards built into the ANA-TF model–particularly ANA command and control, community consultation, and site selection–were intended to protect the new force as far as possible from these pressures. The institutionalisation of the ANA-TF units within the ANA looks reasonably secure. This is even though many companies are not properly supported–a problem facing ANA companies in the field generally–and are also still struggling to gain full acceptance from the regular ANA.

Some companies are also not properly utilised: a force intended to harness local support and expertise is often, for example, put to guarding ANA facilities. Still, the impression is of a branch of the army that is neglected, rather than those companies have gone rogue, as so many ALP units did when they operated outside the formal ANP chain of command. One particular concern thrown up by the research was that some commanders are serving in their home districts. There is a legal ban on this and, as one of the most basic protections against co-option, it was surprising to find it breached.

The ANA-TF is supposed to be rooted in local communities. However, mechanisms to ensure consultation and support are vague and actual consultation appeared variable. Unlike the regulations to do with the ANA, the role of communities is barely mentioned in the presidential decrees setting up the force. Not surprisingly, therefore, we found that local people were not always consulted and that companies were not always representative of their districts. Community involvement was robust in Paktika, where interviewees described organised community consultation and recruitment

often arranged to reflect the tribes and villages in the district. In Nangrahar, where the ANA-TF was able to build on successful popular mobilisation against the Islamic State in Khorasan Province (ISKP), support for the ANA-TF was also strong and organised. By contrast, in Shakar Dara district of Kabul province, it was often AAN who brought the news to people that a local defence force had been set up in their district.

One interviewee, referring to local enmities dating back to the 1980s and 1990s and still playing out, said: "People would welcome national forces, ANA or ANP establishing posts in the villages to protect them from thieves, but not locally drawn forces. People here have differences, enmities, so they don't want such a force trying to get revenge."[4] As to the representativeness of the Shakar Dara ANA-TF company, a third of all recruits came from just one village. Worth mentioning here is that one of the key findings of a recent three-year research project by AAN and the Global Public Policy Institute (GPPi) into local force mobilisation is that genuine backing by local people for a local defence force appears fundamental to its success. The flip side is that a local force is most likely to be harmful when it is set up in opposition to, or ignoring, the needs and wants of the local community.

That proper consultation was not built into the ANA-TF programme using a specific mechanism may prove to be a serious failing. Moreover, it is difficult to envisage one of the hoped-for benefits of the programme, to mobilise communities behind a local counter-insurgent force, being seen in districts where communities have not been consulted properly. The ANA-TF has benefitted from having site criteria, even though these were not always followed, especially in the later phases. Some officials wished the criteria had been stricter and more exact. Problematic districts chosen to host ANA-TF companies included those, such as in Takhar province, where all previous local forces have been co-opted, used for illegal ends and/or have abused the population and/or are driven by long-standing factional, ethnic and commander rivalries. Shakar Dara in Kabul province was questionable, given the

lack of an active Taliban presence, while trying to place ANA-TF companies in four districts in Ghazni (Andar, Muqur, Deh Yak and Qarabagh), all held or heavily contested by the Taliban, would clearly have put them in danger of being overrun.

In those four districts, despite pledges of support for the ANA-TF from elders, there were no recruits – a strong indication that there was no genuine community support. Nevertheless, the MoD struggled on in Qarabagh and did manage to form a company. Its deployment was also rushed through, however, with only one or two weeks of training. That was insufficient to allow proper screening. The consequence was an insider attack and 23 soldiers killed while they slept. In all the instances of companies highlighted in this paragraph, (including Qarabagh where deployment was also driven by military need), it is easy to point to the likely political heavyweights behind the sites being authorised. RS officers advising on the ANA-TF have repeatedly singled out the slow-and-steady approach of the ANA-TF as one of the programme's strengths, that there should be "smart growth, not growth at all costs.

"They feared a repeat of what one officer called the "industrial expansion" of the ALP and consequent short-cutting of safeguards. Yet, with the ANA-TF also, there was a push to rush into phase 1 (by RS in 2018) and phase-2 (by the MoD in 2019) without pause for evaluation. Both phases were launched in early summer when the threat of the insurgency and pressure to respond is at its height. Phase 2 saw particularly rapid expansion, explained by one official as a "response to the insurgency" during a "difficult year," and a result of more people and corps commanders wanting companies in their districts. Some companies were fielded at less than full strength or without proper training.

An RS advisor said they had tried to slow the pace and had vetoed six companies which were due to be rushed out as unprepared as the company in Qarabagh. A government official said in December 2019 that the disaster in Qarabagh and a similar one in Belcheragh in Faryab, when dozens of untrained ANA-TF soldiers were killed in the first few weeks

of deployment, put a halt to such extreme short cutting of procedures: “When we go against the policy,” he said, “things go badly.” Inevitably, pressure to find new ‘tools’ to face the insurgency with, as well as pressure from political heavyweights for ANA-TF companies, pulled the force towards districts and AAN Special Report, August 2020[5] situations where it would be inappropriate.

These demands proved too great for even the best-intentioned Afghan or international military planner to entirely design against, or avoid. Even so, the ANA-TF has not been subjected to the extreme pressure to expand as quickly as possible that the ALP was put under, when the US military, Ministry of Interior and Afghan heavyweights were all pushing expansion. Although the ANA-TF has not always followed its own regulations, the thoughtful design and efforts to implement it have avoided many of the worst pitfalls of local force mobilisation. Overall, in districts with organised community consultation and recruitment, ANA-TF companies look like the original model intended – a community defence force embedded in a national institution. Elsewhere, the force more closely resembles a local recruitment arm of the ANA.

This allows the army to have a force that is locally recruited, locally deployed and more locally rooted, but still an ANA force in other respects. If army discipline, command and control and institutionalisation prove effective, then the lack of community input may not be too problematic. However, if ANA command and control fails–and the risk of that happening is greater where the commanders are local men–then one can foresee problems. This would especially be the case in places already vulnerable to ethnic or factional tensions or criminal enterprise which meant they should not be hosting ANA-TF companies in the first place. The military element of accountability in the force is far stronger and better thought-out than the community element. This should not be surprising given the lead role of the MoD. Attempts were made to balance the military influence by bringing in Afghan civilian expertise in the form of the Independent Directorate of Local Government (IDLG) in the autumn of 2018.

If it had been given the lead on consulting the community, a very different force might now be mobilised, but it was not. RS–and the US military in particular, which is also the main funder of the ANA and ANA-TF–has also been a significant partner, with a veto power. Some government officials wish it had used its veto more often, especially to block the authorisation of sites chosen because of the influence of very senior politicians and officials. However, the role and influence of internationals, while substantial, has been far less than it was with the ALP. This has been a much more Afghan programme.

Looking ahead

As phase 2 nears completion, with an anticipated 105 ANA-TF companies due soon to be operational, the Afghan government has been looking to a phase-3, which would increase the force to 121 companies. For now, however, RS has called a halt to further expansion until the problems with supplies and integration and the utilisation of the ANA-TF by the wider ANA are resolved. The military element of accountability in the force is far stronger and better thought-out than the community element.[6] Another future for the force is also being considered. The US Department of Defence (DoD) has proposed the ANA-TF as a "potential vehicle" for the reintegration of Taliban should the movement reach a peace deal with Kabul.

It has done this despite the failure of all four previous programmes aimed at the disarmament, demobilisation and reintegration (DDR) of armed men (pro-government but unwanted, illegal and insurgent). These programmes were all characterised by extremely high levels of corruption, the marginalisation of local civilian interests and often the mere 're-hatting' of militias, that is, 'DDR-ed' groups of commanders plus men moving into the ANP, ALP, private security companies or the insurgency. The DOD's proposal also ignores the lessons that lay behind the design of the ANA-TF that a local defence force must be wanted by a community and be institutionalised within an effective command and control structure.

Using the ANA-TF to reintegrate Taliban would mean a wholesale abandonment of this model. Prioritising political considerations, rather than giving precedence to the needs and wants of local people, would undermine the raison d'être of the force, threatening local security and the safety of civilians. Also likely to be coming the ANA-TF's way are some members of the ALP after this 18,000-28,000 strong force is disbanded in September 2020. The ANA-TF is one of the places where former ALP may be re-deployed to, in a bid, as one report to the US Congress, "to prevent the creation of future insurgents." The report's authors were concerned "whether well armed but newly unemployed ALP members would join the ranks of violent extremist groups or local power brokers, who have previously used ALP units as their own private militias.

"For the ANA, which, in the words of one former official, is "very intent on [maintaining] its code of conduct, uniform and integrity," the prospect of having either former ALP or Taliban in their ranks is appalling. There is another potential problem with disbanding the ALP, as well: in some areas, it plays a key role in defending local people against the insurgency. The imminent dissolution of Afghanistan's oldest local defence force adds just one more element of uncertainty to the fate of its newest. Yet, as this report went to publication, so much else was in flux that making any projections about the ANA-TF were virtually impossible. Peace talks, a full US troop withdrawal and continuing international financial support to the Afghan state may all happen – or may not. Afghanistan could be moving towards peace, or into deepening conflict. In times of greater instability, local forces become more significant. How well ANA-TF companies are institutionalised into the ANA could affect how they weather any coming storms. Meanwhile, for those civilians with a company in their districts, the question of whether it was set up with their blessing and involvement, or against their wishes could become critical.

1. Introduction:

The Importance of lessons learned in setting up the ANA-TF

Afghanistan's newest local defence force, the Afghan National Army Territorial Force (ANA-TF) is two years old. With almost 10,000 soldiers mobilised in 98 companies, it is present in 32 out of Afghanistan's 34 provinces.[1] The very mixed record of an earlier local defence force, the Afghan Local Police (ALP), was the driver for those designing the ANA-TF. Their goal was to enable the new force to harness the potential benefits of being local – greater knowledge of a district and commitment to defend land and people – while mitigating the risks – of being co-opted by power brokers and becoming abusive. This paper considers the safeguards built into the design of the ANA-TF–including to institutionalise it within the ANA and ensure there was community support – and investigates how well these and other protections have been implemented. This research is especially pertinent now. As this report went to publication, very different futures for the ANA-TF were being explored. The Afghan government, in consultation with NATO's Resolute Support (RS), was looking to expand the ANA-TF still further. There are also plans to integrate some members of the ALP into the force, following the ALP's imminent dissolution. Meanwhile, the US Department of Defence is considering using the ANA-TF to 'reintegrate' Taliban should a peace agreement be struck. This paper should lay the groundwork for understanding why incorporating Taliban into the ANA-TF is a poor idea.

The origin of the ANA-TF

The ANA-TF grew out of discussions in 2017 between President Ashraf Ghani and then commander of RS and United States forces in Afghanistan, General John Nicholson.[2] Ghani wanted to make the Afghan National Army (ANA) more financially sustainable and had come across the idea of having a small professional army augmented by local forces –which are cheaper to run than regular forces. Nicholson strongly supported the idea. The two men thought there could be other advantages too: local forces can exploit their knowledge of the social and military landscape –they know where the Taliban conduct ambushes and run supply lines – and should have better intelligence and fight harder to defend their own people

compared with outside forces. AAN research into local forces has shown these are genuine potential advantages.[3]

The particular hostility shown by the Taliban towards local forces, much more so than towards regular or international forces, also underscores the particular danger local forces pose to the insurgency.[4] Ghani and Nicholson hoped the new local force, which they wanted the Afghan National Army (ANA) to host, could hold territory captured from the Taliban by Afghan special forces, thereby freeing up the regular ANA to take more offensive action. They also thought it might help with struggling ANA recruitment. The majority of ANA recruits are from the north of Afghanistan, with Pashtuns mainly coming from the east and southeast. Having the ANATF as the local arm of the Afghan National Army (ANA) might encourage Pashtuns from the west and south to join up because they could stay in their home areas.

Senior staff at the ANA and Ministry of Defence (MoD) was much more conscious of the potential risks of mobilising local men. They greeted the proposal, recalled one official, with hostility and repugnance. Discussion centred on previous local defence forces – President Najibullah's kandak-e-qawmi (tribal militia) programme of the late 1980s and early 1990s and the ALP – and how arms and funds had turned "small snakes" into "dragons."[5]The military men feared the ANA-TF would end up as a collection of unruly, unaccountable militias that would destroy the discipline of the ANA and politicise what they considered to be Afghanistan's "only neutral force."At least one of the most senior ranking army officers said he would prefer a smaller ANA to hosting the ANA-TF in their ranks.

The risks posed by local forces are indeed well documented.[6] They can abuse, rather than protect, local people. They are more easily co-opted than national forces by people of influence–politicians, strongmen and factional leaders – including for crime and can inflame local conflicts – ethnic, factional, or tribal. At their worst, they can behave so badly they draw support to the insurgency. If not supported by regular forces, they are particularly vulnerable to attack by the

Taliban, who have also behaved more brutally towards them than against either regular state or international forces.

Another dynamic, documented by AAN, but not mentioned by either Afghans or internationals setting up the new force, is that when local men are mobilised to fight other local men, the violence can become nastier and more intimate.[7] There were, therefore, both potential benefits and risks in mobilising a new local defence force.[8] The official quoted earlier, who was involved in the conceptualisation of the ANA-TF, described how sceptical officials at the MoD reacted when tasked with setting it up: "The design and details were brought to us by RS [who said]: 'Here's what we think you should do.'" Their response, he said, was to turn "all the mistakes of the ALP" into "safeguards."[9]This approach had RS backing. The result was a model that it was hoped would retain a local force's potential to harness on-the-ground expertise and support, while safeguarding against its 'militia-isation'.

A sort of dual system of control would be built in. Top-down, the MoD and ANA would have command and control; these bodies were chosen because they had a better record on discipline and corruption than the MoI and the Afghan National Police which are in charge of the ALP. Bottom-up, the local community would be consulted and would have to agree to a force being mustered in their midst and be involved in recruitment. This was not ongoing, formal accountability. However, the idea was that if local people were centrally involved in the initial set-up, the force would be strong and protective. "You have got to engage the community," one international advisor said in December 2017. "You must go to them and if they don't want them (ANA-TF) there, they cannot succeed."[10]

While the questions of what constitutes a 'community' in Afghanistan and whether 'elders' are actually representative are both valid,[11] a recent three-year study by AAN and the Berlin based Global Public Policy Institute (GPPi) of local force mobilisation indicated that popular support is key to ensuring local forces work to protect civilians and territory and do not use their armed status to exploit or abuse. This paper

looks at how the ANA-TF has developed and, in particular, asks whether the safeguards built into its design have been useful and have been implemented. It does not go into how effective the ANA-TF is, in terms of defending land and people, whether it has freed up regular ANA units or solved geographic recruitment problems. It also only touches on other issues such as costs and logistics. Rather, its thrust is to see if the lessons of the past on safeguards for local force mobilisation have successfully been heeded. Worth noting at the outset is how different this research turned out to be from AAN's studies of the establishment of the ALP and its predecessors roughly a decade ago.

Those studies typically ended up focussing on the gap between propaganda and reality, that is, the divergence between what was reported and what actually happened on the ground or the gap between what was planned and what was ever even possible. By contrast, those setting up the ANA-TF, both Afghan and international, appeared acutely aware of the mistakes of the past and to be genuinely trying to avoid repeating them. They were thoughtful about what they were doing and open to discussion in ways that were again, very different from a decade ago. Many of the misgivings reflected in this piece have come from insiders. This research has therefore focused on how what appeared to be well intentioned plans, that were grounded in an appreciation of what had previously gone wrong, have worked out in practice: Did the plans survive a reality where both political pressure and battlefield exigency are influential and difficult to resist?

The structure of the report

After laying out the Methodology and Aims of the report (Chapter 2), the paper presents Chapter 3. An overview of the roll-out. This gives a timeline of the main events, including crucial decisions made at the end of both the pilot phase and phase 1 to push on with the next phase and further expansion without pausing for evaluation. It looks at the varying pressure from power brokers and the two presidential decrees concerning the force. The texts of both decrees can be read as annexes to this report.An introduction to the chapters on

safeguards outlines the design of the ANA-TF and also introduces the sites of the two case studies, Paktika province and Shakar Dara district of Kabul. These are referred to at length in the next three chapters, with each looking at a different protection built into the ANA-TF model.

Chapter 4: Safeguarding against co-option: selecting ANA-TF sites explores the importance of choosing districts where the force would not be politicised, co-opted or drawn into local conflicts or where it was either not needed or would be in grave danger of being overrun. Given the inevitable pressure from powerbrokers to 'have' companies in their areas and from military chiefs wanting boots on the ground in certain districts, would these criteria survive and be followed?

Chapter 5: Safeguarding control: ANA institutionalisation of the ANA-TF and the appointment of commanders assess the measures taken to institutionalise the new force and its soldiers into the ANA. There is particular scrutiny of the selection of commanders and whether they are AAN officers from outside the district. Considered a primary safeguard against co-option, this stipulation was written into the presidential degree which set up the force. This chapter also looks at how well the ANA has sustained and supported ANA-TF companies in the field.

Chapter 6: Safeguarding support: Consulting the community on the ANA-TF then explores whether and how communities have been consulted as to whether they wanted August 2020 11 a company in their district, and how much input they have had on who is recruited. It also assesses how representative ANA-TF companies are of the people of their districts. Finally, the Conclusion considers the mixed picture on safeguards that has emerged from this research, how the ANA-TF has varied from the model and how different it is from the ALP. It also reflects on the future of the ANA-TF, a possible phase 3 expansions, the likely transfer of former ALP into the force, and the possible incorporation of Taliban into it, in the wake of a peace deal.

Methodology

The parameters of this study took shape after the author's initial research into the ANATF, published in January 2019.[12] It had concluded that the role of the ANA appeared well thought-out, but that that no one could spell out the mechanism for consulting communities. Both aspects of the ANA-TF model merited further scrutiny. This study was also conceived in the light of the three-year AAN/GPPi research project looking at local force mobilisation and, in particular, what lay behind the success or failure of ALP units.[13] The ALP experience had shown that problems can arise not only because of flaws in the model, but also because the model itself is overridden. The ALP was pushed to expand as rapidly as possible in the face of a resurgent Taliban. At the same time, many political heavyweights lobbied to have ALP in their areas.

Their motivation could be benign, for example, a wish to generate jobs, or problematic, such as wanting to're-hat' illegal militias into a uniformed state force. Both battlefield demands and political pressure meant safeguards were frequently ignored. For example, even though community agreement was a pre-requisite for setting up an ALP unit (as it is for the ANA-TF), units were often established without consulting local people or in actual opposition to their wishes. The ALP experience suggested that improving the model would be important, but that it would also be crucial to look at whether it was actually implemented. To answer these questions of whether the safeguards built into the ANA-TF model were useful and were implemented, AAN carried out a wide range of interviews. They included 19 interviews and text conversations (including repeat interviews) with 12 individuals involved in setting up, advising on or running the programme. These key informants included senior and mid-ranking officers and officials in the Ministry of Defence and Afghan National Army; the Independent Directorate of Governance (IDLG), which was brought in to advise on the force in autumn 2018; and Resolute Support (RS). The interviews were carried out between November 2017 and May 2020.

They were complemented by interviews with 14 ANA-TF company commanders serving in eight provinces[14] (in addition to five commanders interviewed in Paktika – see below) and scrutiny of various ANA-TF documents. The author also made three trips to Paktika, Kabul and Kandahar in April 2019 with the MoD, IDLG and RS where she attended ANA-TF graduation ceremonies and conducted brief interviews with Afghan and international military officers, other Afghan security and civilian officials, elders, civil society activists and ANA-TF personnel, both soldiers and officers. The author also sat in on security meetings in Paktika and Kandahar. These trips were followed by in-depth, follow-up interviews with people in two case study sites. Members of 23 Community Development Councils in Shakar Dara district of Kabul were interviewed in April 2019 and the following people in Paktika province:

- ANA-TF soldiers, three, in April 2019
- ANA-TF company commanders, three in April 2019 and one in September, all interviewed again in December 2019
- District governor, April 2019
- Member of parliament, April 2019
- Former provincial governor, July 2019, and again in December
- Elders, four, in April 2019
- Youth civil society activists, four in April 2019, one again in December The interviewees come from the districts of Yusufkhel, Khairkot, Barmal, Yahyakhel, Urgun and Gomal. The identities of most interviewees have been withheld, either at their request or to ensure the anonymity of others.

An overview of the roll-out

In February 2018, President Ghani signed the decree setting up the ANA-TF (see text in Annex 1 of this report). An initial pilot phase was rolled out in eight locations in the first half of that year; both the MoD and RS were involved in selecting the

sites. Before the pilot was evaluated, however, General Nicholson decided that phase-1 of the project should be launched and companies were established in dozens of new locations. He was keen, reported one RS officer, "to exploit the [June 2018 Eid] cease fires and momentum towards peace."[15] In September 2018, General Austin 'Scott' Miller took over command of NATO and US forces and ordered a return to a more cautious approach. In particular, he wanted to make sure the ANA-TF's expansion and recruitment did, in fact, "reflect community mobilisation."[16]

At his request, the Independent Directorate of Local Government (IDLG) became involved; they brought in local, Afghan civilian expertise to the programme. He also set up a new cell at RS to support the ANA-TF, staffed not by officers with general experience, but by officers and civilian advisors who had worked on Village Stability Operations (VSO). This programme, established in 2009 and run by US Special Forces, set up local counter-insurgency forces, most of which became ALP. It had many problems, as AAN reported at the time.[17] The RS advisors working on the ANA-TF programme were frank about the ways VSO and the ALP had gone wrong and appeared genuine in their efforts not to repeat mistakes. The new "Coordination Cell" carried out a "circling back" at the end of 2018 to reassess the companies established thus far and ensure that both ANA support and all the "accountability pillars"–agreement to establish a company by elders and the provincial and district governors –were in place. The advisor said Miller wanted "smart growth, not growth at all costs."[18]

In December 2018, the Afghan minister of defence changed. Tareq Shah Bahrami, a professional military man with training from the PDPA era,[19] was replaced by Asadullah Khaled, a much more political, powerful and ambitious (and still acting) minister with a shadow of human rights allegations against him.[20] His background lies in the mujahedin and Afghan intelligence (as does that of Dr Zia Yasin, who was appointed first deputy minister in March 2019[21]). Whereas Bahrami was sceptical about the ANA-TF, fearing it would ruin the institutional standards of the Afghan army, Khaled has been an

enthusiastic backer. He also had prior experience of working with local forces, although with consequences not favourable to civilians. Along with other politicians and US forces, he played a damaging role in the way the 2012 Andar uprising degenerated into partisan and abusive local forces.[22] He was also, reportedly, the point man for the government for the Kandahar Strike Force, one of the 'campaign forces', the local armed groups that have fought alongside the US special forces or CIA; it had a particularly poor record on abuses.[23]

In early 2019, during phase 1 of the ANA-TF roll-out, a second presidential decree (see text in Annex 2) established a national steering committee for the ANA-TF, chaired by the MoD and with deputy ministers or their equivalent from the MoI, NDS, IDLG and Ministry of Information and Culture, and with RS also attending. An RS officer said the committee was intended to be a means of spreading responsibility and building multi agency accountability into the programme.[24] He also said it was anticipated that the IDLG would be an important civilian counterweight to the MoD and have "veto power" over decisions. That "eroded," the officer said, "after Afghan leaders started liking the programme" and "the defence leaders took more and more ownership of it." Input from "the rest of committee," he said, was "welcome, but the MoD makes the decisions." The steering committee reports to the National Security Council (NSC) which is attended by the president and, at least during the National Unity Government, the chief executive.

In May 2019, as phase 1 of the programme came to an end, a decision was made – this time by the Ministry of Defence–to again push ahead with the next phase of the programme without evaluation. A senior official said the decision had been a "response to the insurgency" during a "difficult year" and also because more people and corps commanders had become aware of the force and wanted companies in their districts.[25] Another government official described "pressure" from MPs and other politicians intensifying at this time, with some seeing the new force as an opportunity to "empower their tribes and [as] a source of employment."[26] During the summer of 2019, provincial governors were also allowed to

suggest districts for the force. The expansion of the ANA-TF during phase 2 was rapid. Between July and November 2019, the number of companies almost tripled, from 26 to 70.[27]

As of mid-December 2019, 76 companies with more than 7,000 soldiers had been mobilised, with a further 21 companies in training or with recruitment underway.[28] Doubts about the wisdom of pushing ahead with phases 1 and 2 without evaluation were expressed by some of those involved in the programme. It was not just that both phases were launched despite ongoing problems with training and logistics (more detail on this in chapter 5 on the role of the ANA) but also that rapid expansion, especially without evaluation, increased the risk of safeguards being overridden. Ironically, one of the strengths of the ANA-TF repeatedly pointed to by RS advisors was its 'slow-and-steady' approach. They were acutely aware of the dangers both of creating a 'quick fix' force like the 2006 Afghan National Auxiliary Police (ANAP) (which basically put the militias of power brokers, especially President Karzai's southern governor allies, on an official payroll)[29] and of very rapid growth, as seen by the ALP.

The result had been many ALP units – or in the case of the ANAP, the whole force – being so partisan, abusive or criminal that they stoked unhappiness among the general population and ultimately helped the Taliban. "Prioritising growth over control measures," one RS officer said in April 2018 would give "short-term gains [but] build in the seeds of long-term defeat."[30] A year later, another advisor stressed that, "We're fortunate that we're allowed to move at a pace that makes sense."[31] In September 2019, during the phase 2 rush to seed companies, another RS officer said that, fearing a repeat of the "wholesale industrial expansion" of the ALP, they were trying to slow the pace, so as "not to repeat mistakes because of expediency."[32] By December 2019, that same RS officer was more relaxed about how phase 2 was going. He said the MoD leadership had "had to back off" from the "more wild course of action" it had been attempting in rushing out unprepared companies (more on this in chapters 4 and 5).[33]

As of 4 July 2020, out of the 105 companies authorised for phase 2, 98 had been mobilised, with three in training and four that "soon should go to training."[34] The ANA-TF is now present in all of Afghanistan's provinces except Nimruz and Bamyan. A phase 3 would expand the force to 121 companies.[35] For now, however, General Miller has decided that while the ANA-TF still struggles to get "full integration and acceptance from the ANA," any further expansion is on hold.[36] Given that the US military pays for the bulk of the ANA, this is within his power.

Introduction to the chapters of safeguards

Those designing the ANA-TF went to great lengths to put in safeguards and measures to ensure it developed as a disciplined, accountable force, while keeping the benefits of being local. Key to the design was having both institutional ANA control and community buy-in and consultation. The main elements of the design, including any significant differences with the ALP, are as follows:

- The ANA-TF is mobilised at the district, not the village, level as the ALP is. This is designed to give it some protection against local co-option. It is not to be deployed outside the district.
- Soldiers must be from the district where the ANA-TF company is deployed, but officers must be from outside it. The aim is to tap into local knowledge, while mitigating the risk of pre-existing militias being re-hatted as ANA-TF.
- The ANA-TF is under the control of the ANA and Ministry of Defence, both of which are seen as less corrupt and having better command and control than the ANP and MoI, under which the ALP falls. Institutionalisation into the ANA is encouraged by the following measures:
- Officers must be serving or retired ANA officers.
- There is a preference for soldiers being serving or retired members of the Afghan National Security

Forces (ANSF).

- ➢ Soldiers get the same training as regular army recruits.
- ➢ They wear uniforms.
- ➢ Companies are co-located with regular ANA units where possible, or at least in barracks or bases, but not at home as ALP are.
- ➢ Officers and men are subject to the military law and code of conduct. • There must be community support and agreement for the new force.
- ➢ There is support from provincial and district governors.
- ➢ Sites are carefully selected, with an ANA-TF company mobilised only in districts meeting the following criteria:
- ➢ There must be need for a company (an insurgent threat), but also the possibility of success, ie, the threat should not be so great as to put the company in danger of being overwhelmed. The US military refers to the need for a 'permissive security environment', that is, where government forces have "control as well as the intent and capability to assist operations that a unit intends to conduct."[37]
- ➢ Support from the regular ANA, in particular, Quick Reaction Forces, is nearby.
- ➢ The company will not exacerbate existing factional, ethnic or tribal conflict, or be at risk of co-option by strongmen, politicians and/or criminals.

As part of the research, two locations were scrutinised in detail. Some background about them is given here to give context to the findings presented in the following three chapters.

Case study sites

The two case study sites were chosen from among those where the author attended graduation ceremonies for ANA-TF companies in April 2019. At these sites, she had met key

players, both civilian and military, as well as ANA-TF officers and ordinary recruits. These initial conversations were a way in for more extensive research.

Shakar Dara is one of three districts chosen to host ANA-TF companies in Kabul province (the others are Paghman and Khak-e Jabar). Shakar Dara is a relatively peaceful, agricultural district that abuts the capital to the south, giving good access to the city for those trying to get jobs. Even so, unemployment is high. The district is ethnically mixed, with a rough split between Pashtuns and Tajiks and one small village of Hazaras. Factionally, Jamiat-e Islami/Shura-ye-Nazar, Hezb-e Islami, Ettehad-e Islami, non-aligned forces and PDPA government forces were all present here in the 1980s and 1990s. Various enmities dating from those years are still politically significant.

The dominant personalities are MP and former Kabul police chief Amanullah Guzar, who ended his fighting career as a Shura-ye Nazar commander and is from neighbouring Mir Bacha Kot district, and two men from Shakar Dara itself: Dr Yasin Zia, currently ANA chief of staff (previously deputy defence minister, deputy national security advisor and deputy director of the NDS) who is also Shura-ye Nazar, and former Ettehad-e Islami commander Taj Muhammad. The family of Anwar Dangar, a Jamiat commander turned Taleb who was a rival of Guzar's and who was assassinated in Peshawar in 2004, also remains influential. Although the district has been peaceful since 2001, it has a bloody history of inter-factional conflict. The tanzims (the military-political organisations that emerged during the conflict) and politicians from tanzim backgrounds remain the most powerful political forces in the district today.

Paktika province, in the Loya Paktia region, is overwhelmingly rural and Pashtun. According to Long War Journal reporting on 15 July 2020, nine of Paktika's districts were contested, five were under Taliban control and three were under government control.[38] Historically, Loya Paktia avoided strong state control and co-option and as a result "the tribal structure in the region remains stronger and more unified than

in other parts of the country."[39] In terms of tribes, Paktika is unusual for the region in being relatively homogenous; its entire western half is Suleimankhel. Although tribal structures, as in other places, have weakened since 1978 due to war, forced exile, assassinations and co-option, it is still noticeable that the strength of the tribes prevented the sort of violent rivalry seen between mujahedin factions elsewhere and that a tribal council, not commanders of an armed faction, organised to take control of the province from the Taliban regime in November 2001.[40] Such strong social structures would be the bedrock of any successful local defence force – although they can, of course, also be mobilised by the Taliban.

Paktika has seen some successful ALP mobilisation.[41] However; it was also the location of the much-criticised campaign force, the Afghan Security Guards (ASG). It was based in the Shkin area of Gomal district on the border with Pakistan under the command of Commander Azizullah and was credited with fighting the Taliban hard, and also accused, including by the United Nations, of multiple abuses.[42] According to the United Nations Assistance Mission in Afghanistan (UNAMA), a new campaign force has recently been established, again in Shkin. UNAMA's annual 2019 Protection of Civilians report also details alleged abuses by the new 'Shahin Force', although gives no details of its make-up.[43]By December 2019, there were seven ANA-TF companies in Paktika province, in the districts of Sharana, Urgun, Barmal (actually in the Shkin area of neighbouring Gomal district, an area which locals consider an unofficial district), Khairkot (aka Zarghun Shahr), Sarobi, Yusufkhel and Yahyakhel.

Safeguarding against co-option: selecting

The ALP experience had shown how critical the selection of sites is to the success of a local defence force. Planners gave themselves a set of criteria (listed on pages 13 and 14 of this report) to help ensure that the selection of districts to host ANA-TF companies met the needs of the ANA and local people, rather than politicians seeking jobs for their constituents or a loyal local armed group. The process of

choosing sites, jointly made by the MoD and RS, appeared to be stringent during the pilot phase. One RS officer described selecting the sites as "very painful," with the shortlist of locations "finalised" no fewer than 38 times, amid "a lot of internal politicking" and "disagreements over where and why" districts were chosen. Having the criteria helped, he said.[44]

One of the Afghans involved in setting up the force described the whittling down of the possible sites to a final list as "agonising" and "controversial," with senior members of the government "demanding" units or indeed, in one case, half of the funding to set up a tribal border force.[45] He said the tactic of saying the Americans would not pay for companies demanded by politicians had helped protect the fledgling ANA-TF from immediate co-option. The same official said the site selection in phase 1 was much more troubling. There were, he said, repeated reviews of sites, sometimes with "good reason," such as a change in the 'threat environment'. However, he estimated that 60-70 per cent of the changes to the list of sites were "politically-driven." Another Afghan official said that during phase 1, he had argued for clearer and more logical criteria to determine the 'need' for a company: "I suggested a number of criteria: insecurity, [the presence of] highways and [the need to] safeguard important infrastructure and vulnerable groups."[46]

He feared the lack of clarity on what constituted need for an ANA-TF company had opened up the selection of locations for the new force to political influence. He pointed to "some serious compromises" on site selection during both phases 1 and 2. Various senior politicians were named to the author by Afghan and international sources as having successfully lobbied for sites during both phases, with others inside government 'giving' them as political favours. Officials did point to instances where RS had vetoed districts that power-brokers had been pushing for. One said they had expected "powerbrokers, MPs to try to influence the selection and for everyone to want a share of the pie," but they had also "expected RS to be our ally in ensuring safeguards, and for the programme to remain apolitical. We did not always get 100 per cent support."[47]

The other factor which became more relevant as the programme expanded during phase 2 was military exigency; some companies were stood up in breach of the site selection and other criteria when the Ministry of Defence wanted a force quickly mobilised to hold recently taken territory, including districts that did not yet have a permissive security environment. The following section details some of the questionable sites. This inevitably gives a somewhat skewed view of the programme. As Chapter 6, which looks at the role of the community, will make clear, there were also locations that did fit the site selection criteria.

Questionable ANA-TF sites

It is difficult to see how some of the districts with ANA-TF companies came to be selected if the criteria had been followed. They include places where all previous local forces had been co-opted or used for illegal ends, have abused the population, and/ or are riven by long-standing factional, ethnic and commander rivalry. These include three districts in Takhar: Khwaja Ghar, Taloqan and Khwaja Bahauddin. As AAN has recently reported, the ALP and Uprising Forces, which are a less transparent type of community defence force supported by the NDS[48]) in Takhar are basically militias controlled by strongmen who have good factional links to provincial and central powerbrokers. Community consultation was non-existent when the ALP was set up. It is a province where, as one security expert described it, the types of armed men are "hard to define: what are random guys with guns, what are criminals, what's ALP, what are tanzim [factions], who are Uprisers? It shifts and changes."[49]

Another district where the authorisation of ANA-TF companies rings alarm bells is Ruye Du Ab in Samangan, where civilians have described being subject to particularly nasty abuses, including murder, rape and forced marriage, allegedly by the same set of mujahedin commanders who have managed to stay in control of the district through every era from 1978 onwards. Their ability to maintain excellent relations with Kabul during the mujahedin, Taliban and Karzai eras gave them effective immunity.[50]

Keran wa Munjan district in Badakhshan also seems a problematic choice. It is the site of Afghanistan's main lapis lazuli mines. According to a 2016 Global Witness Report "The competition for these resources among armed groups and political elites is part of a longstanding pattern,"that involves former mujahedin commanders, MPs, Taliban and ISKP. The conflict in Keran wa Munjan has always been, in part, over natural resources and the line between supposedly pro and anti-government forces is unclear.[51] An official justified the decision by saying the district had been cleared of Taliban and the government needed to keep it clear of insurgents and "mafias."[52] **Shakar Dara i**n Kabul province was dubious for another reason: ANA-TF companies are supposed to be authorised only in districts where there is a need. Yet, there is no active Taliban presence in this district. One government official told AAN the ANA-TF had been established to guard the Shah wa Arus Dam, considered a "crucial piece of infrastructure."[53] However, another senior government official said he had questioned the need for companies in both Shakar Dara and another Kabul district, Paghman, but been overruled.[54]

Officials and advisors said rival MPs in Ghor had been 'given' ANA-TF companies, as one government official described:

How do they [the MPs] control the companies? They are in Kabul. The [community] representatives in the districts are under the MP's influence and all recruits are introduced by them. How can we control the situation if [in the future] there is a problem between the tribes? ... The [recruits] don't represent the variety of people in [the districts]. Most belong to one tribe, the MP's tribe. This is not the role of the ANA-TF. We need people from different villages and different tribes.[55]

By contrast, in Kandahar, it was opposition from a provincial notable that prevented the ANA-TF being established in phase 1, according to elders, government officials and ANA officers, who AAN spoke to in April 2019. They thought Provincial Chief of Police Tadin Khan, who succeeded his more famous brother Abdul Razeq after he was killed by the Taliban in October 2018, did not want a neutral, professional force in the

province, since it would not be directly under his control and would not automatically recruit his men. Another questionable choice in phase-1 were four districts in Ghazni: Andar, Muqur, Deh Yak and Qarabagh. They were selected, AAN was told, because they were militarily strategic. However, they were all also heavily contested or under outright Taliban control, which meant they breached site selection criteria.[56]

Mobilising ANA-TF in these districts was reportedly pushed by the then newly-appointed minister of defence Asadullah Khaled, who is from Ghazni. Government officials in April 2019 were confident that the minister would be able to get the ANA-TF off the ground in these districts because of his local influence. However, despite pledges of support from elders, recruitment to the proposed companies was non-existent, according to both Afghan and international interlocutors, indicating an absence of actual support for the new force and/or a fear of reprisals from the Taliban. This lack of enthusiasm for the ANA-TF should not have been surprising and not just because of the heavy Taliban presence in those districts. The experience with both the ALP and Uprising Forces in Andar and Muqur, in which Khaled had played a role, had been disastrous. Violence had intensified and become nastier, with both Taliban and local forces carrying out brutal reprisals against each other and civilians seen as allied with the other side. Local and government forces eventually lost the entire district, except for one ANA base.[57] One government official observed of his discussion with local people about a possible ANA-TF company in Andar:

The whole district is in the hand of the Taliban. People asked me, "How can we join ANA-TF companies? When the Taliban find out, they'll kill us."Their suggestion was: "First, have an MoD operation and secure the area and then we'll be ready to join."[58]

In the end, of the four hoped-for sites, only Qarabagh went ahead, during phase 2. It was deployed in highly dangerous conditions and after only minimal training. As with a similar, ill-prepared company also deployed during phase 2 to another perilous district – Belcheragh in Faryab – the consequences,

which will be detailed in the following chapter, were disastrous. A different train of events was seen in another district of Ghazni, Jaghori. Popular demand for a local defence force certainly existed and the district was considered for phase 1. However, it was initially "put on the back burner," reported one RS officer, because it was too far from regular ANA support with both routes to Ghazni City running through contested territory.[59] He also described worries that, because the district is populated by Hazaras and borders Pashtun areas, the force could be used in "an ethno-centric way." Despite breaching several criteria, Jaghori was authorised after the most senior Hazara politician in government, Second Vice President Sarwar Danesh, and some MPs successfully lobbied for its inclusion. They argued that the district was vulnerable to Taliban attack and Hazaras, like people elsewhere in the country, needed jobs. The Taliban assault on Jaghori and neighbouring Malestan districts in November 2018 (before the Territorial Force was established), accelerated its mobilisation in both districts, along with Uprising Forces, and the deployment of regular ANA.

Safeguarding control: ANA institutionalisation of the ANA-TF and the appointment of commanders

Embedding the ANA-TF in the ANA was intended to ensure strong institutional command and control. Having serving ANA or retired officers as company commanders was fundamental. An additional preference was for soldiers to be serving or former members of the ANSF. While soldiers have to be from the district, company commanders must not be. The ban on local commanders was one of the first safeguards decided upon. One government official said they were very careful to make sure that commanders "don't get entangled in tribal or business interests by being deployed to their own locality."[60] In AAN's interviews with 14 ANA-TF company commanders, a third said that all or most of their soldiers were former ANA. One complained that those among his recruits who were civilians were not up to the mark even after training.

Elders and recruits also both mentioned the preference for former members of the ANSF in their interviews. Soldiers

generally appeared to be local men.[61] The 14 company commanders were all ANA officers, as per the regulations, with a length of service of between four and 17 years in a variety of provinces. However, the rule on company commanders having to be from outside their districts was only patchily followed. Seven of those interviewed said they were from outside the province in which they were serving. Of the eight serving in their home provinces, one admitted to serving in his home district (Shakar Dara[62]) in breach of the guidelines; four others declined to specify their home district and of those, AAN was told by other sources that two were, indeed, local men. Government officials also told AAN of another such commander. Appointing outsider commanders is such a basic safeguard against co-option, and mentioned explicitly in the first presidential decree, that it was surprising we encountered so many exceptions (more than a quarter of our sample). When asked about this, one government official agreed it was worrying:

If we don't face this issue, it will be a problem as in the ALP and Uprising Forces. Commanders [serving in] their own district will work for their own benefit, or if they have a problem with some tribe or people, they will come as a powerful commander and abuse that power.[63]

The strange case of the Paktikan commanders

As part of our detailed research on Paktika, AAN interviewed five ANA-TF commanders in April 2019; all were subsequently stood down. Paktika was a strange case in that popular support was not matched by enthusiasm from the ANA corps commander. According to an RS advisor, the corps commander did not want ANA officers leading the new force and asked RS to suggest other local men instead.[64] RS was then involved in supplying a list of possible candidates. Some of the commanders, however, said they had been asked to lead companies by local notables and officials. For example, the Khairkot commander said, "People from the provincial council, as well as the district council and other tribal elders told me to resign from my job and join the ANA-TF. They persuaded me."[65] None of the five ANA-TF commanders at

the graduation ceremony attended by AAN in April 2019 had been serving ANA officers. Three were former associates of the controversial Afghan Security Guards commander, Azizullah.

The provincial head of the ANA-TF was his former translator and the company commanders in Shkin and Urgun were former sub-commanders; the Urgun commander had also more recently worked at the NDS. The commanders in Khairkot and Yusufkhel said they had, respectively, left the ANP and NDS to join the new force. All five of the commanders we interviewed in Paktika were also serving in their own districts. Among our civilian interviewees in Paktia, there did appear to be general unhappiness over the appointment of the provincial ANA-TF commander, not because of his connections with Azizullah, but because he was a translator, not a military man, and had a reputation for drinking alcohol. Former governor Elyas Wahdat said Paktikans would have welcomed the appointment of Azizullah's brother, or indeed one of two ALP commanders in the province whom he said were popular, had military experience and were "fully aware" of the situation.[66]

There was strong support in the province, however, for having local men heading up the Territorial Force. Indeed, later in the year, after the original commanders were stood down and other, non-local, ANA officers appointed in their place, some interviewees expressed a sense of betrayal. One youth activist from Yahyakhel said that when they heard about the order, "We told them: 'Why did you promise us in the beginning that the commanders would be from their respective districts? The government has never given us a satisfactory answer.'" Former governor Wahdat, a critic of such sentiments, said that Paktikans believed that "a Nangrahari or a Laghmani would never make such sacrifices as local commanders would." The handling of commander appointments in Paktika was clumsily done and led to confusion and unhappiness further down the line. What happened there also illustrates the critical importance of engagement by the corps commander and ongoing support by the regular ANA.

Sustaining the ANA-TF

Various interviewees mentioned the support of the regional corps command as fundamental to establishing a successful ANA-TF company. A counterexample to the Paktika debacle is Nangrahar and the east in general (201 Corps). Several interviewees mentioned it having one of the best ANA provincial corps commanders as a crucial factor behind the success of the ANA-TF there. Interviewees also spoke about the solid involvement of the Provincial Security Council, the governor (first Hayatullah Hayat and until recently, Shahmahmood Miakhel[67]) and local people (explored in the next chapter). In general, an RS officer said, recruitment did not go well where ANAREC (the ANA's recruitment body) and corps commanders "haven't engaged."[68] The role of the ANA and MoD is not just in seeding ANA-TF companies and carrying out recruitment, but also providing training and ongoing support, and utilising their local expertise in the field. Unfortunately, the impression received by this research is of the MoD leadership rushing to establish companies in 2019, but then, all too often, not following through.

In the summer of 2019, for example, the deployment of some companies went ahead when they were not ready–without a full complement of 121 officers and men or without sufficient training – according to Afghan and international interviewees interviewed in 2019. In late July 2019, of the 46 companies then fielded, 21 had incomplete tashkils (its authorised number of personnel), with nine under strength by a third or more.[69] Incomplete tashkils could be the result of companies being fielded after insufficient recruitment, dropout during training, or because of attrition after deployment, including from battlefield losses or dissatisfied soldiers leaving. Half of the 14 ANA-TF commanders interviewed in September and December 2019 reported their company was significantly under strength, with just six saying they were at full or near full strength.[70] Several of the commanders interviewed described recruits leaving because of unpaid salaries (see below),[71]threats from the Taliban or unmet expectations – in one case, soldiers thought they were joining the ALP, not a uniformed branch of the ANA.

The most serious breaches in the safeguards on having fully-trained and properly setup companies were the two deployed to Qarabagh in Ghazni and Belcheragh in Faryab, referred to in the last chapter. Both were rushed into the field during the rapid expansion of phase 2, to highly dangerous districts, and with almost no training because of military need. The company in Belcheragh, deployed in summer 2019, proved highly vulnerable to the Taliban: within weeks, more than 30 of its men had been killed.[72]The Qarabagh Company suffered a major insider attack: on 14 December 2019, 23 soldiers were killed while they slept and their weapons taken to the Taliban. It turned out the perpetrator or perpetrators[73] were actually from outside the district and had succeeded in getting into the company using fake tazkeras (IDs) and in spite of the need for elders' guarantees and NDS vetting. If the recruits had had the normal four months training, one government official said, proper background and document checking would have been done, and the opportunity for trainers to spot suspicious recruits; he gave counterexamples of where time for such vetting – and arrests – had happened.[74]

An RS officer said they had vetoed six more untrained or under-trained companies which the minister of defence and his deputy had wanted to rush out to similarly dangerous districts. "It is so easy to rationalise shortcuts," an RS officer said, that a company will be trained in the field, or that the recruits are all ANA veterans who do not need training, but this increased the risks.[75]The Afghan official who spoke about the necessity of proper vetting and training said the disastrous consequences of taking shortcuts meant they were not repeated: "When we go against the policy," he said, "things go badly."[76] Many of the 14 ANA-TF commanders interviewed also described problems other than incomplete tashkils: salaries unpaid for months,[77]and shortages of fuel, vehicles, weaponry or other supplies.

Those with full tashkils tended to have no or few complaints about supplies, while those with under strength companies also tended to be under-supplied. The commanders who appeared happiest with both their men and ANA support also tended to report their company having an active military role, for

example, going on patrol with regular ANA, or having posts, rather than just being used to replace regular ANA soldiers as guards for bases. Almost all of the commanders complained about a lack of weaponry or having only old and unreliable heavy weaponry. The ANA-TF is supposed to be a lightly armed force operating in a permissive security environment. However, if the environment is not permissive, then this lack will be a glaring one. This commander's description of his company, six months after it was fielded, was quite typical:

I am supposed to have 115 service members but due to unknown reasons, I have 95 members in my company. Most are former ANA members with great experience in the military field. However, a shortage of modern military equipment, military vehicles, and logistic supplies has left us less productive. Most of my soldiers only received half of their salary – and that after three months…. The ANA supplied seven Ranger vehicles… but all of them are so old they need maintenance. We got 12 motorbikes, but there is no fuel to use them…. The heavy military weapons that we received are really out of date. They are so old and need repairing every day. [Our district] is really cold in autumn and our compound and check-posts are in an open area without proper buildings.[78]

Of the smaller number of commanders in our sample who were generally happy, this man was typical:

Our activities are going well. We work in coordination with an ANA battalion in the area and are active in maintaining the security in the area. We have no problems in terms of supplies. We have military posts and a reserve [montazira] unit. We also patrol the area together with ANA. The soldiers in our company were introduced through the elders in the area. Then, they were sent for education in Kabul and then in [the region]. Finally, after they were kitted out, they were deployed. All are local men. We do have a problem in terms of personnel. Some left because the area was under threat by the enemy.…We have recruited some new people and, these days, they are being sent to Kabul for education.[79]

The feedback from the commanders interviewed matched that of the US Department of Defence's six-month reports. "The greatest impediments to bringing the ANA-TF online," it said, in its June 2019 report to Congress, are "logistical challenges and the chronic limitations of the Kabul Military Training Center (KMTC) or Regional Military Training Centers (RMTC), which suffer from infrastructure, manning, and organizational shortfalls."[80]Its December 2019 report said that "inconsistent pay and sustainment, combined with poor living conditions" was contributing to force attrition.[81] It said some of the difficulties faced by companies in remote locations in getting food, ammunition, water and fuel supplies were due to Taliban threats to supply lines and a lack of helicopters. However, it stressed that responsibility also lies with corps commanders: some ANA-TF companies were "suitably equipped and supported," which was usually "a reflection of its parent corps' capability." The DOD noted that the ANA-TF "do not seem to face issues of neglect or lack of support in excess of the broader ANA."[82]However, the ANA-TF does face a problem which is specific to it and fundamental to its success, as the June 2020 DoD report described:

Many among the ANA leadership view the ANA-TF as a "sixth finger" and therefore fail to fully integrate the ANA-TF into the organic organizational hierarchy. The rare exception is in ANA 201st Corps, which has largely embraced the ANA-TF, and the program in eastern Afghanistan has thrived under the Corps Commanders' [sic] leadership.[83]

Two words in that last sentence stand out–'embraced' and 'thrived'. They are particularly telling when set against a line from the DoD's December 2019 report, that: "Most of the active companies are performing fixed-site security of existing tactical infrastructure (field fortifications) which was previously occupied by regular ANA units."[84] Substituting ANA-TF soldiers for regular ANA for guard duty hardly matches the aspirations of planners when they set up the ANA-TF force, to mobilise local support and know-how in defending against the insurgency. In March 2020, the US Special Inspector General of Afghan Reconstruction (SIGAR) reported that, according to the US military in Afghanistan,

"the recent reassignment of several ANA corps commanders" had improved, but not resolved matters.[85] Because of the continuing difficulties faced by the ANA-TF in being accepted, integrated into, supported and utilised by the wider ANA, General Miller has called a halt to further expansion, until these problems can be resolved.[86]

Safeguarding support: consulting the community of the ANA-TF

While the Afghan military has been central to the conceptualisation of the ANA-TF, as well as the training, and selection of locations, commanders and soldiers, the role of local communities in the programme has been opaque and variable. This is despite every interviewee involved in setting up or running the force saying that ANA-TF success was, as one RS officer said, "all to do with getting buy-in from the locals."[87] The presidential decrees setting up the force barely mention the community's role. The first decree, which authorised the ANA-TF focused almost entirely on the state's duties. The only function given to "elders" was to guarantee former members of the ANSF who wanted to join. Actually, the requirement in practice has been for elders to guarantee all recruits and this has been the one community-related safeguard generally adhered to by all interviewees.

The second presidential decree, which set up the National Steering Committee, gave the committee various tasks, including "mobilis[ing] people in the form of people's councils to recruit" men to the ANA-TF (art 4). This does not appear to have happened yet. One government official said that, while the establishment of people's councils was planned, it was still very much in the pipeline.[88] No interviewees referred to people's councils when asked about consultation and recruitment. AAN was given various descriptions of how communities were consulted. One MoD official said the ANA recruitment body, ANAREC, was tasked with asking community leaders to identify vet and guarantee potential recruits, and this was then followed by standard army recruitment procedure.[89] One of the RS advisors said that "corps commanders, the local community have a say and then

ANARAC makes sure standards are met."[90] Another RS officer described what he thought was "officially supposed" to happen:

The corps commander and provincial governor meet leaders from district, with an aim to have a cross section of them. Once the elders want to participate, they are supposed to produce a list of potential recruits and then [the ANAREC] recruiters get involved.[91]

He said there would normally be 'pre-shuras' to see if there was interest, and these should not be box ticking, but should actively ensure there was local support for the programme.[92] He said this procedure had been followed in the east and in Khost and Paktia provinces, but he was not sure it had been elsewhere. Whether district leaders were always consulted before ANA-TF companies were authorised, or were themselves demographically representative, or whether the new force always had local support is questionable. Procedures on the ground might have been clearer and more consistent if the IDLG, brought in later to provide a local, civilian perspective, had ended up with responsibility for this aspect of the programme. Instead, how and whether communities were consulted appeared to vary widely. This prompted a second question: How representative are ANA-TF companies of their districts in terms of the ethnic, tribal and geographic background of the recruits? Both of these issues are explored below.

How community consultation played out

In some districts, there was clear popular demand for the ANA-TF. In Nangrahar, nearly all community elders interviewed for the research on local force mobilisation were enthusiastic about having local forces, and they appeared to prefer the ANA-TF, which is better paid and supported, over either the ALP or the NDS-supported Uprising Forces.[93]Afghan government and RS interviewees also expressed the greatest confidence in community involvement in the east. The ANA-TF was able to build on very recent successful community mobilisation against the ISKP and in some districts, the Taliban, which the IDLG had been involved

in. One former official said that animosity towards the ISKP had created an "enabling environment" for the new force: "People just needed guns and money. Elders had [already] been coming to Ghani, [NDS director Massum] Stanekzai and [MoI minister Hanif] Atmar saying, 'Give us guns.''[94]A recent AAN dispatch on the demise of the ISKP in Nangrahar also found that local popular opposition had been key to its defeat.[95]The ANA-TF also received strong and attentive support from the US military and government for whom defeating ISKP was a priority.

In Paktika, former governor Wahdat described the consultation there:

District governors and police chiefs were requested to come to the provincial capital where they were consulted by the provincial military council. This was about locations [the places] where the ANA-TF forces would be deployed. The district officials were told to consult local elders and tell the elders to introduce people for recruitment in a transparent way. People who are transparently introduced can prove effective in the areas they are going to be deployed to.… In districts with tribal councils – Yahyakhel, Sorobi, Yusufkhel, Shkin and Urgun – they were consulted.[96]

Interviewees in the various districts of Paktika backed up this picture. In the Shkin area of Gomal which hosts the Barmal company, interviewees said their elders had been lobbying for a local defence force for three years mainly because of the job opportunities it would offer.[97] The area already has regular ANA, ALP, Uprising Forces, NDS paramilitaries and border forces, as well as a tribal militia that mainly polices disputes between the tribes. Consultation there, interviewees said, went straight to discussing how to ensure recruitment was representative. By contrast, AAN found very partial consultation at best in Shakar Dara district in Kabul. We interviewed members of 23 out of the district's roughly one hundred Community Development Councils (CDCs) as a proxy for the wider community.

CDCs are elected, village-level shuras set up under the National Solidary Programme. Although their duties do not

include security, members are generally respected individuals in the community and should know about important developments in their district such as a new local force being established. Yet, just two of the 23 interviewees had even heard of the Territorial Force at a time when it was already deployed in their district. One of the two interviewees whose CDC had been consulted reported that members had told the district governor they did not want a "militia force" in their district: their area was already safe, he reported them as saying, and they did "not want to attract the Taliban."[98]He said they refused to recommend recruits. The immediate response of a member of another CDC was shock at hearing that a local force had been mobilised in his district. He immediately referred to enmities (doshmani) in Shakar Dara dating back to the 1980s and 1990s and still playing out:

People would welcome national forces, ANA or Afghan National Police (ANP) establishing posts in the villages to protect them from thieves, but not locally-drawn forces. People here have differences, enmities, so they don't want a force trying to get revenge.[99]

That view was echoed by the secretary of another CDC: "We were not consulted…. Only people who were affiliated with the authorities and influential people were consulted.… I fear it will be another ALP [Afghan Local Police] and create problems for people."[100]Just one interviewee of the 23 described being consulted and agreeing to the new force; he said he had attended a meeting of the district CDC towards the start of 2019 in which he insisted representatives of all the village CDCs had been present, along with representatives of the Afghan National Army (ANA) and the district governor:

We were asked about the idea and for assistance. We said if people are recruited from the villages, this would help because they won't want to harm their own people. They said [the new force] would be very helpful for security. They provided a share [of the recruits] to every village and elder, from five to ten people from some places. They called tribal elders and shuras and told them to introduce recruits. We introduced people [from our village] and they were recruited. Security is

good in Shakar Dara. This force can help it to be even safer.[101]

According to the company commander, however, proper consultation had been carried out: The recruitment process was formal.…

The authorities such as the chief of police of the district, NDS and the district governor as well as the commander of the Kabul ANA Division recommended and suggested establishing the ANA-TF company [in Shakar Dara] and recruiting soldiers. All the personnel are from this area and serving this area. The tribal elders, the maleks[102] in our district had a role in recruiting the soldiers as well.[103]

He also said they had a weekly meeting with elders, maleks and district security and civilian officials, at which the ANA-TF leadership listened to suggestions and also relayed any problems the company was facing. These accounts are clearly at odds with each other. For this researcher, the general uneasiness we experienced when asking the CDC representatives in Shakar Dara about the ANA-TF was telling. We did not encounter anything similar in Paktika, for example, and we would not have expected it if the ANA-TF was a genuinely popular force with widespread local backing. Despite reassurances from the commander of ongoing consultation, many civilians voiced worries about the re-militarisation of their district, of local forces being established that were under the control of tanzim-allied politicians and of them being used for revenge, or at least not in a neutral way. Elsewhere in the country, poor or non-existent recruitment turned out to be a significant indicator, as one international advisor put it, of whether there had been "actual community mobilisation or not."[104]

The four districts in Ghazni mentioned earlier –Andar, Muqur, Deh Yak and Qarabagh – are examples of this, among other districts in the south, including Kandahar. Another important aspect of community consultation seen in Paktika was making sure recruitment was representative of the district. In Shkin (Barmal)[105]and Khairkot districts[106] interviewees described in detail elders organising recruitment to ensure it was tribally

inclusive. In Urgun, one recruit described a similar process, although another said he had been tipped off about the job opportunity by an ANA commander from his village and had then got himself, his four brothers and 30 friends recruited; his experience indicates how ensuring that a force represents the whole community may be undermined at a very local level.[107]Also significant in some districts was that some of the initially appointed commanders, non-ANA officers who were local to their districts, were among the elders mobilising young men. This was described by commanders and recruits in Khairkot[108] and Urgun districts.[109] In the end, then, the picture in Paktika was somewhat messy, although in most of the districts, efforts were made to balance the interests of the various tribes and villages. This was mentioned by many interviewees as important, for example by a soldier from Khairkot:

I believe a force which is made up of members of the community will be very successful and will maintain security in the district, because all the tribes have their own men in the company and everyone wants to help his own people.[110]

In Shakar Dara, where AAN was provided with a document indicating the backgrounds of all the recruits, the overall balance between Pashtuns and Tajiks and the spread of recruitment across about a quarter of the villages looked, at first sight, positive. Yet a closer look revealed that a third of the soldiers and more than half of all the Pashtun soldiers come from just one village (which had been associated, locals said, with Ettehad-e Islami during the jihad). Interviewees told AAN that because of high unemployment and the fact that this is a very safe district where recruits are unlikely to be facing the Taliban in battle, getting recruits from other villages should not have been difficult. In other words, problems on the 'supply side' cannot explain this skewing of recruits. It is unclear why so many soldiers are from this one village, whether it points towards possible co-option or is just a case of random, better-connected or quicker-off-the-mark individuals being selected. One of the reasons why the IDLG was brought in, RS advisors told AAN, was because of the "profound need for the force to be accountable and broadly representative of

its community."[111] In the end, the IDLG was not used for consulting communities. It also became clear during the research that ensuring a company was representative of the people it was serving was not a priority. One government official pointed out that this does not actually feature in the decrees setting up the force and is therefore not mandatory:

Sometimes [the company] is representative, sometimes not. It depends how urgently we need the company trained and deployed. If we wanted to be that exact, it would have cost time and lives. We shouldn't be too strict. The goal is to be [representative]. But you can't get everything you wish.[112]

Finally, of course, community involvement is not a panacea. One company commander in the west of Afghanistan said many of his soldiers were drug addicts, recruited, he said, because of their good relations with the local elders.

Conclusion

Great efforts were put into designing the ANA-TF as a local, professional force that would not end up as a collection of unaccountable militias. Those setting up the ANA-TF considered how to mitigate the risks inherent in local force mobilisation in Afghanistan. They anticipated that the force would be subject to the same pressures that had so undermined the ALP –pro-government actors wanting companies in their areas and the military leadership wanting to rush additional forces to the field, even if they would be at risk of being overrun. The safeguards built into the model, to do with ANA command and control, community consultation and site selection, were intended to protect it as far as possible from these pressures. This study has shown that the ANA-TF's institutionalisation within the ANA looks reasonably secure. This is even though companies are often not properly supported – a problem facing ANA soldiers in the field more generally – or struggle to gain full acceptance from the regular ANA.

The impression is of a branch of the army neglected, however, rather than of companies having gone rogue, as was the case with so many ALP units that did not answer to formal chains

of command through the ANP. Questions should be asked about where exactly company commanders are from. It was alarming that we found so many commanders serving in their home districts. The ban on this is in the law and is one of the most basic protections in the design of the force against local co-option. In contrast, community influence on the ANA-TF was very variable and the mechanisms to ensure it vague. Communities were supposed to be at the heart of this project, but they were not always consulted and companies are not always representative of the districts where they are serving. The one community-related measure which was generally abided by was that recruits are guaranteed by elders. It is worth emphasising here that one of the key findings of the AAN/GPPi research project on local force mobilisation was that genuine backing by local people for a local defence force appears to be fundamental to its success.

The flip side is that a local force is most likely to be harmful when it is set up in opposition to, or ignoring, the needs and wants of the local community. That proper consultation was not built into the ANA-TF programme using a specific mechanism may prove to be a serious failing. Moreover, it is difficult to envisage one of the hoped-for benefits of the programme, to mobilise communities behind a local counter-insurgency force, being seen in districts where communities were not properly consulted. The ANA-TF has benefitted from having site criteria, even though these were not always followed, especially in the later phases. There are examples of districts where the criteria appeared to have been breached and ANA-TF companies established in places where they were at risk of co-option or of being partisan, or where a local defence force was not needed or where it was actually too dangerous to deploy a lightly-armed force.

That AAN Special Report, August 2020 41 involved in the ANA-TF has pointed to districts where companies were established in breach of the criteria because of military need or political influence. In neither of our case study areas were companies established according to the rules. The establishment of the company in Shakar Dara breached many regulations: site selection criteria were not followed;

consultation of the community was partial at best; and most of the civilians we interviewed opposed the force. The commander is from the district, and the recruitment of soldiers had possibly been skewed. With its history of nasty interfactional violence, it was unsurprising that civilians were fearful of a new local force and how it might be used. Whether Shakar Dara is typical in these breaches or is an outlier cannot be determined from this research.

The experience in Paktika was very different. The community's involvement in setting up and supporting the new force appeared solid and efforts had been made to ensure companies reflected the tribal mix of the people they would be protecting. However, the initial appointment of local, non-ANA men as commanders was dangerous because it risked the companies operating outside the institutional control of the ANA. Given the history of alleged abuses by the Afghan Security Guards, which several of the commanders were drawn from, this, was particularly problematic. New men were appointed in their place, but not without causing consternation and confusion to local people. From our interviews with commanders and others across Afghanistan, this breach appeared atypical. In districts with organised community consultation and recruitment, ANA-TF companies look like the original model, a community defence force embedded in a national institution.

Elsewhere, the force more closely resembles a local recruitment arm of the ANA. This allows the army to have a force that is locally recruited, locally deployed and more locally rooted, but still an ANA force in other respects. If army discipline, command and control and institutionalisation prove effective, then the lack of community input may not be too problematic. However, if ANA command and control fails– and the risk of that happening is greater where the commanders are local men – then one can foresee problems. This would especially be the case in places already vulnerable to the sort of ethnic or factional tensions or criminal enterprise which meant they should not be hosting ANA-TF companies in the first place. It seems inevitable that pressure to find new 'tools' with which to face the insurgency, as well as pressure

from pro-government actors for ANA-TF companies, would always pull the ANA-TF towards districts and situations where it is inappropriate.

These demands did prove too great for even the best-intentioned Afghan or international military planner to design against entirely. However, the ANA-TF was not subject to the same extreme pressure to expand as quickly as possible as the ALP was put under, when the US military, the Ministry of Interior and Afghan heavyweights were pushing the expansion. Moreover, RS did If army discipline, command and control and institutionalisation prove effective, then the lack of community input may not be too problematic. Moreover did veto a general move to set up companies hastily and without proper training during phase 2, in the way those deployed to Belcheragh and Qarabagh had been. The results of that hasty mobilisation were so disastrous that this route has anyway not been pursued. The trajectory of the ANA-TF compared to the ALP has been very different in one other area – the greater clout of Afghans involved in the programme, compared to internationals.

The ALP was very much foreign-conceived, the brainchild of the US Special Operations Forces, supported by then interior minister Hanif Atmar, and authorised only very unwillingly by President Hamed Karzai.[113] The impetus for the ANA-TF, by contrast, came from President Ghani, with General Nicholson then pushing the idea. “It was not like anyone at the MoD woke up and had some great and glorious idea,” said one of the Afghan officials tasked with setting up the new force. “You cannot call this [programme] Afghan driven.…The pushing and driver was NATO and our president.” He stressed, however, that the “tailoring” of the model, the transformation of ALP problems into ANA-TF safeguards, came from Afghans.[114] That Afghans have been much more in charge of the ANA-TF than they were of the ALP has partly been a practical necessity – the US military has far fewer people on the ground than it did ten years ago.

Yet, it also appears to have been a deliberate approach; both officers and civilian advisors at RS voiced the position that

Afghans had to be in charge of the ANA-TF if it was to be sustainable. Even so, the US military, which pays for the bulk of the ANA, including the Territorial Force, does have clout, particularly a 'veto' power. As a 2019 report to the US Congress said: "If RS leadership is concerned about an ANA-TF unit being misused or not supported, that particular ANA-TF unit may not be created."[115] Some Afghan officials felt RS should have been far tougher when it came to what they thought was problematic site selection, especially those driven by senior government officials. In terms of which Afghans are in charge, the MoD has clearly and increasingly been the power behind the programme.

The IDLG, that was supposed to provide a civilian counterweight, has proved to be far less influential. Given the oversized role of the MoD in force's creation, it is perhaps not surprising that the role of local civilians in setting up companies has been comparatively weak. One final issue is that on costs, the ANA-TF has already proven effective – one of the hopes of its planners. The force comes under the ANA tashkil, meaning the overall size of the ANA has not grown. However, the vast majority of ANA-TF personnel are local, with wages 25 per cent lower than a regular soldier's to reflect the perk of serving close to home. Total expenditure has worked out even lower: the US military expects ANA-TF companies to cost 45 per cent less to run than regular ones.[116]

Looking ahead

As phase-2 nears completion with an anticipated 105 ANA-TF companies due soon to be active, the Afghan government is already looking to a phase 3, which would increase the force to 121 companies.[117] That will not happen, General Miller has said, until problems with supplies, integration and the utilisation of the ANA-TF by the wider ANA are resolved. There are also other ideas about the force's future. The US Department of Defence has assessed that the ANA-TF might serve as a "potential vehicle" for 'reintegrating' Taliban should there be a peace deal.[118] The mechanisms for dealing with unwanted armed men – pro-government, illegally-armed men or former insurgents – are well-tested in Afghanistan and

have, up till now, been found wanting. Four disarmament, demobilisation and reintegration (DDR) programmes have been rolled out in Afghanistan since 2001. As AAN and others have reported, all four programmes were characterised by extremely high levels of corruption and the marginalisation of local civilian interests.[119]

They also failed to resolve the central problem: either they could not get genuine fighters to sign up to the programme or, all too often, 'demobilisation' involved a mere re-hatting of militias, as coherent groups of commanders plus men moved into the ALP, ANP, private security companies, to the insurgency, or as guards for ISAF bases. The problems with DDR appear to be systematic. Even so, the model has been deployed repeatedly–and may be yet again. The US Department of Defence seems prepared to discount the failures of earlier DDR programmes, including as detailed by SIGAR.[120] It also seems to be ignoring the lessons of what makes a successful local defence force, one that serves the local community and does not abuse people or inflame conflict. The lessons learned from the ALP, which then became so fundamental to the design of the ANA-TF, were that a local defence force must be wanted by a community and be institutionalised within an effective command and control structure.

As this report has made clear, although the ANA-TF has not always followed its own regulations, the thoughtful design and efforts to implement it have avoided some of the worst pitfalls of local force mobilisation. Using the ANA-TF to reintegrate Taliban would mean a wholesale abandonment of this model. Prioritising political considerations rather than giving precedence to the needs and wants of local people would undermine the raison d'être of the force, threatening local security and the safety of civilians. The US is likely to run into opposition if it goes ahead with this proposal. "The ANA-TF will not be used for the reintegration of enemy combatants or ex-combatants," one former official told AAN. "The ANA is very intent on [maintaining] its code of conduct, uniform and integrity."[121] He was almost as adamant that members of the ALP, which is due to lose its funding on 30 September 2020,

would not be welcome into the ANA-TF. Yet that is now also on the cards.

Concerns were raised by AAN and others at the time of the ALP's establishment about how it would ever be disbanded.[122] No plans for demobilisation were ever built into the programme, however. Even during the last eighteen months when the government knew funding was to be cut on 30 December 2020, it ignored the problem of what to do with the thousands of soon-to-be unwanted armed men until very recently (the US currently pays for only 18,000 ALP who are registered on the Afghan Pay and Personnel System, APPS, although the Ministry of Interior says there are 28,000 ALP[123]). This is also despite concern over the possible consequences, as voiced in a report to the US Congress from the Lead Inspector General. He asked whether, if jobs were not found for former ALP:

… well-armed but newly unemployed ALP members would join the ranks of violent extremist groups or local power brokers, who have previously used ALP units as their own private militias.[124]

Not mentioned by the Lead Inspector General, is that in some places, the ALP plays a key role in defending local people against the insurgency and keeping that capacity needed also to be built into planning. The current strategy, which was still evolving as this report was published, is to retire a third of the ALP with severance pay and after they hand their weapons in, to transfer another third to the ANP and the remaining third to the ANA-TF.[125] Only those who are registered on the APPS system and known to exist will be given these options. Depending on how the ALP is disbanded and especially whether jobs go to those ALP members who can usefully strengthen the ANP and ANA-TF, or to those with better political connections, there is the potential for its dissolution to harm the ANA-TF/the public in various ways: if unsuitable ALP are drafted into ANA-TF ranks, if disbanding successful ALP units weaken the defence against the insurgency and if newly unemployed former ALP men increase local insecurity. The dissolution of the Afghanistan's oldest local defence force

at the end of September 2020 adds just one more element of uncertainty to the future of its newest. As this report was published, so much was in flux that it was difficult to make projections about the ANA-TF's prospects at all.[126]

There could be talks between the government and the Taliban. The US could continue its financial and military support to Afghanistan or push on with a full withdrawal. Afghanistan could be moving towards peace or into a deepening conflict. Especially if instability worsens, whether the ANA-TF is genuinely embedded in a national institution that can weather whatever storms lie ahead may become extremely important. For the many civilians with an ANA-TF company in their district, an equally significant question could be: Was it set up with their blessing and involvement, or against their wishes?

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Annex-1: Presidential decree setting up the ANA-TF

Translation by AAN: This text was received undated and unnumbered. Any words in round brackets () are as per the original text. Any words in square brackets were added by the author where explanation or additional was felt to be needed. Text in bold is as per the Dari original. The decree was issued in February 2018.

The President of the Islamic Republic of Afghanistan Decree on the Creation of the Afghan National Army Territorial Force

The following actions will be undertaken in order to improve the security situation, provide better security services to the people of Afghanistan, and establish the Afghan National Army Territorial Force with the aim of changing the defensive posture of the National Army to an offensive one and extending security to all districts:

1. After evaluating outcomes from the pilot, the Afghan National Army Territorial Force shall be created, as a contingent force to the National Army, with an estimated thirtysix thousand (36,652) personnel.

2. Afghan National Army Territorial Force personnel will be an integrated and essential constituent of the National Army. They will be recruited in accordance with relevant laws, rules and regulations from districts where they live. They will be trained within the framework of the National Army and deployed under the command and control of experienced National Army cadres.

3. The Ministry of Defense of the Islamic Republic of Afghanistan will establish several pilot companies of the Afghan National Army Territorial Force in the fourth quarter of 1396 (the month of Delw) [21 January to 20 February 2018]. Long-term planning for the creation of the Afghan

National Army Territorial Force will proceed based on [lessons learned from] their experience. Details are specified in the six (6) articles attached to this decree.

4. The Deputy Chief of the National Security Council Office on Armed Forces Affairs shall monitor the implementation of this decree and provide regular reports on its progress to the meetings of the National Security Council.

Attachment to the Decree of the President of the Islamic Republic of Afghanistan on the Creation of the Afghan National Army Territorial Force

Article One: Tashkil and Regulations 1. Establishment and Tashkil of the Afghan National Army Territorial Force: The Ministry of Defense shall undertake the following actions to establish the Afghan National Army Territorial Force:

- Structure and organise the Afghan National Army Territorial Force on the model of the National Army, in companies [tolai] and battalions [kandak];
- Create a pilot of Afghan National Army Territorial Force companies alongside National Army battalions, or under the respective battalion's protection;
- If an aforementioned company is upgraded to a battalion, these forces will be included, as an Afghan National Army Territorial Force battalion, in the tashkil of the National Army brigade [lewa] posted to that province;
- The leadership cadres for Territorial Force companies shall be selected from the National Army. While serving with the Afghan National Army Territorial Force, the aforementioned cadres will be considered part of National Army staff and will receive full salary and benefits provided to National Army personnel;
- As the Afghan National Army Territorial Force expands, its cadres and leadership can be deployed to parts of the Afghan National Defense and Security Forces within the framework of the Ministry of Defence;

- The cadre and leadership of the Afghan National Army Territorial Force at the level of platoon and higher will be selected from the National Army and those at levels lower than platoon, such as squads, should be selected from the National Army Territorial Force;
- During the pilot phase of the Afghan National Army Territorial Force, the National Army Brigades support forces shall meet their needs;
- All equipment for the Afghan National Army Territorial Force shall be provided in accordance with their tashkil and staffing;

2. Local Recruitment: All Afghan National Army Territorial Force personnel will be recruited, and serve, in the districts in which they live. The leadership cadre and commanders of the Afghan National Army Territorial Force are excluded from this order.

3. National Training: The Afghan National Territorial Force will receive basic and ongoing training to a professional level by qualified National Army cadres in National Army training centres.

4. Leadership and Command: The current cadres and commanders of the Afghan National Army will have command and control responsibility in order to ensure the effectiveness and stability of the National Army Territorial Force.

5. Cost-effective and Sustainable: The Afghan National Defense and Security Forces are designed to be cost-effective and sustainable so that the government of the Islamic Republic of Afghanistan will have the long-term ability to meet their expenses. The Afghan National Army Territorial Force is one such cost-effective and sustainable force. Their cost, as compared to the National Army, will be lower without impacting their effectiveness and duties.

Article Two: The Creation of a Pilot Territorial Army, Location and Timeline for its Creation

1. The Ministry of Defense shall establish the Afghan National Army Territorial Force pilot in several locations in the fourth quarter of 1396 (the month of Delw) [21 January to 20 February 2018] and develop a long-term plan for creating the Afghan National Army Territorial Force based on this experience.

2. The Ministry of Defense shall select locations for the establishment of the Afghan National Army Territorial Force. Article Three: Responsibilities and Duties of the Afghan National Army Territorial Force 1. Duties and Responsibilities: As local security forces, the Afghan National Army Territorial Force, will have the following responsibilities in areas under the full control or partial control of the government:

- Provide security for areas that have been cleared of enemies by the National Army and Special Forces Units and prevent the enemy from re-entering these areas;
- Be a source of information for the National Army and Special Forces on activities of the enemy in the area;
- Perform duties in areas under the control of the government;
- Perform duties in areas under the control of the enemy only with close support from the National Army;
- Establish stable relations between government and people through the district authorities;
- Provide security services at the district level and below;
- Prevent the movement and activities of the enemy in the region;
- Secure and protect key government infrastructure in the region, including highways;
- Protect and defend the area until reinforcements or supporting forces arrive;
- Help victims of natural disasters and emergencies;

- If necessary, ensure the safety of events or ceremonies in the area.

2. Duties the Afghan National Army Territorial Force Will Not Undertake: The Afghan National Army Territorial Force will not undertake the following duties:

- Independently undertake duties in areas under the control of the enemy; AAN Special Report, August 2020 49
- Undertake independent offensive manoeuvres;
- Dispatch and execute duties in provinces, districts and other villages (outside their area of responsibility);
- Perform duties in offensive operations against large enemy groups;
- Perform the duties of rapid reaction forces, in the place of forces from other districts;
- Carry out dangerous operations such as strikes, arrests and rescue operations;
- Perform the duties of the city police. Article Four: Leadership Cadre 1. Selection Requirements: The leadership cadre of the Afghan National Army Territorial Force are members of the National Army personnel during their posting and until the end of their assignment. The Ministry of Defense shall recruit them in line with the following considerations. [They must]:
- Be an officer or sergeant of the National Army;
- Be approved by the commanders of the relevant corps;
- Have sufficient relevant experience and skills;
- Be fluent in the languages of the Afghan National Army Territorial Force;
- Must not be from the same district as the pilot Afghan National Army Territorial Force to which they are assigned.
- Education and Training: The Ministry of Defense shall direct the cadre members to the necessary training for

their assigned duties after they are selected and before taking up their assignments as leaders of Afghan National Army Territorial Force.

- Salary and Privileges: Officers and sergeants who are selected as cadres and commanders of the Afghan National Army Territorial Force will receive the same salary and benefits as they did in their previous assignment. The Ministry of Defence shall make all necessary arrangements to pay salaries and benefits. Article Five: Recruitment Requirements and Privileges for Afghan National Army Territorial Force 1. Recruitment Conditions: The Afghan National Army Territorial Force personnel will be recruited according to the following conditions. [He must]:
- Be a resident of the same district where the Afghan National Army Territorial Force is established;
- Be between 20 to 40 years of age;
- Pass all National Army health standards successfully;
- Meet all Ministry of Defense assessment criteria based on his records and credentials successfully;
- Individuals who have previously served with the Afghan National Defence and Security Forces as enlisted personnel [safuf] may retain their [previous] rank and can join the Afghan National Territorial Army Force after a revaluation 50 Clark: Afghanistan's Newest Local Defence Force by investigative bodies, in line with National Army recruitment policies, and after obtaining guarantees from local representatives, elders and district and provincial councils. Likewise, persons who have served in the Afghan National Defense and Security Forces as non-commissioned officers [chawkat] for one year — up to the level of squad commander – can retain their rank, contingent on successfully completing professional training and receiving approval from the cadres or commanders of the Afghan National Army Territorial Force.

2. Training and Higher Education:

Individuals recruited to the Afghan National Army Territorial Force will receive training at National Army regional training centres under the supervision of the Ministry of Defense. Afghan National Territorial Army Force personnel who have served one year successfully and completed professional training can join the National Army after their nomination and endorsement by the Afghan National Army Territorial Force commanders. After being recruited into the National Army, they can maintain their rank, but cannot be promoted to commanders and leadership cadre of the Afghan National Army Territorial Force in the same district;

- Afghan National Army Territorial Force personnel will receive on-going professional training up to squad commander level;
- The Ministry of Defense shall assign experienced personnel to regional training centres to train Afghan National Army Territorial Force pilot personnel.

3. Salary, Benefits and Other Expenditure:

- National Army Territorial Force personnel will receive salaries and benefits equivalent to 75 per cent of an ordinary National Army soldier;
- National Army Territorial Force personnel will receive all medical benefits which are afforded to those serving in the National Army;
- Budgetary expenditures (salaries, benefits, engineering reinforcements, uniforms and other equipment) for National Army Territorial Forces soldiers will be paid from the Ministry of Defence National Defense budget by the CSTC-A127 Command;
- Benefits for martyrs, captives, the missing, and the disabled are the same as those of the National Army;
- Technical personnel of ANDSF who have successfully completed at least one period of service will receive the same salary as National Army Territorial Forces upon joining the National Army Territorial Force (except those at cadre and leadership positions). Article

Six: Command and Control, and Promotions: 1. Command and Control: Brigade commanders are responsible for command and control of the National Army Territorial Force as per the chain of command. In accordance with the chain of command, brigade commanders will assign National Army battalion commanders 127 CSTC-A is the US-led international military's Combined Security Transition Command – Afghanistan. AAN Special Report, August 2020 51 to command and control pilot Afghan National Army companies established in the area; cadre and leadership of the National Army will be assigned to the battalions and brigades where pilot companies of the National Army Territorial Force are established. 2. Protection and Survival: The commanders of the corps are responsible for assigning one brigade to protection and survival duties and providing essential logistical services to the National Army Territorial Force as a Rapid Reaction Force. This process will be activated quickly upon request.

Annexure-2

Second Presidential decree on the ANA-TF establishing the national steering committee

Translation by AAN, this text was received undated and unnumbered, but the decree was referred to by a government official as "recent" in April 2019.[128]

Decree of the President of the Islamic Republic of Afghanistan

Concerning the Establishment of a National Steering Committee to accelerate recruitment, develop and coordinate the Afghan National Army Territorial Force In order to accelerate recruitment, development and effectiveness of the Afghan National Army Territorial Force the next step is: 1. Establish a National Steering Committee headed by the Deputy Minister of Defence for Policy and Strategy and with the following members:

- Deputy Minister of Interior for Policy and Strategy

- Deputy Director of National Directorate of Security for Policy and Strategy
- Deputy Director of Policy, of Independent Directorate of Local Government
- Authorised Representative of the Office of the National Security Council's office
- Director of Policy and Planning, of chief of staff of the Ministry of Defence
- Authorised Representative from the Ministry of Information and Culture

2. The National Steering Committee shall, in its first working session, arrange for the implementation of this decree and prepare separate terms of reference for all relevant institutions.

3. The National Steering Committee is tasked with pursuing and following up on the development of the Afghan National Army Territorial Force, taking into account the current situation, security requirements, recruitment, training and equipping and identifying locations requiring its deployment.

4. The National Steering Committee is tasked with establishing a single, accountable mechanism at all levels, according to the capacity of the Independent Directorate of Local Government and ensure [good] relations between people and government and effective oversee of the work of the Afghan National Army Territorial Force, taking 128 Interview, government official, Kabul, 14 April 2019. AAN Special Report, August 2020 53 into account the existing military councils at the provincial level. It shall take the necessary steps to mobilise people in the form of grassroots councils to recruit to the Afghan National Army Territorial Force at the provincial and district level in locations covered by this force.

5. The National Steering Committee is tasked with designing essential programmes to increase the capacity of the Afghan National Army Territorial Force psychologically, socially and religiously so that it can carry out its activities and satisfy the public and support the activities of the Afghan National Army Territorial Force to refute the enemy's propaganda in the

places where the Afghan National Army Territorial Force is located.

6. The organs of the National Steering Committee are required to carry out their duties in accordance with Afghan National Army Territorial Force policy, as approved by the National Security Council.

7. The National Steering Committee shall be responsible for regular monitoring and paying close attention at all levels to progress in the development of the Afghan National Army Territorial Force. It shall report twice a month on progress to the National Security Council.

Chapter 4

Opportunity Structures, Rebel Governance, and Disputed Leadership: The Taliban's Upsurge in Kunduz Province, Afghanistan, 2011–2015

Niels Terpstra

Abstract

Even though Kunduz province in Afghanistan was under relatively firm government control in 2011, the Taliban insurgency was able to consolidate its power throughout the province in the years that followed and to temporarily take-over the provincial capital of Kunduz city for the first time since the U.S.-led intervention in 2001. Based on field research in 2013 and 2016, I argue that the Taliban's upsurge took place because of a favorable opportunity structure for the insurgency that coincided with sufficient organizational capacities and a sense of urgency among the Taliban's senior leadership.

In 2011, Kunduz province in Northern Afghanistan was under relatively firm government control with the backing of international forces and co-opted militiamen. Within four years, however, the tables had turned, and the insurgency made a gradual upsurge throughout several districts of the province. On September 28, 2015, after two months of intense fighting around the provincial capital, Taliban fighters walked into the streets of Kunduz city.

They entered the city during an early morning assault, storming the regional hospital and clashing with security forces at the nearby university. The insurgents took over government buildings and the city's central prison. On the central roundabout of the city, a white Taliban flag waved as a

sign of control. It was the first time since the fall of the Taliban regime in 2001 that the insurgents were able to seize a provincial capital. The Afghan government itself also confirmed that the city had fallen to the Taliban.

Only with the support of U.S. airstrikes and Afghan Special Forces was the Afghan government able to regain control over the city after fifteen days. The Taliban also consolidated its insurgent rule throughout all districts of the province. Remarkably, Kunduz fell even though the insurgents were vastly outnumbered, with an estimated force of only 500–1,000 Taliban fighters against about 7,000 government troops and allied militia members[1]. Under other circumstances, this should have provided the government side with clear military advantages. The timing was surprising, too. The assault on the city came only two months after the confirmed death of long-standing central Taliban leader Mullah Omar, resulting in factionalized fights within the Taliban's central leadership.[2] Despite the internal fragmentation, the Taliban was able to regain its stance in Kunduz city and consolidate its power throughout the province.

In this article, I investigate how the Taliban was able to consolidate its power in the province and why Kunduz city eventually fell to a faction of the Taliban insurgency. This requires an analysis of the Afghan government's capacities and actions in that period and an investigation of the actions of the armed opposition groups in Kunduz province. I will first use the analytical framework of opportunity structures[3] to analyze which circumstances enabled the upsurge of the Taliban. In the first section of the article, the relevant features of that opportunity structure are identified: (1) the openness to "new" actors due to the departure of international forces, (2) the instability of political alignments between the Afghan government and pro-government militias, and (3) the multiplicity of independent factions of power within the Afghan government. In the second and third sections of the article, I move beyond these structural opportunities to address the capacities and agency of the Taliban insurgency and show how the faction of Mullah Mansur consolidated its power.

The article concludes that the Taliban's upsurge in Kunduz mainly emerged as a response to a fragmented political constellation of co-opted strongmen and militias, a dysfunctional incumbent government, and abusive militias. This coincided with an active strategy by the Taliban of messaging and infiltration, the administration of its judiciary, taxation, and eventually Mullah Mansur's push for the symbolic take-over of the provincial capital. The article builds on fieldwork conducted in Kabul and Kunduz in 2013 and 2016 in collaboration with various Afghan research organizations. In 2013, a total of 99 structured interviews were held with community members, militiamen, local elders, jirga[4] and shura[5] members, civil society representatives, Afghan Local Police (ALP) members, and Afghan National Police (ANP) officers in Kunduz.[6] Moreover, in-depth interviews were conducted with police trainers, military staff, diplomats, and NGO workers at the German-led Provincial Reconstruction Team (PRT)[7] in Kunduz. During the fieldwork conducted in 2016, various analysts, NGO workers, diplomats, military staff, and informants from Kunduz were interviewed in Kabul. Throughout 2018, local sources in Kunduz province were consulted in interviews and by email to verify some of the details described throughout this article and to triangulate some of the findings from open source data.

Theoretical Framework

The Taliban's upsurge in Kunduz can be analyzed as a matter of structural opportunities but also one of internal organizational capacity, agency, and motivation. With this approach, I bring together a longer tradition of literature on contentious politics[8] and a more recent strand of literature on rebel governance.[9]

Opportunity Structure

The concept of "opportunity structure"[10] assumes that individual and collective action are facilitated or constrained within a larger environment of discursive, social, and political opportunities.[11] Collective action against the Afghan government and pro-government militias by the insurgent

Taliban in Kunduz is the focus of this article. I define an insurgent or rebel organization as a "group of individuals claiming to be a collective organization that uses a name to designate itself, is made up of formal structures of command and control, and intends to seize political power using violence."[12] According to Tilly and Tarrow, contentious politics should be understood as "interactions in which actors make claims bearing on someone else's interest, leading to coordinated efforts on behalf of shared interests or programs, in which governments are involved as targets, initiators of claims or third parties."[13] Within contentious politics, we can analyze collective action through the frame of opportunity structures.

If we analyze the features of a particular regime at a particular time and trace the changes, we can investigate how those features facilitate a particular outcome. The outcome studied in this article is the fall of Kunduz and the consolidation of the Taliban rule. Several features of an opportunity structure can be identified to analyze changes in political regimes and plausibly explain why a shift in regime happened in Kunduz province between 2011 and 2015. I follow Tilly and Tarrow by analyzing the following features of the opportunity structure: (1) the regime's openness to new actors, (2) the instability of political alignments, and (3) the multiplicity of independent centers of power.

Rebel Strategies, Organizational Capacity, and Rebel Governance

The Taliban's upsurge was facilitated by external opportunities. Understanding how the Taliban seized those opportunities, however, requires an analysis of internal organizational capacities and the motivations of the insurgency itself. On a strategic level, this involved the infiltration of new territories, messaging to the civilian population, and the governance practices of a rebel judiciary and taxation. As Kalyvas points out, insurgency can be understood as "a process of competitive state building."[15] An insurgency such as that carried out by the Taliban indeed reflects a process of statebuilding, where the insurgency competes to provide

governance to the population.[16] O'Neill speaks in this regard of "parallel hierarchies," referring to the creation of political structures or institutions to administer, organize, and rule a population in areas controlled by insurgents.[17] This becomes apparent by the Taliban's setup of a shadow administration in various provinces of Northern Afghanistan.[18] Insurgents assume state-like functions and thereby take advantage of situations of weak governance.[19]

At the very minimum rebel governance means "the organization of civilians within rebel-held territory for a public purpose."[20] Although acquiring territorial control is usually recognized as a prime objective of rebel groups, armed groups will also use pockets of territorial control that they have already acquired to maximize a potential range of strategic benefits. For example, territorial control can translate into additional economic resources, access to key networks, the recruitment of new followers, and gaining of additional popular support.[21] Moreover, a level of relative stability and order facilitates opportunities to monitor civilian populations and increases the likelihood of civilian compliance.[22] The creation of minimal or more elaborate forms of "wartime institutions" or political order is deemed important to elicit cooperation from civilians, which in turn is essential to maintain control over a geographical territory.[23]

In most recent studies, rebel governance is treated as the dependent variable. Mampilly, for example, uses a number of case studies to understand which factors are likely to lead to an effective system of rebel governance.[24] Arjona looks at factors that determine what kind of social order will emerge in conflict zones.[25] In this article, my contribution to the rebel governance literature is to inquire whether the existence of rebel governance had any effect on the military success of the insurgency. I, therefore, analyze how the Taliban filled the political vacuum in Kunduz by creating its own political and judicial order and whether this contributed to its eventual military success.

Disputed Leadership

In the third section of this article, I show how the fall of Kunduz city occurred precisely in fall 2015, within months of Mullah Mansur officially taking over the leadership of the Taliban movement from his predecessor and long-standing leader Mullah Omar. Mansur's faction pushed into Kunduz as a necessary show of success to other commanders who were "on the fence" and whose loyalty to the new leadership was still in doubt. This is particularly interesting because the general literature on insurgency and collective action usually regards a unified command and organization as an important factor for an insurgent's success and regards disunity as something that may have detrimental consequences.[26] O'Neill lists several detrimental effects: undercutting of political and military organizational efforts; conflicting political and military policies; reduced combat support; inability to plan sizable military operations; diversion of personnel and materials from the main enemy toward insiders; and lower opportunities for external support, collaboration with, and intelligence leakage to, the main enemy, and so on.[27]

Hence, if an insurgency like the Taliban can form a unified command structure, it is more likely to succeed. Interestingly, however, the fall of Kunduz took place after a split within the Taliban leadership between the factions of Mansur and Rasul. Hence, the existence of a "unified political command" at the top is not the most convincing argument to explain the fall of the provincial capital. In fact, it is plausible that it happened precisely because of the split in leadership. Moreover, even if the split took place at the highest level of the insurgent's command, unity was still possible at the level of the separate factions. Before turning to the actual case study analysis, a brief introduction of the demographics and recent history of Kunduz province is necessary.

Kunduz Province: Demographics and Recent History until 2011

Kunduz province is located in Northeast Afghanistan.[28] Until 2015, it consisted of seven districts: Imam Sahib, Dasht-e Archi (also known as Archi), Khan Abad, Aliabad, Chahar Dara, Qal-e-Zal, and Kunduz city.[29] The population is

estimated to be one million and consists of various ethnic groups. Approximately 34 percent of the population is Pashtun, 27 percent is Uzbek, 20 percent is Tajik, 9 percent is Turkmen, 5 percent is Arab, and 3 percent is Hazara.[30] Additionally, there are a few small groups of Baluch, Pashai, and Nuristani people.[31] Although the Taliban historically has its main Pashtun constituency in the South and East of Afghanistan, a relatively high number of Pashtuns are living in Kunduz province because of forced and voluntary migration in the nineteenth and twentieth century from the Southeast to the North.[32] Though the Taliban's strength and operations are concentrated in the South and the East, the Northern province of Kunduz remains an important strategic place for the insurgency as a gateway between Kabul and the border to Tajikistan and as a base to target the central Northern town of Mazar-i-Sharif.[33]

After the fall of the Najibullah regime in 1992, several factions fought over Kunduz province, creating a high number of casualties and shifting frontlines.[34] In spring 1997, the Taliban and commanders who had defected to the Taliban took over most territories of Kunduz province. From June 1997 until the U.S.-led invasion in November 2001, the Taliban ruled Kunduz city and most parts of the province.[35] Impressed by the U.S. forces and expecting a Taliban defeat, many local commanders defected from the Taliban to the Northern Alliance during the U.S. invasion. Kandahar in the south and Kunduz in the North were the last remaining strongholds of the Taliban before the final take-over by the U.S. and Northern Alliance militias in late November 2001.[36]

When the Northern Alliance and the U.S. coalition forces took over Kunduz province in 2001, the commanders and governors who ruled the province reflected the networks of powerbrokers that existed during the 1992–1997 period.[37] Moreover, in the wake of the Taliban regime's collapse, ethnic Pashtuns throughout the North faced widespread abuses, including murder, sexual violence, beatings, extortion, and stealing.[38] Pashtuns were specifically targeted because they were seen as closely related to the Taliban, whose leadership consisted

mostly of Pashtuns from Southern Afghanistan.[39] In some instances, affiliates of the new ruling elite captured Pashtun lands.[40]The Pashtun community mainly lost land in areas where it constituted a clear minority, such as the districts of Qal-e-Zal and Imam Sahib, but even in Archi and Chahar Dara, where it was better represented, some Pashtun lands were captured.[41]

The Taliban would muster support among those excluded segments in the following decade and effectively challenge the existing power structures in a number of Kunduz districts.[42] The Taliban insurgency made its first inroads back into the Pashtun-dominated areas of Kunduz in 2006.[43] The insurgency gradually started to invest more resources in North Afghanistan by setting up local cells from 2007 onwards and increasing its military operations. In parallel, the increased military pressure of the international forces in South Afghanistan also pushed the Taliban to move a larger part of its assets North.[44] For the International Security Assistance Force (ISAF), the North was of increased strategic importance by 2008–2009.[45]Because its convoys from Pakistan were severely targeted, the Northern supply route for international troop contributions (through the Central Asian republics) started to attract more attention.[46]

This in turn increased the strategic importance of Kunduz as a gateway to Kabul. In response to the insurgency and low capacity of the Afghan forces, a new solution of mobilizing anti Taliban militias was implemented in Kunduz in 2009. In the short term, these militia programs seemed successful. The Taliban's inroads into Kunduz territories were slowed down, and together with international forces, a status quo emerged by late 2010. Many Taliban commanders were killed, arrested, or ordered to return to Pakistan.[47] However, clandestine operators and local shadow organizations remained largely intact.[48]

Opportunity Structure and the Taliban's Upsurge (2011– 2015)

In this section, I analyze the relevant features of the opportunity structure that facilitated the Taliban's upsurge and

the eventual take-over of Kunduz city in 2015. I discuss (1) the openness to "new" actors due to the departure of international forces, (2) the instability of political alignments between the Afghan government and pro-government militias, and (3) the multiplicity of independent factions of power within the Afghan government.

Departure of International Forces

From 2003 until 2013, German armed forces were active in Kunduz province and set up a PRT close to Kunduz city. The German involvement in Northern Afghanistan focused on "reconstruction" and, to a lesser extent, on "fighting."[49] Toward the Taliban, the German position was best characterized as a type of in-between, whereby they did not relentlessly fight the Taliban, nor did they negotiate with them.[50] To engage crime and insurgency, they relied heavily on intermediaries and cooperated mainly with the chiefs of police.[51] The German troops thus maintained a relatively passive role, working with commander power structures rather than challenging them.[52] That is why Munch, € referring to the time frame between 2001 and 2013, concludes that the "local power structures in (…) Kunduz fluctuated but as a whole remained largely unchanged over the course of the intervention."[53]

The most important exception to this was probably the United States, which became more heavily involved in fighting around 2009–2010 to push back the Taliban's offensive at the time.[54] In late 2013, however, the responsibility over the PRT in Kunduz was transferred to Afghan security forces, and international troops either withdrew or transferred to other bases. After the transfer, the ANSF increasingly experienced heat from an offensive Taliban insurgency throughout 2014–2015. The insurgency tested the ANSF's capacities to maintain territorial control.[55] The departure of international forces left a vacuum of territorial control for other power brokers to move in. An intelligence analyst in April 2011 predicted in this regard,

The German Bundeswehr, which *is based near Kunduz airport, has dramatically failed in their stabilisation efforts, largely due to not understanding the concept of COIN. This does not bode well for the future security situation in Kunduz. (…) [The] NATO forces in the area are on the backfoot as everyone is well aware that NATO will leave within the next 2-3 years. Local power brokers (Taliban, arbaki, corrupt police, ANA, etc.) are preparing to fight for the power gap that NATO forces will leave behind when they will eventually draw back.*[56]

This indeed happened after 2013, when different power brokers jumped into the vacuum that the German forces had left behind. One of those power brokers was the Taliban. Hence, the first feature of the opportunity structure was the departure of the international troops.

Unstable Political Alignments

The Afghan government and international coalition forces started to mobilize anti Taliban militias in Kunduz in 2009. The idea was that pro-government militia programs such as the ALP and its predecessors would enforce the security capacity of the Afghan state by means of local defense forces.[57] Even though Kunduz is an ethnically heterogeneous province with the Pashtuns forming the largest group, these anti Taliban militias were dominated by non Pashtun commanders, often with Jamiat-e Islami affiliations.[58] The militias comprised mainly Tajiks, Uzbeks, and Turkmen.[59] The NDS, with General Mohammad Daud as its Kunduz chief, coordinated the recruitment of the anti Taliban militias.[60] Daud mainly relied on his brother-in-law, Mir Alam, for the selection of new recruits into the militia program. Mir Alam was a powerful well connected Jamiat-e Islami commander. On the national level, Mir Alam was supported by the Tajik- and Jamiat-affiliated vice president at the time, Mohammad Qasim Fahim.[61] In the early years (2009–2011) the anti Taliban mobilization was relatively successful for the Afghan government.[62] In 2010 and 2011, it served to stop the Taliban from advancing. Most Taliban commanders were killed or fled to other parts of the country or into Pakistan.

The Political Alignments Collapse

After some early successes, the alignments between the militias and the Afghan government started to collapse. The failure of these militia programs opened opportunities for the Taliban. After the departure of international troops in 2013, the ALP constituted the last defense against the Taliban in most Kunduz districts.[63]In 2013 and 2014, it became clear that the force was ill-equipped and regularly outnumbered, and that the degrees of loyalty toward the government were varying.[64] Delays in the payment of salaries and increased frustration about holding the frontlines against the insurgency were common. There were also notable concerns among ALP members about the duration of the ALP program.[65] Reportedly, many already considered surrendering to the Taliban in case of the program's closure.[66] In September 2014; President Ashraf Ghani was inaugurated president of Afghanistan. He soon indicated that he was not keen on sustaining the militia programs and cut the funding of several, including those in Kunduz. Militias in the ALP program and important local strongmen like Mir Alam were therefore unwilling and partly also unable to keep territorial control in 2014 and 2015. As a Kabul-based analyst explained to me, referring to the months before the fall of Kunduz,

The militias were standing down and were actually leaving the road open for the Taliban to move in. And the ALP also did not step in afterwards because they did not want to clean up the mess for the government that stopped to support them.[67]

The pro-government militias were unwilling to stand their ground. Some sold their weapons to the insurgency, and others defected.[68]Another feature of the opportunity structure for the Taliban's upsurge, therefore, was the collapse of previous political alignments.

Abusive Militia Behavior Backfires into Taliban Support Despite short-term successes of the militia programs in 2009–2010, they backfired for another reason. A new wave of ethnic resentment occurred because of the militia programs, as Pashtun populations in Kunduz became targets of abusive

Tajik- and, to a lesser extent, Uzbek-dominated militias, leading Pashtun communities to seek shelter with the Taliban.[69] The ALP was "hijacked" by local power brokers because the commanders rather than local elders and shuras channeled the recruitment process and the selection of ALP members.[70] The militias targeted Pashtun communities out of ethnic chauvinism and suspected support for the Taliban insurgency.[71]Like most armed actors during contemporary irregular wars, these militias faced the "identification problem"[72]:who was affiliated to the Taliban and who was not? This led to violence and abusive behavior toward Pashtun communities and civilians in general.[73]The predatory behavior of the ALP and other militias drove Pashtun populations into the hands of the Taliban.[74] Nearly all my respondents in 2016 also explained how militia abuse contributed to Taliban support. As one them explained,

(...) there are cases of harassment and rape of women, and as a consequence these women would be obliged to marry these ALP commanders! A lot of these women would definitely not agree to that, which puts them and their families in a very shameful and difficult position. This is something that really disturbed any sympathy that was there for the Afghan Local Police. This is something that the Taliban commanders would generally not be involved in.[75]

Another respondent from Kunduz stated,

The Afghan Local Police–they are bad people. (...) A friend of mine is a tailor. One time, 1 km from his home in the morning, he crossed the road and he had an accident with the dog of the ALP. The ALP fired at him with mortars because of that dog! They broke his leg; this happened three years ago. They could just do that because he was from a poor family.[76]

Another feature of the opportunity structure for the Taliban was, therefore, the resentment that emerged from its Pashtun constituency. Because of this misbehavior of pro-government militias, the Pashtuns became in need of protection, which the government did not provide to them.[77] The Taliban was able to exploit this void in security provision.

A Dysfunctional Afghan Government

Since 2001, much has been written about shortcomings in the Afghan government. The ANSF has lacked the structural capacity to effectively fight and defeat the insurgency. Even after the extensive training programs in Kunduz, the ANSF has had a low capacity and high levels of corruption within its ranks.[78] This was the case in the early years of ISAF, but most of the structural problems remained after the departure of the German forces from the PRT in Kunduz in 2013.[79] The ANSF took charge of security in Kunduz but was unable to provide it effectively. The Taliban already had an opportunity in Kunduz because of the weak Afghan army, but it was also able to exploit the government's corruption by providing a less corrupt alternative through its shadow judiciary.[80] In particular, the factionalized Afghan national government deterred the preventive function of the ANSF to stop the Taliban's upsurge in 2014 and 2015, and during the fall of Kunduz, the ANSF's response was uncoordinated.[81]

A Factionalized National "Unity" Government Paralyzed the ANSF

After the 2014 presidential elections, disagreement emerged over the results between the candidates' Dr. Ashraf Ghani and Dr. Abdullah, with both candidates claiming victory. Then U.S. Secretary of State John Kerry flew in with the aim of defusing an emerging political crisis. Kerry brokered an agreement for a National Unity Government (NUG) with Ghani as president and Abdullah in the role of national "CEO" that came into effect in September 2014.[82] The years following the agreement, however, showed a lack of clarity in the president and CEO's respective roles and responsibilities, creating severe internal tensions and governmental dysfunction.[83] These internal tensions became manifest in the coordination between different ministries. Under the NUG power-sharing agreement, Abdullah's team appointed senior officials in the Ministry of Interior and therefore had an influence on the ANP.[84]

President Ghani's team, however, appointed and controlled senior officials in the Defense Ministry and therefore the ANA.[85] Ghani also controlled the NDS, which is the most important military intelligence agency.[86] Coordination was lacking between these different ministries, and communication went vertically more than horizontally.[87] The factionalized NUG jeopardized the responsiveness of the Afghan forces on the provincial level in Kunduz during the Taliban's upsurge in 2014–2015.[88] In December 2014 president Ghani appointed Mohammad Omar Safi, a Pashtun, as governor of Kunduz. Hamdullah Daneshi, a Tajik loyal to the Jamiat-e Islami party of CEO Abdullah, was retained as Safi's deputy governor and General Abdul Sabur Nasrati, also a Tajik from CEO Abdullah's camp was appointed as police chief.[89] The governor and the police chief soon got into fierce conflict, in the first place over 'illegal' local militias operating in the province.[90]

National level political contention about the abandonment of militia programs trickled down to the provincial level.[91] This created coordination problems on pressing security issues that should have been dealt with cooperatively by the ANP, ANA, and NDS.[92] Lacking unity, Afghan government forces were not able to respond swiftly and effectively against the upcoming insurgency. Second, political tensions on the national level directly reinforced societal ethnic tensions amongst the population in Kunduz province. As Cecchinel observed, the Taliban "(…) indirectly benefited from the presidential election crisis and rising polarization among groups supporting the two presidential candidates (…)." [93] She further noted that in a "province where all of the country's ethnic groups are present and major political factions hold ground at the expense of others, insurgents have an easy game taking advantage of tensions that are constantly being fueled by feelings of being marginalized." [94] The Taliban was able to emphasize how the Afghan government and its aligned militias were corrupt, inefficient, and predatory, something that large segments of the population experienced in person.

The Taliban's Strategy in Kunduz

How did these opportunity structures relate to the Taliban's strategy and tactics? The Taliban generally seeks to base itself where the coalition forces and the Afghan government are the weakest.[95] It is a classic insurgent strategy to carry out armed resistance in rural areas characterized by rugged terrain and weak government control.[96] The Taliban's strategy throughout Afghanistan has been to take advantage of the discontent with the Kabul government's inability to maintain a level of local security, offer effective services, or establish the rule of law.[97] From 2002 onwards, the Afghan government's inability to provide essential services and security in rural areas increasingly marginalized those populations, making them a target for insurgents throughout the country.[98]

Infiltration, Messaging, and New Strongholds As

Giustozzi and Reuter explain, the Taliban generally follows its insurgency "template" in its attempts to take control throughout Northern Afghanistan.[99] The template consists of a number of phases that include "recruitment" and the selection of "appropriate strongholds." What the authors observed is the following:

These phases of recruitment can be observed all over the north: the infiltration of political agents to re-establish contact with old supporters or to identify new ones; the arrival of preachers who invite locals to join jihad; the establishment of small groups of armed men (a mix of returning locals and outsiders) to conduct armed propaganda and the intimidation of hostile elements; and finally, extensive local recruitment and military escalation.[100]

Infiltration of Taliban operatives is known to have happened during the upsurge of the Taliban in Kunduz.[101] According to one of my respondents; an undercover Taliban presence existed in Kunduz city even during the times the city was mainly under government control: In the city area, there are also Taliban. They have a hiding system in the city; some Taliban commanders are there undercover. They work together with the Taliban outside the city. If some people do not accept the solution in the city, the undercover Taliban will place a

bomb in the city. They will put different kinds of pressure.[102] Moreover, as Azam Ahmed reported in 2014, the Taliban secretly visited Chahar Dara district at several instances to ask the local elders for support to push the government officials and government forces out. The local elders were susceptible to the proposals precisely because the governor of the Afghan government did not listen to their complaints.[103]

In a similar vein, Cecchinel reported that complaints about the ALP abuses usually did not seem to go anywhere in the formal judiciary system[104] In 2013, a number of community elders from different areas in Chahar Dara visited the district prosecutor's office to file a complaint against ALP commanders Najib, Ghafar Wahab, and Sayed Murad.[105] According to Cecchinel's report, these three ALP commanders were arrested and their cases were sent to the office of the public prosecutor of Kunduz province. However, the ALP commanders were soon released through the interference of "high-ranking officials".[106] Afterwards, Commander Najib "warned the residents of Chahar Dara of the dire consequences should they complain about him again."[107] One of the Ahmed's interviewees noted, "At least 20 elders would complain to the district governor every day (…). When the Taliban secretly came to us and asked for support to kick them out, the people agreed."[108] In summer 2014, the Taliban had overrun approximately 20 police checkpoints in the district, helped by villagers who had grown tired of the abusive local police forces.[109]

During the Taliban's upsurge in Kunduz, the messaging of the Taliban was relatively, but significantly, stronger and more convincing than the Afghan government's.[110] The Taliban dominated the flow of information, so the population did not believe that the Afghan government would respond swiftly and effectively against the Taliban's upsurge.[111] As a Kabul-based analyst explained to me, The Taliban was clearly doing a better job on this than the government. The government was basically not communicating anything at all. So the people of Kunduz had no idea what the response of the government would be. In the meantime the rumor spread that the Taliban

were coming and would be taking over large parts of the districts.[112] The minimal communication on the government's side helped the Taliban control the expectations of the inhabitants. Crucially, the Taliban's messaging focused less on the creation of an Islamic state and more heavily on the Kabul government's inability to defend Kunduz and protect its own interests.[113]

The Taliban emphasized the Afghan government was working with foreigners—the "infidels"—and the same was said about the "puppets" of the ALP. As a Taliban fighter in Kunduz noted during an interview, When the Americans left [Kunduz], they left behind the Afghan Local Police. These Arbakis [Afghan Local Police] were disgusting human beings. They were wrongdoers. They were pedophiles. They oppressed the people.[114] These messages resonated well with the population because there was little factual evidence that would justify future protection for civilians by the government forces.[115] On the contrary, the abusive pro-government militias only strengthened the impression that the government would not help the people.[116] As one of my respondents from Kunduz noted, the relatively safe "base areas" were within the Taliban strongholds:

In Chahar Dara (...), the people there are happy with the Taliban system. They also protect some of the poor people. Now, when the Taliban are taking over the checkpoints from the ALP, the people are celebrating! [117]

The Taliban clearly chose a number of locations as appropriate strongholds, particularly in summer 2014 and 2015. Two key districts during the upsurge of the Taliban were Chahar Dara and Archi.[118] The Taliban took control of Archi in June 2015, and it became a major stronghold for the insurgency in Kunduz province as a whole. The Taliban established military training camps and a military commission in Archi before the attack on Kunduz city took place.[119] Moreover, Archi is the homeland of the Taliban commander who orchestrated the Kunduz assault in September 2015: Mullah Abdul Salam. According to Obaid Ali, a researcher at the Afghanistan Analysts Network (AAN), the main task of the military

commission was to "draw up military operational plans, not only for Archi, but also for the other districts in the province."[120]Ali further noted, "It is difficult to estimate the exact number of fighters this commission controls. Local sources report between 800 and 1200 fighters in the district." [121] Chahar Dara was another key district in the take-over of Kunduz city. The district has a longstanding insurgent presence of Taliban fighters. The Taliban took over the district in mid-June 2015.[122]

According to Ali, the Taliban insurgency ruled the district for several days, but "local elders requested that their fighters be removed from the district center in order to prevent fighting with government forces during the harvest season."[123] Ali reported that the Taliban left the district center peacefully for a while to let the government officials return to their offices. Ali stated that this "arrangement lasted until the attack on Kunduz city, at which point government officials in Chahar Dara fled to Kholm district in neighboring Balkh province and the district once again fell to the Taliban."[124] Chahar Dara district certainly was one of the main strongholds of the Taliban in Kunduz. Chahar Dara is very close to Kunduz city, approximately about six kilometers away, and it was used as a stepping stone in September 2015 to enter the city areas.[125] Most of the Taliban fighters who entered the city were equipped from Chahar Dara district.[126] Throughout the district, the insurgency created a system of governance, including a judiciary, prisons, finance, and transport departments.[127] Further, the Taliban was known to have a military center and training center for new recruits in Chahar Dara.

Rebel Governance By late 2015, after the fall of Kunduz, the Taliban controlled about 80 to 90 percent of Kunduz province[128] In 2015, the Taliban insurgency had an open presence and territorial control throughout the districts of Kunduz province, with only the central areas of Kunduz city and the main roads to the district centers remaining under government or pro-government militia control.[129] The Taliban gradually expanded its involvement in some governance

sectors. We should not overestimate the governing capacities of the Taliban in Kunduz, but it was able to tax the population and administer its form of a judiciary. The Taliban also provided some protection to segments of the civilian population, mainly against the behavior of abusive militias.

The Taliban aimed to provide a relatively stable environment in the areas it controlled. What did these governance practices look like in organizational terms? Generally, the Taliban as an organization is most accurately described as dualistic, both structurally and ideologically.[130] On the one hand, there is a vertical organizational structure, which can be observed in the shape of a centralized "shadow state".[131] This vertical structure reflects its overarching Islamist ideology, which appears to be "nationalistic" at times. On the other hand, there is the Taliban's horizontal network that reflect its roots in the segmented Pashtun tribal society.[132] Under Mansur's regime, this structure remained largely in place, as Osman noted,

Mansur's Taliban was not a fully centralized organization, but this has always been the case with the Taliban movement. Its structure is characterized by an acknowledged and religiously legitimized leadership and defined hierarchical structure, but one that is permissive for local operational decision-making and fundraising.[133]

In contrast to the pre-2001 Taliban, however, the resurgent Taliban insurgency somewhat shifted its ideological stance.[134] As Barfield noted,

They [the Taliban] now [post-2001] portrayed themselves less as Muslim zealots and more as God-fearing nationalists seeking to expel infidel foreigners from the country. They played on the suspicions of the rural population that the Kabul government and its international backers were attempting to impose alien values on them, harking back to old hot button issues. They downplayed their earlier demands for strict adherence to Salafist Islam and implied that if given power again they would not be as intolerant of other sects.[135]

The instructions by Mullah Akhtar Mansur and his deputy and now successor Mawlawi Hibatullah on how to govern Taliban

territories were broad and general directives. Reportedly, under Mansur's regime, the commanders were told to "protect public infrastructure, treat the local population well, not hinder the activities of humanitarian organizations, and work to persuade enemies to surrender."[136] How these general policy directives trickle down to lower ranks works out differently throughout provinces, districts, and localities. As Jackson explains, "the implementation of policies, even widely known and adopted ones, is far from uniform. While the Taliban shows more coherence than previously, even widespread and long-standing policies are subject to occasional rejection by local commanders."[137]

Mullah Abdul Salam, the then shadow governor of Kunduz and strategist of the 2015 Kunduz siege was "able to go his own way on various issues in part because he had a strong personal power base: he was widely respected for his military prowess and also exerted strong control over the illicit economy in the North."[138]Taliban governance in Kunduz did not emerge as one unified set of rules but was embedded in localized networks and ad hoc resolutions, implemented by Taliban commanders and Taliban judges. Linkages to important civilian groups in Kunduz were very localized, whether the ties were religious, ethnic, or clan based. That is why there have been some instances of Taliban governance, recruitment, and participation by non-Pashtuns, such as Tajiks and Turkmen.[139] The Taliban's Judiciary As Baczko notes, the judicial system is generally the core institution of the Taliban's administration.[140] The Taliban seeks exclusiveness of authority, and this is key in the setup of its shadow government.[141] In most of the districts of Kunduz, there were one or more Taliban judges active on behalf of the insurgency.[142] As one of my respondents from Kunduz noted,

(…) [Chahar Dara] is under total control of the Taliban. There is a complete system of the Taliban. They have certain policies; they have strong rules, no thieves for example. There is also a strong justice system in Chahar Dara.[143]

Another native Kunduz city resident working as a researcher noted during an interview in 2016,

For dispute resolution the point of contact now is always the Taliban. They resolve it within two days, without payment. People in Taliban-controlled territory go to the Taliban obviously, but also people in Kunduz city now go to the Taliban judges. If a village person sues a person from the city, that person will be called to the Taliban court in the village. This works for all people, for Uzbek, Pashtun, Turkmen, all.[144]

The Taliban judges are not stationary but usually travel from one place to another. In some cases, not Taliban judges but local mullahs take-over part of the responsibilities on behalf of the Taliban.[145] The insurgency co-opts these local actors into its judicial system. The Taliban installed its own prisons throughout various districts, with the largest being in Archi district.[146] Inside Taliban-controlled territory, the Taliban defines the dispensation of justice, but it also does so in areas of contested control to infiltrate new territory. The Taliban forbids the civilian population from using government courts. Civilians who approach government institutions to solve their disputes risk punishment by the Taliban. As one of my respondents from Kunduz city noted, "(…) the [government] courts are still working in Kunduz. However, if the Taliban knows you go to the government institutions, they will threaten the person that goes there."[147]

The insurgency established a localized monopoly on violence but also a localized monopoly on the execution of judicial verdicts. Generally, the judiciary has a clear function in the Taliban's larger military strategy.[148]As noted by Giustozzi and Reuter, rivalries among communities and competition for influence among local notables are often exploited by the Taliban to infiltrate local communities.[149] The Taliban is usually well-informed about village politics and "manipulate[s] local conflicts and drive[s] a wedge into existing fissures."[150] The Taliban has made use of its local networks to monitor the behavior of civilian populations. As one of my respondents explained, for example,

The Taliban shows up and the people know their faces, this in contrast to the government. The government is never present in the districts, so why go there? The people know the Taliban

in the area, and they know they will take care of these things.[151] The Taliban has attempted—though not always successfully—to maintain discipline within its own ranks. That discipline depicts the insurgency as a predictable force that can counter the impunity of "bad militias" in Kunduz.[152] The insurgency is able to discipline and punish, but at the same time, it is able to provide targeted protection from certain militias.

Taxation

The collection of taxes is an important element of state-making and generally leads to more elaborate civilian administrations.[153] Rebel groups that hold control over territory and a population are likely to implement some form of taxation.[154] The Taliban generally taxes the population by the collection of zakat and ushr.[155] Zakat is one of the five "pillars" of Islam and generally understood as a religious obligation on Muslims to donate 2.5 percent of their disposable income to the poor.[156] Ushr - which literally means one-tenth - is a traditional Islamic tax on agricultural productions, and the sharing of 10 percent is seen as a religious duty.[157] It is different from taxation by the Afghan state. Ushr and zakat go to the Taliban, local commanders, religious organizations, or poor community members.[158] Survey data collected by Bohnke and colleagues € shows that not more than 4 percent of the population in Kunduz paid taxes to the Afghan state between 2007 and 2015.[159]

That same dataset shows that approximately one-third of the population paid ushr in 2007, and in 2015, this raised to approximately two-thirds of the population.[160] One of the explanations is that the Taliban and local militias were able to collect a large share of ushr.[161] When the Taliban reasserted its control from 2014 onwards, it started to increase taxation.[162] Because the main economic activity in areas under Taliban control is normally farming, ushr is an important source of income.[163] In some areas, this also included the collection of a 10 percent tax from local shopkeepers and other small businesses.[164] On January 28, 2017, the New York Times

reported that the Taliban had started to collect bills for Afghan utilities in the provinces of Kunduz and Helmand.[165]

Haji Ayoub, an elder from Boz Qandahari village, north of Kunduz city, explained that the Taliban had stopped the government's electricity workers from collecting payments and started calling the people to come to the local mosque and pay to the insurgency.[166] Some of the aforementioned types of income allowed the Taliban to purchase weaponry and expand its operations. Overall, the Taliban's involvement in governance served several purposes. First, it allowed the Taliban to fill a vacuum of authority by providing local communities some level of protection from abusive militias and by ensuring quick dispensation of justice. Through its involvement in governance, the Taliban created goodwill among the population at the expense of the abusive pro-government militias. This further increased the Taliban's opportunities to monitor events on the ground and control civilian behavior. Finally, through taxation, the Taliban was able to increase its revenue and financial resources. The Taliban had the ability to further consolidate its power through these governance structures; the Taliban had the ability to further consolidate its power through these governance structures in 2015[167] and later.[168]

The Kunduz City Siege during a Transition in Taliban Leadership

In a video released by the Taliban on August 25, 2015, approximately a month before the assault on Kunduz city, more than 100 fighters under the local command of Mullah Abdul Salam publicly pledged their alliance to Mullah Akhtar Muhammad Mansur.[169] One month later, the key figures in the Kunduz upsurge were that same Mullah Abdul Salam—the shadow governor—and his deputy Mullah Mohammad Akhund, operating in the North as a part of Mansur's faction.[170] Mullah Abdul Salam was imprisoned by the Pakistani Inter-Service Intelligence in 2010 but was released in late 2012.[171] He returned to Kunduz province, where he resumed his position as Taliban shadow governor in 2013.[172] Mansur's faction, under the provincial command of Mullah

Abdul Salam, led the siege of Kunduz city in September 2015.[173] The Taliban essentially had the city surrounded, and according to some observers, the Taliban could take-over the city anytime it wanted. From locations around the city, Taliban fighters closed in on Kunduz city, holding on to it for two weeks in September 2015. The questions that remains, however, is why the fall of the city occurred at this specific moment in time.

Transition in Taliban Leadership in summer 2015

The fall of Kunduz city should be understood in the context of a transition in Taliban leadership. The siege of Kunduz was part of a larger process in which Mullah Mansur as the new amir ul-mumenin—commander of the faithful—attempted to consolidate his power over the various Taliban factions in the first months of his publicly assumed leadership. Mullah Omar, the Taliban leader since the movement's inception, had already been declared dead on several occasions. As early as 2011, rumors started to spread that Mullah Omar, the central leader of the Taliban, had died.[174] In reality, Mullah Omar died in 2013, but this was kept a secret.[175] On July 29, 2015, the Afghan government publicly announced that Mullah Omar had died.[176] Contrary to earlier reports, the Taliban itself soon confirmed the authenticity of Mullah Omar's death and announced that Mullah Omar's then "deputy" Mullah Akhtar Muhammad Mansur had been appointed as his successor.[177] Mansur's appointment, however, could be seen merely as a formalization of what had already been his position in practice. Mansur, as a deputy to Mullah Omar, had been running the Taliban movement for approximately five years already.[178] Who was Mullah Akhtar Muhammad Mansur?

During the 1990s, Mullah Mansur served as a bureaucrat under the Taliban government.[179] He held the position of chief of aviation when Afghanistan had very few planes operating. In parallel, he was responsible for the tourism department in what had already been one of the world's least accessible tourist destinations at the time. Mansur was not one of the founders of the Taliban, but he became an increasingly important figure upon the return of the Taliban as an

insurgency after 2001. From Pakistan, in 2003, the Taliban leadership created the Rabbari shura, also known as the Quetta shura, which originally consisted of ten members and announced the return of the Taliban insurgency in Afghanistan.[180] The Rabbari shura was headed by Mullah Omar, and Mansur was one of those first ten shura members.[181]

In the years after, Mansur led the Taliban's activities in Kandahar province. In 2010, he was appointed the sole deputy of Mullah Omar.[182] Mansur was able to capitalize on Omar's legitimacy even after Mullah Omar died by keeping it a secret. Since its inception, the Taliban movement had largely stuck together. Despite the flexibility and "looseness" of some networks on the lower levels, the movement had largely remained unified. This changed in 2015, once news of its deceased leader became public knowledge. One day after the publicly confirmed death of Mullah Omar and the announcement that Mullah Mansur had taken his position, two current members, Hassan Rahmani and Abdul Razaq, and one former member, Muhammad Rasul, of the Rabbari shura expressed open disagreement with Mansur as the new leader.[183]

As Osman explained, Mansur faced opposition from various sides: (1) armed opposition from Muhammad Rasul and Munsur Dadullah; (2) opposing members in the Rabbari shura; (3) dissidents on the Eastern front; (4) leaders in political office; (5) Mansur's long-term rival Qayum Zaker; and (6) Mullah Omar's son, Mullah Yaqoub.[184] Mansur, therefore, had to make every effort to stabilize his newly acquired position, and he did. Some of these dissidents fell in line a few months later. Mullah Omar's eldest son and other family members initially opposed him but came around after they were offered some positions of influence.[185] Mansur's long-term rival Qayum Zaker pledged his alliance after reportedly receiving financial compensation.[186] Another essential ingredient that Mansur needed was a public show of battlefield success. Given his vulnerable position as Mullah Omar's successor, it is not surprising that Mansur publicly claimed success for the

Kunduz siege after it happened. Mansur spoke to the AP by telephone, stating the following:

The victory [in Kunduz] is a symbolic victory for us, (...) Moreover, it is also a historical event which will be remembered. (...) People who said we were a small force with an unchosen leader can now see how wrong they were about the potential and strength my people have.[187]

The Kunduz victory, even though it was relatively brief, distracted attention from the existing internal tensions. Mansur could claim the Kunduz siege as his success because it was carried out by one of his own commanders. There was only two weeks of Taliban rule in the city, but this was still a symbolic victory that served Mansur well. Psychologically, it was a major event on all sides of the conflict.[188] Mansur's rule after Mullah Omar's death did not last for very long. He was killed in a drone strike on May 21, 2016.

Conclusion

By bringing together the literature on contentious politics and rebel governance, this article has shown how the Taliban insurgency was able to consolidate its power throughout Kunduz province from 2011 to 2015. Despite the fact that Kunduz province was under relatively firm government- and progovernment militia control in 2011, Mansur's faction of the Taliban was able to seize control over the whole of Kunduz by September 2015. This was the first time a provincial capital fell back into the hands of the Taliban since the U.S.-led intervention started in Afghanistan in 2001. I have demonstrated how the Taliban's upsurge took place because of a favorable opportunity structure for the insurgency that coincided with sufficient organizational capacities and a sense of urgency during the disputed leadership of Mullah Mansur. The upsurge of the Taliban in Kunduz emerged in response to the departure of international forces in 2013, which created what Tilly and Tarrow referred to as openness to new actors.[189] It shifted part of the international responsibilities on to the antiTaliban militias.

Second, the anti Taliban militias proved to be an effective solution for the Afghan government, but only in the short term. The militias upheld the status quo during the first years, but the militia programs backfired after the change of administration from President Karzai to President Ghani. Because of unstable political alignments with the elites in Kabul, some militias defected, whereas others were unwilling to stand their ground. Moreover, the abusive behavior of several ALP militias toward civilian communities – condoned by, or even in collaboration with the ANP, paved the way for the Taliban insurgency to expand its influence. A third feature of the opportunity structure was the multiplicity of independent factions of power within the Afghan government. The factionalized NUG was plagued by uncoordinated responses in the security sector.

The performance of the incumbent government was fragmented and poor, which enabled the Taliban to fill the political and military void. In the case of Kunduz, the Taliban did not have to be superior over its competitors in all facets to be successful militarily; it had to possess enough resources and organizational capacities to make sure it would seize the opportunity that emerged in the years after the international troop withdrawal. The militia problem for the Afghan government was a gift to the insurgency in military terms. A substantial part of the civilian population was fed up with the abusive militia behavior at its doorstep. The Taliban generally followed a similar strategy to what it had used before, but this time it turned out to be more successful because the Taliban did not encounter as much resistance from Afghan forces as it had previously from international forces.

The Kunduz case study indicates that the exit of a powerful external powerful actor from an area can shape a window of opportunity for an insurgency. The withdrawal from Kunduz opened spaces of territorial control and shifted alliances within complex networks of strongmen, militias, and Afghan government forces. Unstable political alignments between pro-government militias and the Afghan government opened opportunities for the insurgency to gain and maintain territorial control. In the time frame studied, the Taliban

insurgency can indeed be understood as "a process of competitive state building."[190] The Taliban insurgency not only competed with the Afghan government in military terms, but also by providing some form of governance to the population, as becomes apparent in the Taliban's setup of a shadow administration.

The Taliban generally seeks to base itself in rural areas where it possesses a network or where the coalition forces and the Afghan government are weaker or absent. The Taliban infiltrated new territories and dominated the messaging to the civilian population. The Taliban's capacity to govern served several purposes. The Taliban filled a vacuum of authority through its quick dispensation of justice, and it provided local communities some level of protection from abusive militias. Through taxation, it was able to increase its revenue and its financial resources. Governance practices therefore contributed to the Taliban's military success, but they should be seen as one factor among others, such as the aforementioned external opportunities. Even though the Taliban faced an internal leadership crisis in 2015, it was able to temporarily take-over the provincial capital of Kunduz with a relatively low number of fighters.

This happened after the split in leadership that created a sense of urgency within the Mansur faction. Mullah Mansur pushed his faction forward in the wake of Mullah Omar's announced death to avoid further fragmentation within the Taliban's ranks. This can be seen as a show of potency and a means to acquire support from other Taliban commanders who were not yet certain about whom they would support. Interestingly, factionalism on the Taliban's side had an empowering effect, in contrast to the factionalism of the Afghan government, which resulted in poor coordination among security forces in the province. The Pashtun civilian communities in Kunduz in the years before the fall of Kunduz city were essentially caught between a hostile local power structure (the non-Pashtun commanders and/or ALP recruited programs) from which they were politically excluded, and the Taliban on the other side. Within such a dynamic, they became, as a

consequence, dependent on the Taliban for targeted protection.[191]

This does not imply that they had warm sympathies for the Taliban; rather, it signifies that there was a lack of a middle ground with the Taliban, the only remaining alternative to a failing Afghan government. The Taliban used the grievances that these communities held against the pro-government militias to infiltrate the communities and to persuade them to cooperate with it or at least to not obstruct its advancement. Theoretically, the article has brought together two strands of literature that generally do not directly speak to each other: (1) contentious politics and (2) rebel governance during civil wars. The two strands of literature proved to be complementary. Regarding the contentious politics literature, the insights into rebel governance helped to understand the organizational capacity of insurgent groups once they take on state-like functions. Regarding the rebel governance literature, the contentious politics framework helped in viewing rebel governance as an explanatory factor for why rebel groups may be successful or unsuccessful in achieving their political and military objectives.

This article is the first attempt to bring these strands of literature together. It has also shown how rebel governance can be used not as a dependent variable but rather as one factor among other explanatory factors for the military success of insurgencies. Testing these processes and mechanisms more extensively from a comparative perspective is an endeavor worth undertaking in future scholarly work. In terms of policy, a few general observations can be made on the basis of this case study on Kunduz province. First, the events in Kunduz from 2011 to 2015 show that a withdrawal or partial withdrawal of international forces can create a power vacuum. For armed actors on both the Afghan government's side and armed opposition's side, such a power vacuum can be an opportunity to reconfigure their positions, politically and militarily.

In response to a withdrawal, some armed actors will attack; others will defect and/or shift their alliances, while others may remain relatively passive. Second, anti-Taliban militia

programs and other forms of intermediary measures of the international coalition forces to fight the insurgency may appear effective in the short term, but can be unpredictable in the long term. Third, for the Afghan government the Kunduz case study demonstrates that escalating factionalism within the Afghan government seriously hampers the coordination and maintenance of security on the province and district level.

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Niels Terpstra is the best analyst and researcher who have done an excellent research on militias in Kunduz provice. Her research work leads us towards a better understanding governance strategies of Militias in Afghanistan. Opportunity Structures, Rebel Governance, and Disputed Leadership: The Taliban's Upsurge in Kunduz Province, Afghanistan, 2011–2015 Niels Terpstra. To cite this article: Niels Terpstra (2020): Opportunity Structures, Rebel Governance, and Disputed Leadership: The Taliban's Upsurge in Kunduz Province, Afghanistan, 2011–2015, Studies in Conflict & Terrorism, DOI: 10.1080/1057610X.2019.1702256 To link to this article: https://doi.org/10.1080/1057610X.2019.1702256

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Chapter 5

Afghanistan's Taliban: Legitimate Jihadists or Coercive Extremists?

Florian Weigand

Abstract

The military intervention in Afghanistan in 2001 was portrayed as a fight to oust the extremist Taliban. But the Taliban have long been regaining influence, with the military victory of the Afghan government and its foreign allies now seeming less likely than ever. In light of these developments, this article investigates what the affected people – rather than the foreign interveners – think about the Taliban, and whether they perceive them as coercive or legitimate. Building on a conceptual understanding of legitimacy that has been adjusted to the dynamics of conflict-torn spaces, the article suggests that people judge the Taliban on the basis of how their day-to-day behaviour is perceived. While the Taliban are a coercive threat in urban centres and other areas where they launch attacks, they nonetheless manage to construct legitimacy in some of the places which they control or can access easily. A major source of their legitimacy in these areas is the way in which they provide services – such as conflict resolution – which some people consider to be faster and fairer than the state's practices.

Introduction

The Taliban are usually depicted as ideological fighters – religious extremists who want to introduce harsh rules in Afghanistan, including the prohibition of music and the suppression of women. Their mode of governance stands in stark contrast to Western ideals, with the fall of the Taliban government in 2001 being portrayed as a victory against terrorism and human rights abuses. However, the influence of the Taliban and other armed opposition groups is steadily growing again throughout Afghanistan. They describe

themselves as ‘jihadists’ that fight against the government and its foreign supporters. According to a report for the United States (US) Congress, not even 60% of the country’s districts were under Afghan government control or influence in 2017 (SIGAR 2017, 87). At the same time the US is welcoming direct peace talks with the Taliban (Tolo News, February 24, 2016). This development raises the question as to what the affected people – rather than the foreign interveners – think about the Taliban.

In response, this article sets out to investigate the reasons why people in Afghanistan view the Taliban as legitimate or illegitimate. Such an analysis can help to move away from peacebuilding and statebuilding efforts, which rest on ideological assumptions of what ought to be built, to policies grounded in an understanding of what the affected people think. The article also helps to deal with the difficulty of conceptualizing legitimacy in conflict-torn spaces. To enable an analysis of legitimacy, a framework is developed herein that builds on the traditional understanding of authority and legitimacy, but which considers the characteristics of contexts with a low degree of monopolization of force. Three analytical ideal types are proposed that can help to explain obedience to social control: coercion, which achieves obedience through force and threats; instrumental legitimacy, which ‘buys’ obedience by responding to needs; and the traditional more substantive understanding of legitimacy, which is underpinned by shared values and a belief in rightfulness. This framework is applied to an empirical analysis of the local perceptions of authority in Afghanistan. Insights into these perceptions were gained through an extensive number of interviews, conducted in different parts of Afghanistan in 2014 and 2015.[1]

This paper draws on those interviews that were collected in the eastern province Nangarhar. It uses selected interviews to illustrate the findings of the wider analysis of perceptions in the province (Table A1 in the Appendix). At the time of these interviews, some districts of Nangarhar were under government rule and others were opposition-controlled. The interviews present a snapshot of the situation – and its perception – at a certain time, but more importantly they

indicate that people judge the Taliban on the basis of what they actually do, and consider them to be legitimate or illegitimate depending on their day-to-day behaviour. In the government-controlled areas, the behaviour of the Taliban is perceived to be threatening and illegitimate by many, if not most. The main concern of people in these areas is not religious extremism but the attacks the Taliban launch and the instability they cause.

But in territories under Taliban control– as well as in some territories that are government-controlled which the Taliban can access –some people consider the Taliban to be legitimate. The findings suggest that this legitimacy is often not underpinned by 'big' ideological concerns, whether traditional or religious, but by the perception of being treated better by the Taliban than by the government. For instance, the Taliban successfully construct legitimacy by providing conflict resolution in a way that is perceived to be accessible, fast and fair. In the massively corrupt and volatile political order of Afghanistan, people appear to be longing mainly to be treated with respect and as equals, caring less about which code of law is actually applied. In some cases, the Taliban seem to be responding to these local demands better than the government.

Authority and legitimacy in conflict-torn spaces

The literature on legitimacy usually deals with political orders that are characterized by a high degree of monopolization of force. In such static settings, researchers can conceptually distinguish the institutionalized 'state' from the 'people' who bestow legitimacy. In this way, one can drill into the rational–legal source of legitimacy and investigate, for instance, how different policies affect a state's legitimacy. However, in a conflict-torn space there is, by definition, a contestation of at least two authorities, if not more. This conflict does not take place within the institutionalized structures of the state but outside of them. Usually, the state is part of the conflict, fighting with armed opposition groups, whether they are called rebels, militias, insurgents or terrorists.

In such a dynamic setting, the analysis of legitimacy becomes more complex due to the multiple referent objects, multiple audiences and multiple potential sources of legitimacy (von

Billerbeck and Gippert 2017; Weigand 2015). The empirical analysis of a complex concept like legitimacy in such a dynamic setting requires a well-defined framework. It is suggested that in order to conceptualize the political order of conflict-torn spaces–the context in which legitimacy 'happens'–the static understanding of the Weberian ideal-typical state should be left behind. Adopting such blinkers narrows the focus down to the degree of monopolization of force in a defined territory. As a consequence, conflict-torn spaces are easily dismissed as 'failed' or 'fragile' states, a category based more on the absence rather than the existence of characteristics, and hence devoid of much analytical leverage. In order to focus on what is rather than what is not, herein the political order is considered to be dynamic and in a constant process of transformation.

In line with scholars such as Migdal and Schlichte (2005), political order is viewed in the present study as a constantly changing arena of competition involving multiple authorities. As Agnew points out, 'political authority is not restricted to states and … is thereby not necessarily exclusively territorial' (2005, 441). Hence, choosing authority as the unit of analysis allows more flexibility in dealing with the globalized world order (see Kaldor 2009). Nonetheless, for this view on political order Weber's work is still considered to be fundamental. The understanding of authority which informs the present study is influenced by the German term Herrschaft, suggesting an analysis of governance beyond government. Weber defines the term as 'the chance of a specific (or: of all) command(s) being obeyed by a specifiable group of people' (1980, 122). Building on Weber, the expression authority is used to describe social control both as a relationship of command and obedience[2] and, accordingly, the (commanding) actor or entity to whose social control a group of people obeys.

The question driving this research is why people accept or even support an authority and obey. Conceptually speaking there are two options: either people want to obey or they have to obey. The voluntary obedience is based on legitimacy, whereas involuntary obedience is based on coercion. If authority rests on coercion then people are threatened or

forced to obey in a violent or non-violent way.[3] The definition of legitimacy as voluntary obedience to social control is in line with traditional empirical definitions of legitimacy (e.g. Levi et al. 2009)–however, its referent object is not necessarily the state or government, but can be any authority. Further developing the conceptual understanding of legitimacy, it is suggested that a distinction should be made between two different kinds of theoretical reasons for voluntary obedience, which reflect two fundamentally different ways of looking at legitimacy.

For this purpose, the rational assessment of usefulness of authority is termed instrumental legitimacy, describing the extent to which an authority responds to needs. People may voluntarily obey authority simply because it is beneficial, or else because they have no alternative. But instrumental legitimacy is of a short-term nature, and only lasts as long as people benefit, or hope to do so in future. Instrumental definitions of legitimacy are implicit in policy literature through suggestions aiming at enhancing legitimacy through service delivery or improved performance. Substantive legitimacy meanwhile is a more abstract normative judgement –a belief in rightfulness which is underpinned by shared values. Substantive definitions of legitimacy are dominant in the social science literature and go beyond the simple assessment of advantages and disadvantages, as they are centred on beliefs.

If a person believes that an entity has the right to exercise social control, he or she may also accept personal disadvantages. Hence, according to Weber, belief in the legitimacy of an authority [Legitimitätsglauben] is necessary to achieve long-term voluntary obedience (1980, 122). The most complex of these ideal types is substantive legitimacy. While coercion rests on force and threats, and instrumental legitimacy rests on the provision of goods and services, there are various sources of substantive legitimacy which can be categorized in different ways. Weber famously distinguishes between rational-legal, charismatic and traditional legitimacy, underpinning the belief in the right to exercise social control (2009, 78–79). Most of the contemporary literature on sources

of legitimacy focuses more specifically on legitimacy within rational-legal systems that require a high degree of monopolization of force.

For instance, Scharpf (1997) describes input and output legitimacy as two dimensions of a democratic system, where output goes beyond simple service delivery and is linked to the input of the people through representative institutions that ensure accountability. And the psychology literature, looking particularly at democratic policing, suggests considering the procedures of how police officers interact with the public (e.g. Tyler 2004, 2006; Jackson et al. 2013; Mazerolle et al. 2013). Empirical research can help improve the understanding of the extent to which these concepts can also be used to explain voluntary obedience in a conflict-torn space with a low degree of monopolization of force.[4]

In a nutshell; this article proposes three analytical ideal types which explain why people may obey social control. Coercion forces people to obey. If authority rests on the traditional understanding of legitimacy, or what is called herein substantive legitimacy, people obey because they believe in the rightfulness of authority. This belief may, among other potential sources, result from traditions or rational–legal structures. Instrumental legitimacy, underpinned by usefulness, fills the conceptual gap between these two explanations for obedience. This is obviously a purely conceptual exercise. The categories are interconnected, and in almost every empirical case different sources of authority will play a role. The analytical distinction does not necessarily contradict any conclusion on the relationship between the concepts.

While normative definitions set the criteria with which to assess authority and legitimacy, these empirical concepts rest on Weber's general approach of making research as independent as possible from the researcher's own views and values (Beetham 1991). Hence, the framework allows researchers to work more inductively and investigate the perceptions of different groups of people to explain why they obey social control. The framework can be applied to analyse the sources of authority and legitimacy, independent of the

political system in which the authorities operate and the degree of monopolization of force involved. On this basis, this framework is used to analyse the perceptions of people who are affected by the Taliban in Afghanistan and then draw conclusions about the basis of their authority and legitimacy. This in turn can also help to create a better theoretical understanding of the mechanisms that explain obedience to authority, especially with regard to sources of substantive legitimacy in conflict-torn spaces.

The Taliban in Afghanistan

The Taliban's history and claim of legitimacy

The 'armed opposition' or 'insurgency' groups in Afghanistan today are commonly associated with the label 'Taliban'. Indeed, after successfully turning an insurgency into a government in 1996 and being toppled again in 2001, the Taliban have returned to insurgency strategies to subvert the current government and its foreign allies. However, armed opposition today is a complex phenomenon, consisting of various groups and factions that change alliances fairly readily. The history of the Taliban is closely linked to the 'jihad' against the Soviet occupation of Afghanistan and the subsequent civil war.[5]

In response to the occupation, multiple Mujaheddin groups in the country took up arms to fight the Soviets, often with the support of Western countries that were channelling money and weapons through the Pakistani intelligence agency, the Inter-Services Intelligence (ISI) (Coll 2004). After the Soviet withdrawal from Afghanistan in 1989 and the fall of the pro-Soviet Najibullah government that held Kabul until 1992, the Mujaheddin groups turned against each other. Afghanistan quickly disintegrated into multiple regions controlled by different strongmen, fighting each other with changing alliances. At that time, the southern province of Kandahar was also divided. As foreign funding dried out in the province, competing commanders began to mistreat the population and extract money; the highways were littered with checkpoints of various groups who put chains across the road and demanded

tolls (Strick van Linschoten and Kuehn 2012, 113–117; Rashid 2001, 22).

A number of Mujaheddin–many of whom had stopped fighting since the fall of the Najibullah government and returned to study at madrassas [religious schools] in Quetta and Kandahar – became increasingly concerned and disillusioned (Rashid 2001). In response, they formed a group around their leader Mullah Omar to 'restore peace, disarm the population, enforce Sharia law and defend the integrity and Islamic character of Afghanistan' (Rashid 2001, 22). They 'distanced themselves from the party politics of the Mujaheddin and signalled that they were a movement for cleansing society rather than a party trying to grab power' (23), calling themselves 'Taliban'–the 'students' or those 'seeking knowledge'.

However, this narrative of the history of the Taliban is disputed. Barfield (2010, 257) points to an alternative story of Pakistan shifting its support away from the strongman Hekmatyar and instead helping to form the Taliban to fight the new government in Kabul. In any case, the Taliban were successful in gaining local legitimacy quickly, as they portrayed themselves as a 'Robin Hood' taking a stand against Kandahari warlords (Rashid 2001, 25). Their popularity grew steadily, with more and more people joining the Taliban. By late 1994, the Taliban had taken control of Kandahar, and on 26 September 1996, they took Kabul (Barfield 2010, 258–260; Strick van Linschoten and Kuehn 2012, 144). While the Taliban expanded their influence further to the north, they introduced a new political order for the territory they controlled. They called this territory the Islamic Emirate of Afghanistan, which was governed by Mullah Omar, who had been proclaimed Amir Ul Mumineen [Commander of the Faithful], and a small shura [council] of selected people.

While they claimed to be implementing Islam, their way of de facto governing included many elements of the Pashtun's cultural code, the Pashtunwali. Building on this mix of values and ideas they enforced strict rules, including the prohibition of music and the exclusion of women from public life, which stood in sharp contrast to the lifestyle of the population in urban places like Kabul and Mazar-e Sharif (Barfield 2010,

261–263). They taxed the people, asking everyone to pay zakat–a form of income tax – and making farmers pay ushr [Islamic tithe], 10% of their produce (Nojumi 2002, 155). Meanwhile, a number of strongmen and their militias tried to defend the north of the country against the Taliban, banding together as the United Islamic Front for the Salvation of Afghanistan, which is also known as the Northern Alliance.

When the US and the United Kingdom (UK) launched so-called Operation Enduring Freedom in October 2001, their air support enabled the Northern Alliance to quickly advance and capture Kabul in November of the same year. The Taliban first retreated to Kandahar before going underground, with some of their commanders moving to Pakistan. They were excluded from the negotiations on the future of Afghanistan in Bonn in December 2001, in which–apart from the international community – mainly strongmen of the Northern Alliance participated. These negotiations resulted in the establishment of the International Security Assistance Force (ISAF).

While the Taliban were no longer of much relevance for the international community, they reorganized in the Afghan–Pakistani border area and began fighting again as an insurgency. Today the Taliban, who still call themselves the 'Islamic Emirate', claim legitimacy by portraying themselves as 'jihadists', fighting against the 'occupying' US forces and the 'infidel' government forces.[6] This rhetoric underpins most of the Taliban's public statements on their websites al-emarah and shahamat,[7] which are used to justify attacks and announce the beginning of the annual 'fighting season' in spring (D'Souza 2016, 24). For instance, in April 2016 the Taliban declared:

The Islamic Emirate's armed Jihad against the American invasion has completed fourteen years and is now in its fifteenth year. Jihad against the aggressive and usurping infidel army is a holy obligation upon our necks and our only recourse for reestablishing an Islamic system and regaining our independence (Shahamat English, April 12, 2016).[8]

Indeed, despite the ongoing international support, it is estimated that, in 2017, only 59.7% of Afghanistan's districts

were under the control or influence of the Afghan government, with the insurgents controlling 11.1% and the remaining 29.2% of the districts being contested (SIGAR 2017, 88).[9] The fighting over the major city of Kunduz in the north of Afghanistan in 2015/16 illustrates that there is a chance of insurgency control continuing to expand, even into urban areas. However, while the numbers look impressive, the Taliban are also considered to be responsible for a large amount of civilian casualties (UNAMA 2017). Furthermore, the Taliban today are a fragmented movement, as illustrated by the complexity of the insurgency in Loya Pakita:

It is composed of four different strands. There are two networks led by the Haqqani and the Mansur families respectively. Besides them, there are Taliban groups acting independently from these two networks, led directly by the Taliban Rahbari or Ali Shura (Leadership or Supreme Council) or by individual influential commanders in Quetta. (Ruttig 2009, 59)

But the exact relationship between the various groups remains unclear. Ruttig concludes: 'The Haqqani and Mansur networks are clearly part of the Taliban universe … but their modus operandi is that of semi-independent warlords who have joined the rather heterogeneous insurgency movement for reasons of expediency' (2009, 88).[10] Probably the best-known institution of the Taliban is the Quetta Shura. Mullah Omar used to be its head, with Mohammad Mansur as his deputy. In addition, there is the so called Peshawar Shura, which has allegedly gained importance since Pakistan's ISI started shifting funds away from the Quetta Shura after it began opening up for negotiations and trying to open an office in Qatar (Martin 2014, 208). The fragmentation of the Taliban appears to have continued since Mullah Omar was revealed to have died in 2013. In July 2015, Mohammad Mansur was announced as Mullah Omar's successor (Giustozzi and Mangal 2015). However, members of the Rahbari Shura publicly complained about this decision, with one group led by Mohammad Rasoul – who fought the Soviets together with Mullah Omar – openly declaring war.

Meanwhile, the head of the Haqqani Network, Jalaludin Haqqani, was appointed as a deputy of Mansur (Osman 2015). Mansur was subsequently killed in a US drone strike in Pakistan in May 2016 and replaced by Mawlawi Haibatullah Akhundzada. However, according to Farrell and Semple (2017), Akhundzada is considered to be a weak leader by many within the Taliban, contributing to an ongoing fragmentation of Afghanistan's armed opposition. This fragmentation on the macro level is complemented by similar processes on the micro level. For instance, Smith describes the dynamics of the insurgency in Kandahar, explaining that 'there is no evidence that the formal structure of the insurgency has any real importance' (2009, 193). He points out that the Taliban in Kandahar are a much more dynamic and fluid 'entity', consisting of different units (see also Jackson and Giustozzi 2012).[11]

The Taliban's public legitimacy While the Taliban portray themselves and claim legitimacy on the basis of being 'jihadists' and wanting to 're-establish an Islamic system', it remains unclear how their legitimacy is perceived by Afghans. The importance of gaining a better understanding of what underpins legitimacy in the Afghan context has been widely acknowledged. Scholars working on peacebuilding, state-building, development and the international intervention in Afghanistan have emphasized that a major reason for failure is one of legitimacy (e.g. Goodhand and Sedra 2013; Kühn 2008; Roy 2004). While the international approach in Afghanistan focused on gaining legitimacy in the intervener's countries, local perceptions of what is legitimate – or not – were often ignored (Rubin 2006, 184–185) or misconstrued (Coleman 2017).

Building on this realization, most of the literature on legitimacy in Afghanistan looks at the state and the government. More quantitative, survey-based studies focus almost exclusively on service delivery, indicating an instrumental understanding of legitimacy. For instance, Sabarre et al. (2013, 17) conclude that 'perceptions of security are key indicators of legitimacy scores'. Scholars with a more substantive understanding of legitimacy often claim that local

customs are crucial; pointing at what Weber would call traditional legitimacy. For example, Libel emphasizes the importance of the Pashtunwali over religion for the Pashtuns in the south and east of Afghanistan:

Pushtuns have tended to accept any government and its civic laws as long as the government is controlled by Pushtuns and follows the basics of the Pashtunwali, and as long as its governmental laws and decisions are sanctioned by Pushtun jirgas. (Liebl 2007, 507)

The notion that legitimacy in Afghanistan is linked to traditions has also been adopted in the policy world. A USAID study claims: 'Legitimacy begins with empowering the local level with traditional decision-making processes and from there, slowly establishing links with the Weberian rational-legal institutions of the state can ensure accountability' (Melton 2015, 4). Conversely, other scholars point out that there are more general requirements which the state needs to fulfil to be considered legitimate. Barfield and Nojumi argue that historically, the government delegated authority to non-state actors, acting as mediators for grievances on the local level; according to their analysis, '[t]his system was highly functional and grounded in local perceptions of fairness and trust.

It crossed ethnic, linguistic and tribal boundaries with ease because it was in the interest of all parties to cooperate' (2010, 42). Similarly, Roy argues that the 'Afghan identity is based on a common political culture' (2004, 173). He suggests three criteria that the state in Afghanistan needs to fulfil to be considered legitimate: building on the concept of Afghanistan being an independent Muslim territory, acting as a mediating broker between competing groups and providing basic services. The Taliban's legitimacy post 2001 on the other hand has not been investigated much. Perception data indicates that public support for armed opposition groups in Afghanistan has been decreasing since 2009. According to the Asia Foundation (2016, 7), only 16.7% of the people in areas their researchers can access have sympathy for armed opposition groups today.

But this does not explain why people support the Taliban or consider them to be legitimate. Some of the sources of legitimacy that are discussed in the context of the Afghan state may also matter for the Taliban–in particular, 'tradition' in the form of the Pashtunwali could still play a key role. Liebl (2007) suggests that the people's expectations in the Pashtun areas of Afghanistan regarding governance rest on the Pashtunwali. At the same time, the Pashtunwali influences how the Taliban govern, matching local expectations. But service delivery may also provide the Taliban with some legitimacy. Giustozzi (2012) offers some helpful additional insights.

On the basis of interviews with members of the Taliban, he concludes that the provision of justice is central. When the Taliban manage to establish a local monopoly of force, Giustozzi argues, they can construct legitimacy by providing justice: 'by and large, the Taliban seem to have greatly benefited from their ability to mediate disputes among communities. It could be argued that such ability is a major source of legitimacy for the Taliban' (2012, 73). Building on these ideas, this paper further contextualizes the perception data and compares the Taliban's claims to legitimacy with the reasons why people perceive them to be legitimate – or not.

Local perceptions of the Taliban

To gain a better understanding of the Taliban's authority and sources of legitimacy, the ways in which they are perceived by members of the public are examined. To do justice to the 'fluid' nature of the Taliban, with characteristics varying spatially and changing over time, the analysis focuses on Afghanistan's Eastern province Nangarhar in 2014/15 This geographical focus complements the existing literature on the Taliban that concentrates mainly on the south of Afghanistan. Travelling from Kabul, it only is a three hour ride by car to the city of Jalalabad, the capital of Nangarhar Province. The road follows Kabul River and twists down 1300 metres through the mountains. In the mountains one can see patches of new asphalt on the road frequently, serving as reminders of the fuel trucks that have caught fire after being shot at from the

mountains. Surobi District, which is one of the eastern districts of Kabul Province, is well known for frequent attacks on the Afghan National Security Forces (ANSF).

Leaving the mountains of Kabul Province behind, the road reaches the plains of eastern Afghanistan, first Laghman Province–where many people take a break for a photo with an old Soviet tank lying next to the road – and finally Jalalabad in Nangarhar Province. The terrain is much flatter and the temperature is much higher here than in Kabul. In this part of the country it hardly ever rains, and the heat is often unbearable in summer, but because of the pleasant temperatures in winter, Jalalabad was a popular seasonal home for many Afghan kings over the centuries. Today, with about 200,000 inhabitants, Jalalabad is one of the biggest cities in Afghanistan. From here it is barely 80 km to the Pakistani border.

Indeed, the main currency used in this part of Afghanistan is the Pakistani rupee. Like most other parts of Afghanistan, the predominantly Pashtun province of Nangarhar was controlled by the Taliban from 1996 to 2001. Today governance in Nangarhar is dominated by a number of strongmen, who compete for influence (Jackson 2014). In the period during which the interviews were conducted, the Taliban had gained full control of many parts of the province again. However, the provincial capital Jalalabad remained under government control, with some districts close to the city being ‘grey’ areas, technically controlled by the government but also influenced by the Taliban. But even though the visible presence of the Taliban in Jalalabad was low, there was an atmosphere of fear, driven by suicide attacks, kidnappings and robberies. The interviews were conducted in the format of natural conversation, triggered by the use of open-ended questions.

As legitimacy is an abstract social phenomenon, which may be understood differently by different people, it was not used during the interviews. Instead, the discussion was on the Taliban more generally, using two thematic examples of exercising social control to investigate perceptions that can be related to legitimacy: security provision and conflict resolution. Of particular interest for the purposes of this

research are the interviewees' explanations of strong positive or negative views regarding the Taliban, the reasons why they thought that the Taliban or other authorities should be responsible for security provision and conflict resolution, and their views as to who should govern Afghanistan in the future. Interviewees were selected in such a way that they covered a wide range of characteristics with regard to age, sex, income, social position and district of residence.

The research does not, however, build on a 'representative sample' in a positivist sense; being about the mechanisms of legitimacy, it does not aim at drawing general conclusions on the extent of the Taliban's legitimacy in Nangarhar, let alone Afghanistan. The details of the interviews this article draws on are given in the Appendix.[12] The selection of interviewees also depended heavily on pragmatic considerations, particularly access–hence, certain groups of people, particularly women and people living in areas controlled by the Taliban, are underrepresented. In addition, certain ideologies or views might be underrepresented, for instance because people who are critical of foreigners may be less likely to participate in a research project. It also turns out that the number of people interviewed who supported the Taliban is much lower compared to those who perceived the Taliban as a threat. As a consequence, it was necessary to work with a comparatively small number of interviews to understand what legitimizes the Taliban, while there are many more interviews which shed light on what delegitimizes them. However, understanding what delegitimizes the Taliban also helps to draw conclusions on the sources of legitimacy.

Jalalabad – the Taliban as a security threat

Even though the Afghan state was in control of Jalalabad at the time of this research, the Taliban frequently arose as a topic of conversation in the interviews, as both a historical and a contemporary phenomenon. Looking back to the time when the Taliban were in power, most interviewees had very positive memories and stated their satisfaction, particularly in terms of security. Comparing the past with the present, the mechanic Rahmanullah stated: 'I think the security situation is

worse than 15 years ago. During the Taliban regime there were no kidnappings or other crimes in our province' (N31). Similarly, Khyber, a middle-aged man who was unemployed at the time of the interview, concluded:

During the Taliban regime there were no robberies, kidnappings or suicide attacks. During the first term of Karzai, the situation was good too. But now it has changed completely. The number of suicide attacks and kidnappings has increased, and there is a high level of corruption in the public administration. (N30).

Views like those of Rahmanullah and Khyber were widely shared, and not limited to Jalalabad. Also, in the more rural districts of Nangarhar, people often had good memories of the time when the Taliban were in power (e.g. N34, N35, N36). Nonetheless, some people, less frequently, also acknowledged that not everything was good during the Taliban's regime. For instance, the farmer Taher explained that under the Taliban the security situation was better but that his economic situation was worse (N28). Today the phenomenon of the 'Taliban' is considered to be more complex. There are a number of armed 'opposition' groups with different interests and alliances, sometimes linked to strongmen or to the government, sometimes claiming to be 'Taliban' and sometimes only being labelled as 'Taliban' by others. The armed groups that are mentioned most frequently in the interviews are Hekmatyar's Hezb-e Islami[13] and the forces controlled by the Quetta Taliban Shura, also referred to as the Islamic Emirate, as well as the militias of the various strongmen. A local civil society activist explained the structure of the armed groups in Nangarhar as follows:

There are two main opposition groups here. It's the Islamic Party [Hezb-e Islami] and the Taliban. The Islamic Party usually only attacks foreigners, not the ANA [Afghan National Army] or the ANP [Afghan National Police]. The Taliban attack foreign and government forces. The Taliban also collect ushr and zakat, which the Islamic Party isn't doing. The Taliban are much stronger and consist of different factions. The government is linked to these groups as it has some of its people within the Taliban. In addition, strongmen – which

often are part of the government too – hire militias to achieve their personal interests. Every strongman, every political party and every group has its own armed force. Most people just call all of these armed groups Taliban. (N18)

In 2015, a new opposition actor suddenly entered the ring, the so-called Islamic State Khorasan (IS-K), which people in Afghanistan widely referred to as Daesh. While in late 2014 not a single interviewee mentioned IS-K, in 2015 almost every interviewee was concerned about its growing influence in the province. At the time of the interviews, reports on the Islamic State in Afghanistan had been limited to Nangarhar. But soon after the Taliban declared 'jihad' against the group (Khaama Press, April 20, 2015; Osman 2016).[14]

Most of the people interviewed in Jalalabad had strong negative views on the Taliban as being responsible for multiple attacks that had killed a large number of civilians in the city. The positive memories from the past rarely translated to the present perception. For example, the university student Gulagha proclaimed: 'Taliban means "the ones who seek knowledge". But now it is nothing more than the name of an illegally armed group, which is destroying the country with bombs and suicide attacks' (N10). Similarly Rohullah, also a student, stated: 'Taliban for me means murderers. Especially city people hate them' (N08). Very negative perceptions were particularly prominent in the second round of interviews in the spring of 2015, reinforced by an attack on Kabul Bank in Jalalabad killing and injuring dozens of people around the time of the interviews. But Rohullah, like many of the interviewees, also blamed the Taliban for crime in the city.

Kidnappings by unknown groups were a regular occurrence during this period, and many people attributed them to the Taliban even though they appeared to be carried out only for income generation via ransom. Rohullah summarized: 'Jalalabad is not secure at the moment. On a daily basis we witness bombings and the crime rate is going up' (N08). Although people in Jalalabad blamed the Taliban for all kinds of criminal activities, they still perceived them as a political actor (e.g. N27, N29) – albeit one that is not necessarily fighting for ideological reasons, but as a tool of foreign

intervention driven mainly by Pakistan to consciously cause insecurity in Afghanistan: 'In case the Taliban managed to stop the infiltration of their organization through foreigners they might be accepted. But our nasty neighbour Pakistan causes insecurity through the Taliban' (N07). Some people in Jalalabad had also experienced recent personal encounters with the Taliban. Based on these encounters, people in Jalalabad did not necessarily perceive the Taliban to be an armed group linked only to Pakistan, but also saw connections to the Afghan state. For instance, the civil society activist told me:

My son was kidnapped and I was asked to provide them [the kidnappers] with 10 AK47s. ... When I was walking out of the police station after filing my case I got a call from the Taliban telling me that the police couldn't help me. About six months ago I was attacked in front of a police station. And after filing my case they arrested a number of police officers. They called me to recognize their faces, but I was too afraid to do so. In fact, the police commanders cooperate closely with the illegally armed groups. Whenever these people notice that their interests are in danger they will take advantage of their links with the insurgents and call on them for help. (N18).

While the civil society activist was particularly open about his experiences, other interviewees also complained about the links they see between the police and the Taliban (e.g. N08). As far as the people interviewed in Jalalabad were concerned, the Taliban did not have much authority, as the people did not obey them – either voluntarily or because of coercion. They saw the Taliban mainly as a threat from the outside and a driver of insecurity, an agent of Pakistan that is responsible for numerous attacks. But people also blamed the Taliban for other crimes, often perceiving them as partners rather than opponents of criminal government authorities. Even though many interviewees had positive memories of the Taliban regime, these memories did not translate into an overall positive perception of the Taliban, as their perceptions rested only on the present activities of the Taliban. The violent behaviour had delegitimized the Taliban in the eyes of the people, while the Taliban's attacks in Jalalabad also illustrated

that the Afghan state was incapable of providing security for its citizens – even in major urban areas.[15]Hence, people had become dissatisfied with the Afghan state, making the attacks a successful delegitimization strategy for the Taliban.

Behsod and Surkh Rod – the Taliban as a sporadic phenomenon

In the other parts of Nangarhar province in which research was conducted – the districts of Surkh Rod and Behsod–people shared an overwhelmingly negative perception of the Taliban. In Behsod, which is a more rural district that is in close proximity to Jalalabad, almost all the interviewees saw the Taliban as the main source of insecurity. However, while some were concerned that 'security [was] getting worse day by day' (N34; see also N36, N40, N47, N51), most people were confident about the security situation (e.g. N35, N38, N39, N45, N48, N49). To explain this variation, many people pointed out that the Taliban were not active in all parts of the mainly government-controlled district. However, the Taliban did infrequently show up in some areas. For instance, the farmer Haiatullah reported: 'There are no Taliban in our village.

But they sometimes show up in Samarkhel village close by' (N44). In contrast to Jalalabad, the experience of insecurity in these areas was based less on attacks and more on the Taliban's attempts to extract money. Like other interviewees, the non-governmental organization (NGO) employee Subhanullah reported: 'Every now and then the Taliban come from Khogyani and Chaparhar districts and ask us for tithes. And when they come we feel insecure' (N40). But despite the limited presence of the Taliban in the district and their negative perception, they managed to recruit successfully in Beshod. An interviewee explained: 'Many people from our district go and join the Taliban because of poverty and unemployment' (N50). Only one of the interviewees in Behsod had an openly positive perception of the Taliban. The village elder Wais explained that he liked the Taliban because they were helping to solve conflicts on the community level:

Here in our village two brothers had a conflict on land rights. They went to the government to solve the conflict but nothing happened for a month. Then one brother went to the Taliban instead. They solved the conflict very quickly. And the result was acceptable for both brothers. (N34)

As he was unsatisfied with the government's conflict resolution procedure and the growing insecurity, he expressed hope that in the future the Taliban would be the only provider of security and conflict resolution. He also explained that the Taliban offered 'mobile courts', making access much easier than the government. In the case of a conflict, people could request that they come by motorbike to help. Despite his preference for the Taliban over the government, Wais criticized, like everybody else, the interference of neighbouring countries:

'I don't like Iran and Pakistan because they cause insecurity in our country' (N34). But in contrast to most of the other interviewees, he did not see a connection between the neighbouring countries and the Taliban. Furthermore, he did not consider himself to be a Talib, and carefully distinguished between 'the Taliban' and 'the people in the village' in the interview. He complained that foreign and government forces sometimes accuse people from his village of being members of the Taliban: 'A month ago international forces and ANA soldiers came and accused our Mullah [of being] a Talib. They looted his house and burned his motorcycle even though he is innocent' (N34). According to Wais this reinforced the perception in his village that the government was a threat while only the Taliban could provide security.

The third area of Nangarhar in which this research was conducted is the district of Surkh Rod. Surkh Rod, like Behsod, is rural but still close to the urban Jalalabad – and like in Behsod, the interviewees there had mixed perceptions of the security situation, but widely agreed that the Taliban were the main threat (e.g. N01, N02, N03, N04, N05, N21, N23). However, according to the teacher Nader, the Taliban were only present and a concern in the Kakrak area of Surkh Rod at the time of the interviews (N16). Like in the other districts, the label 'Taliban' was used to describe all kinds of armed groups.

For instance, Mohammad, a member of a local council reported: ‘In general, security is enforced and there is no threat from insurgents. But there are criminal activities. …

The Taliban use weapons to kidnap, rob, ambush and threaten people’ (N05). The head of a civil society organization further explained that many people and groups describe themselves as Taliban: ‘A great number of people are only fighting for their personal interests. But they do so using the Taliban label’ (N02). As in Behsod, many people were reported as joining ‘the Taliban’ – although it remains unclear which group exactly – due to the pressures of poverty induced by unemployment (e.g. N16). Many interviewees concluded that the violence in the country was not a consequence of opposing ideologies, but instead only a matter of economic interests. In Surkh Rod and Beshod, it was the state authorities who dominated the political order – and, like in Jalalabad, many people perceived the Taliban as a threat.

In those parts of Behsod that were accessed frequently by the Taliban, this perception did not only rest on attacks and criminality in general, but, more specifically, also on the experience of the Taliban demanding obedience to their rules and attempting to extract money from people. Here the Taliban were an actual authority for people, albeit one founded on coercion rather than legitimacy. However, despite their negative reputation in both districts, some people decided to join the Taliban in order to make a living. And not everybody saw the Taliban as a threat, as the case of Wais indicates. While his support for the Taliban was an exception, he – like the other interviewees – formed his opinion on the basis of his perception of the behaviour of the state in comparison to the Taliban on a day-to-day basis.

His support for the Taliban was based on the perception of the Afghan state not only being incapable of providing security and conflict resolution, but even behaving in a threatening way, while he felt that the converse was the case with the Taliban. He therefore voluntarily chose the Taliban for conflict resolution, indicating an authority resting not only on force but also on legitimacy. The Taliban’s legitimacy in this case was based on very rational considerations: the experience of

procedures he considered to be fast and fair. None of the interviewees explained support or rejection of the Taliban with more ideological considerations, such as a preference for a certain code of law (e.g. state law or Islamic law) or a preference for a certain defined procedure of how an authority should be gaining power (e.g. democracy or theocracy). Indeed, the interviews illustrate that pragmatic decision-making seems to play a key role, with people joining the Taliban to escape poverty and unemployment.

Khogyani and Sherzad – the Taliban as a provider of fast and fair conflict resolution

A number of interviewees in Jalalabad, Behsod and Surkh Rod turned out to be from other more distant districts, such as Khogyani, Chaparhard and Sherzad (see Figure 1). Their 372 F. WEIGAND views offer valuable additional insights, as these districts were often described as the Taliban's 'bases' for driving insecurity in Nangarhar in the other interviews, but were difficult to access due to safety considerations. And indeed, many of these districts appeared to be at least partly controlled by armed opposition groups at the time of the interviews. The shopkeeper Obid (N13) and the engineer Khalid (N14) together described the situation in Khogyani District in the autumn of 2014. According to them, the security situation had become worse since 2010: 'Five years ago at least the main roads were safe. Today not even these roads are safe any more, as the number of bombings and kidnappings has increased dramatically' (N13 and N14). They assumed that the reason for this was the collaboration between government forces and other armed groups: 'The security is both enforced and sabotaged by the government, as the government cooperates with insurgency groups' (N13 and N14). And, according to them, the political landscape of insurgency groups was complex:

There are … the Islamic Political Party [Hezb-e Islami], the Islamic Emirate, Mahaz, a new group called Karwan Fidaye as well as ordinary criminals. Karwan Fidaye is particularly active in Khogyani. Once they get you, escaping from them is very challenging. The members of this group cover their faces

with black masks and people say that most of them are from Punjab in Pakistan. This group fights both the Taliban and the government. (N13 and N14).

According to the two interviewees, all of these groups would make attempts to extract money:

In rural areas they come several times per year and ask landowners to pay tithes. In cities they target rich people, by calling them or sending them threatening letters, asking for money. Two people who introduced themselves as members of the Mahaz Party called me recently, threatened me and asked for money. (N13 and N14).

But the interviewees also felt threatened by the government:

My father in law spent US$90,000–100,000 on building a house in the Ahmad Khail area of Khogyani. Now the head of the Afghan Local Police, Malik N. has taken the house. He refuses to leave the house, and doesn't even pay rent. The Taliban started to attack him and as a result the house got partly destroyed. A suicide bomber even blew him up inside the house. (N13 and N14).

They were not able to solve the conflict in the formal system:

When we wanted to complain about our house being stolen at the district police department, they didn't even let us inside because the head of the district police is also the head of the village and a friend of Malik N. (N13 and N14)

Given these circumstances, these two interviewees saw Taliban courts as the only feasible alternative:

'The next time I am involved in a conflict I will go to the Taliban first. They solve conflicts quickly. The government isn't solving my problems, it's making them bigger' (N13 and N14). Another interviewee, Wasiullah, a young man from Sherzad District, was even more convinced by the Taliban:

Sherzad district is completely controlled by the Taliban … I think it is much better in Sherzad than in Jalalabad. Because in Jalalabad there are two governments in one city, in Sherzad it is only the Taliban. And all people in Sherzad are happy with the Taliban. (N33)

According to Wasiullah, the reason for this was not only the good security but also the fast and non-corrupt conflict resolution:

When a person has a problem he goes to the Taliban. The Taliban then refer the conflict to their Hoquqe Department and courts. Their conflict resolution procedure is much simpler than the formal justice mechanisms. The decisions are made on the basis of Islamic law, and they are fast. They sometimes ask for a small bribe to cover the expenses of their motorcycle. But apart from that there are no costs for the involved parties. (N33)

When asked about the use of force by the Taliban, Wasiullah responded: 'Yes, they use force if necessary. But they are not corrupt. So people prefer the Taliban's conflict resolution' (N33). He expressed his hope that the Taliban would be governing the country again soon. It can be easily doubted whether, as Wasiullah claims, all of the people in Sherzad were happy with the Taliban – but it has to be acknowledged that some people in Sherzad District apparently did prefer the Taliban to other authorities, and that the Taliban have legitimacy because they do some things better than the government. And again, it is their day-to-day behaviour–the perceived speed and comparatively lower level of corruption – that was a major source of their legitimacy. The interviews with people from Khogyani District further support this narrative. The interviewees complained about the various insurgency groups collecting tithes. Nonetheless, they preferred the Taliban courts to the government ones for conflict resolution. This preference rested on their personal negative experiences of theft and unfair treatment by people associated with the government, combined with the perception of comparatively fast and fair procedures at the Taliban courts.

Conclusions

Given the complexity of the situation in Afghanistan as outlined throughout this article, it is difficult to define who the Taliban actually are, and how to categorize and distinguish them from other armed groups. Furthermore, a very prominent perception is that some of the armed 'opposition' groups are

closely linked to criminal government authorities. Nonetheless, all of the people interviewed did have strong views on 'the' Taliban. These views were predominantly negative, which corresponds with survey data (Asia Foundation 2016). However, broader conclusions on the extent of the Taliban's legitimacy should not be made on the basis of this research, as the sample size is very small and is not aimed at being representative.

Whom people consider to be a legitimate authority can vary from village to village, from person to person and, over time. Still, the reasoning that underpins these different perceptions is very similar, indicating that the mechanisms that legitimize or delegitimize authorities are of a more general nature and remain relevant regardless of how the situation in Afghanistan develops. Overall, people appear to assess the Taliban pragmatically, predominantly based on the day-to-day experience of their behaviour rather than on their history or ideology. Further empirical research is necessary for a more complete picture which more closely examines Taliban-controlled areas, considers other provinces in Afghanistan and investigates the views of a larger number of people – including the self-perception of Talibs. However, two conflicting images of the Taliban emerged from Nangarhar.

While people in most parts of the government-controlled territories looked at them through the lens of 'insecurity', some people in the Taliban-controlled territories viewed the Taliban more favourably, focusing on their effective role in 'conflict resolution'. These views are closely aligned with the two different roles the Taliban play in Afghanistan, governing some parts or offering services that are associated with governing authorities while fighting in others. On the one hand, in the government-controlled areas, most of the interviewees perceived the Taliban as a coercive authority or simply as a threat to their security, group acting in the interest of Pakistan. This view stands in stark contrast to the picture of the Taliban as 'jihadists', which they use to claim legitimacy.

However, it is not religious extremism per se that people were concerned about; the negative public perception rested on attacks and other criminal activities in the city for which the

Taliban were blamed. While some had positive memories of the Taliban regime, these thoughts did not translate into a positive perception today. In sum, it appears that the Taliban were not even trying to construct legitimacy, but were focusing on undermining the legitimacy of the state by illustrating that it could not protect its citizens. Nevertheless, in spite of the widespread rejection of the Taliban, some people from these areas decided to join the group in order to make a living. This choice to not only accept but become active with the Taliban can be read as legitimacy. However, this legitimacy appears to be purely instrumental, based not on beliefs but instead arising out of economic need. On the other hand, some residents from Taliban-controlled areas and territories that were technically government-controlled but accessible to the Taliban had more positive opinions.

These people described the Taliban as their preferred authority, or viewed their relationship with them as a voluntary one–which likewise indicates legitimacy. But again, it was not the Taliban's 'jihad' that people focused on; in terms of the Taliban's role in security provision, their legitimacy appears to have been instrumental. People viewed the Taliban as the best security provider for very pragmatic reasons, not because of values and beliefs. For instance, they considered armed opposition groups to be threatening but thought that the state was even worse, or they simply preferred having a monopoly of force over ongoing violent competition. But the Taliban's role in security provision was marginal for most, which instead focused on their positive role in conflict resolution, confirming Giustozzi's (2012) conviction that justice plays a key role in the Taliban's legitimacy.

Supplementing Giustozzi's theory, these findings indicate that the Taliban apply this strategy not only in territories in which they have a local monopoly of force, but also in some accessible territories that are government-controlled–thereby attracting people for conflict resolution and building legitimacy. This is noteworthy, since in the absence of a local monopoly of force, the Taliban's ability to enforce decisions is limited and requires more popular acceptance. Some people choose the Taliban because they think that the group responds

better than the state to their need for fast and cheap conflict resolution, and accessibility plays an important role as well: for some, the Taliban courts are closer than the state ones, and in some instances its 'mobile courts' even come to the village.

As such assessments are based on usefulness and personal advantage, they again illustrate that the legitimacy of the Taliban is very instrumental. This prevalence of instrumental legitimacy shows that many people simply think that the Taliban are the best available choice, or at least the lesser evil. Importantly, this makes their authority vulnerable. Supporters may easily be convinced to follow competing authorities, such as the state, if they were accessible and offered services of a similar speed and standard. However, there is also a substantive dimension to the Taliban's legitimacy in this context, as the interviewees also preferred the Taliban because of the fairness and predictability of their conflict resolution procedures. The repeated description of the Taliban as not being corrupt, or at least being less corrupt than the state, indicates that people do not only choose the Taliban for conflict resolution because they assume that they will have the best chances of winning their case or securing the best outcome, but also because the procedures correspond with a shared belief of what is right.

This shows that the perceived fairness of procedures – a source of legitimacy emphasized by scholars like Tyler (2004, 2006) in the context of political orders with a high degree of monopolization of force, as well as by Barfield and Nojumi (2010) in the context of Afghanistan's history – can play a central role in the construction of legitimacy in conflict-torn spaces today. More ethnographic research is necessary to explore the values that underpin the notions of 'corruption' and 'fairness' in Afghanistan – but the present research indicates that these values, most notably equality, are very general ones that are not necessarily linked to Islam, to the Pashtunwali or to other culturally-specific ideals. People seem to care less what kind of law is applied – whether it is state law, Islamic law or 'traditional' law – than about how the law is applied.

This finding illustrates that the Taliban's second claimed source of legitimacy – the 're-establishment of an Islamic system' – does not matter much for the people. What matters much more is the perception of the Taliban as being less corrupt than the state. Put differently, the people's immediate concern is having any rule of law – regardless of its ideological sources – to counter the perceived high level of corruption and arbitrariness. It is only when the procedures are clearly defined and implemented accordingly that there is a certain degree of predictability for people; and only when people have the feeling that everybody is treated the same way, regardless of money or influence, are the procedures of an authority considered to be fair. By living up to these very basic expectations and making people feel like equal subjects to their authority, not perfectly but better than the state, the Taliban – even if only perceived as the lesser of two evils – have already constructed some substantive legitimacy. This means that if the Afghan state is to win the fight against the Taliban, it is not sufficient to defeat them on the battlefield; the state also has to construct legitimacy more successfully than the Taliban – and, without having to compromise on human rights or democratic values, it can do so by taking some cues from its enemy.

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Chapter 6

Armed Governance: the Case of the CIA-Supported Afghan Militias

Antonio De Lauri and Astri Suhrke

Abstract

This article examines the genealogy and behavior of the CIA militias in Afghanistan against the backdrop of persistent armed governance whereby a plurality of actors competes over control and rule. The non-accountable use of force by militias and their volatile alliances increase the extent of armed governance, exacerbating issues of human rights abuses and undermining the possibility of future claims for justice. We discuss the effects of recurrent political violence on the peace talks and the implications for a sustainable peace, the need to include a solution for the role of militias in a peace agreement, and the necessity of ending impunity.

Keywords: Afghanistan; armed governance; CIA; Afghan militias; peace talks; accountability

Armed governance as a modality of rule, violent competition, and control has characterized the modern history of Afghanistan. A plurality of actors participates in determining such a modality of governance, including militias supported by foreign states. Since 2001, Afghan paramilitary forces that work with the United States Central Intelligence Agency (CIA), assisting the US war on terrorism in Afghanistan and the border region with Pakistan, have become an important but nontransparent element in the country's structure of armed governance. This article examines the nature and behavior of the CIA militias in Afghanistan in light of broader questions of non-accountable use of force by quasi-official militias supported by foreign powers, and the strategic, legal, policy, and moral issues this entails. With US military withdrawals

from Afghanistan on the near horizon, this article also considers the further question of how these militias can be integrated into a final peace agreement and related principal-agent concerns.

Whose interests do the militias represent? Can control relationships, currently tied to the CIA, be reconfigured and institutionalized through a peace agreement? Is dissolution of the militias possible and practicable, or will they attain a measure of autonomy? Whichever development eventuates, it seems that the militias – whether with a continued CIA sponsorship or not – are by now so well established that they will remain an important agent of violence in the configuration of armed governance in Afghanistan. Afghanistan did not always attract the same attention in the global media and academic circles as it has since 2001 in the aftermath of September 11, yet there has been a certain consistency in the economic and political interests of external actors in Afghanistan at least from the nineteenth century onward, from the Anglo-Afghan wars in the late nineteenth century to the Soviet invasion and eventually the US-led operation Enduring Freedom in recent history.

By early 2020, the agreement between the US and the Taliban involving US military withdrawals and Taliban commitments not to support international terrorism seemed to open up a more peaceful future for the country. However, among the many important issues that remain to be settled is the role of Afghan militias in the possible continuation of what we will call ‘armed governance’ in the country. Militias and irregular forces are not a new phenomenon in Afghanistan; they have contributed significantly to the military history of the country and affected the process of state formation. When Afghans expelled the British in the late nineteenth century, the use of rural militias in rebellions (over which the Afghan dynastic elite had little control) proved crucial. This has historically created an ambivalent dynamic; Afghan rulers typically encouraged armed resistance to expel foreign invaders when useful but were reluctant to confirm the power of local militias after the war ended, even though local agents of violence could be useful to mediate and extend state interests.[1]

In the contemporary version of this dynamic, the influence of major international actors such as the US, Saudi Arabia, and Pakistan combined with militia power to fuel the development of a consolidated form of armed governance, that is, a modality of rule, violent competition, and control characterized by the dominant position of multiple state and non-state military actors.[2] The succession of conflicts and the transformation of the social fabric over the past four decades of violence and instability have reconfigured the political landscape of Afghanistan, changed political structures and forms of leadership, and significantly empowered local military commanders.

The so called years of jihad (1980s–1990s) saw an increase in the power of religious leaders such as the mullahs and mawlawi, due in part to the growing influence they had on customary assemblies, such as jirgas or shuras, at a time when the authority of local leaders, such as khan, malik, and mir, was significantly declining. As commanders, warlords,[3] provincial politicians, and religious figures gained power, armed groups and militias supported by foreign states developed in tandem. Militias came to define political and security transitions in the country with growing intensity since at least the early 1980s.[4] After 2001, the militias were further developed and semi-institutionalized with massive support from the US.

The CIA-supported militias are a less well-known but particularly troublesome version of this development. The present units originated in the 2001 invasion of the country, when US military forces and the CIA organized Afghan militias to fight Islamist militants. Almost two decades later, the CIA is still running local militias in operations against the Taliban and other Islamist militants. Throughout the country, the militias reportedly have committed serious human rights abuses, including numerous extrajudicial killings of civilians. CIA sponsorship ensures that their operations are clouded in secrecy. There is virtually no public oversight of their activities or accountability for grave human rights violations.

A brief genealogy of the CIA's Afghan army

Although the interest shown by Western intelligence in the work of militias and paramilitary forces in the region goes back to the creation of Pakistan in 1947, the concrete engagement of the US with Muslim guerrillas began in early 1979 with the kidnapping and murder of the American ambassador in Kabul, Adolph Dubs.[5] Partly guided by a 'messianic impulse'[6] and partly by specific political and economic interests, the CIA played a key role during the Soviet–Afghan war in the 1980s in American efforts to assist Afghan rebels who invoked the duty of holy warriors (mujahedin) to fight the Soviet forces and the Afghan communist government. An integral part of CIA operations was the great increase in the production of opium and heroin. Trucks and mules supplied by the agency to transport arms into the country were used on the way out to supply opium to heroin laboratories along the Afghan– Pakistan border.[7]

The rapid collapse of the government forces following Soviet military withdrawal in 1989 brought the mujahedin to power in 1992. Soon, however, the mujahedin began to fight among them, leading to the rise of the faction calling itself taliban (students), which found logistic and political support in Pakistan.[8]At this point, the CIA, which had scaled back its presence in Afghanistan when the mujahedin took power, re-engaged in the country. Claiming that the Taliban in the 1990s was supporting international terrorism by allowing the militant Islamist movement al-Qaeda ('the Cell') to operate from Afghanistan, the agency clandestinely supported rival Afghan mujahedin factions that were fighting the Taliban. Thus, when al-Qaeda attacked the US mainland in 2001, the CIA already had a long history and a well established infrastructure in Afghanistan. This enabled the agency to rapidly spring into action after September 11.

Operatives equipped with cell phones and large bundles of dollar bills entered the country on a mission to mobilize Afghan militias. In accounts by US military historians, the use of Afghan militias in 2001 to rapidly defeat the Taliban regime and scatter Osama bin Laden's al-Qaeda fighters was a major success story.[9] Although bin Laden himself evaded capture for many years, US Special Forces and the CIA operatives paid

local Afghans to form militias to work with the US-led coalition. They found ready recruits among ex-militia leaders and other strongmen who had opposed the Taliban, switched sides, or returned from exile in Pakistan and Iran. Many had latent networks of supporters that were easily mobilized.

The militias also enabled the US to run search-and-destroy operations in the eastern and southeastern parts of the country in 2002–2003 with only a few American boots on the ground. While useful to US and coalition forces, the well-paid and well-equipped militias formed a complex, decentralized structure of military power that posed serious problems for the liberal 'nation-building' agenda of the international operation. By 2003, the militias were slated for demobilization; its members were to be disarmed and either returned to civilian life or reintegrated in a new, regular Afghan national army. However, the large United Nations (UN) program launched for this purpose had only limited success.

One reason was the unwieldy structure of the international operation in Afghanistan, which made it difficult to get consensus on most policies. In this case, the US military did not fully support the demobilization program, claiming the militias were necessary in the continuing war against the Taliban. Another major hurdle was the opposition of many militia leaders themselves, who, in a worst-case scenario, could turn their forces against the international operation. This nightmare scenario haunted Western diplomats and UN officials who had a mandate to promote peace and stability in the war-torn country and made them reluctant to pressure the militia leaders. Finally, as in any disarmament program of this kind, the opportunities for cheating by falsifying numbers and hiding the best weapons were numerous.[10]

The program's modest results clearly demonstrated that, once built up, militias are hard to build down. After 2006, when the Taliban had manifestly revived and the insurgency intensified, the US government formally reversed its policy toward militias: local militias should no longer be disbanded but instead supported as a key component in a new counterinsurgency strategy.[11] US Special Forces initially

organized new militias at the local level, presenting them in public as village defense units. Some central government figures, including President Hamid Karzai, were at first reluctant to endorse this practice as policy, fearing an erosion of centralized control and the sovereignty of the Afghan government. Yet the government's heavy military and economic dependence on the US gave it limited room for opposing the latter's initiatives, particularly those advanced by the US military command in Afghanistan.

Many Afghans also stood to gain economically and politically from the build-up of new military units. Officials in the Ministry of Interior supported the move to place the units under its control. Appearing under various names, the program was eventually called the Afghan Local Police, which had units in many parts of the country.[12]Some militias were not placed under the Ministry of Interior, however, but were run separately by US Special Forces and CIA operatives. While the Special Forces Command (later the Joint Special Operations Command) and the CIA apparently developed a rivalry over controlling the Afghan militias, the competition was muted by the Pentagon's practice of lending active-duty members of the Special Forces to the CIA through its so-called Omega Program.[13] The CIA itself had few paramilitary officers. In 2017, its Special Activities Division with a global field of mission was reported to have only a few hundred.[14]

Rostering Special Forces from the military as its own enabled the CIA to vastly expand its covert missions. By 2010, as Bob Woodward claimed in a much-cited passage from his book on the Obama administration, the CIA had an army of 3,000 Afghans called Counterterrorist Pursuit Teams, institutionalized with the acronym CTPT.[15]As discussed more fully below, they were paid and trained by the CIA and the Special Forces and protected by the ring of secrecy surrounding their sponsoring agent. As such, they were distinct from the militias established under the formal Afghan Local Police program. Yet the formal public program to employ militias as a fighting force also served to facilitate and legitimize the proliferation of militias that formed the CIA's Afghan 'army.' This army was not designed for classic

counterinsurgency operations and definitely not for ‘winning hearts and minds.’ Their mission was to hunt and kill ‘terrorists.’

This became even clearer after the major withdrawal of US and coalition forces in 2014. Initial speculation that withdrawal would spell reduced US support for the Afghan militias proved wrong. The CIA and its Afghan army instead became more strategically important as a means to pursue the war covertly, with attendant low political visibility in the US. In 2015, the CIA helped its Afghan counterpart, the National Directorate of Security (NDS), to establish new Afghan paramilitary units to fight militants, allegedly aligned with the Islamic State, who reportedly were active in the northeastern part of the country. The new NDS units added significantly to the total number of irregular forces supported by the CIA.[16]Two years later, in 2017, then-CIA Director Mike Pompeo publicly announced a policy change to use the militias more intensely. The CIA would expand its operations in Afghanistan, targeting Taliban as well as al-Qaeda. Small teams of CIA-rostered officers would spread out alongside Afghan units in a campaign that Pompeo promised would be ‘aggressive,’ ‘unforgiving,’ and ‘relentless.[17]

The CIA’s Army: who are its members and how do they operate?

Little is publicly known about the CIA’s Afghan ‘army.’ Nevertheless, investigative journalists, concerned analysts, and human rights activists have pieced together the covert program’s basic outlines. The ‘army’ has two types of components. One is a set of older units whose relations with the CIA go back to the offensive operations carried out during and immediately after the 2001 invasion. They work closely with the agency. The most well-known and powerful of these is the Khost Protection Force (KPF), which operates out of the CIA’s Camp Chapman in the northeastern province of Khost.[18]

Significantly, the KPF is an illegal armed group in the sense that its existence has no basis in Afghan law and no formal place in the state security apparatus or its budget, as the UN

has emphasized.[19] A second type of unit is the formally designated Special Forces of the Afghan intelligence agency, the NDS. There are four main units, numbered from 01 through 04, each with its own regional area of operation: NDS-01 operates in the Central Region, NDS-02 in the Eastern Region, NDS-03 in the Southern Region, and NDS-04 in the Northern Region.[20] This is the only transparent and publicly known part of their organization. The NDS Special Forces exist in a regulation twilight zone. The NDS is heavily funded by the CIA, and its Special Forces have a close working relationship with CIA operatives: according to most reports, they are trained and paid directly by the CIA.

As a result, information about their size, operations, funding, and command structure is not publicly disclosed.[21] In the temperate language of the United Nations Assistance Mission in Afghanistan (UNAMA), the operations of NDS Special Forces, like those of the KPF, 'appear to be coordinated with international military actors, that is, outside the normal governmental chain of command.'[22] In UNAMA reports, the term 'military actors' commonly refers to the CIA, as distinct from the term 'US military forces' (our italics). Afghan institutional control over the NDS Special Forces also appears to be tenuous. The UN mission concluded in 2018 that 'these forces appear to operate outside of the regular NDS chain of command, resulting in a lack of clear oversight and accountability.'[23] There is no public disclosure of the size of the CIA-supported units, but they probably have more than doubled since the estimate of 3,000 given by Woodward in 2010.

A journalist maintained in 2017 that NDS-02 alone had 1,200 men.[24] Among the older units, the KPF was said to have 4,000 members in 2015.[25] Three years later, in 2018, estimates of the KPF size were 'anywhere from 3,000 to over 10,000.'[26] Other than that, all we know is that the CIA sponsored forces are uniformed and well equipped, sometimes work with men who speak American English during raids, use American phrases, and have been able to call in air strikes, most of which are executed by the American military.[27] The paramilitary forces

are also very well paid, which may be a principal reason why highly skilled and capable Afghans would want to join the units.[28] The secrecy of the CIA program greatly compounds the difficulties of ascertaining facts about civilian casualties and related violence involving pro-government forces.

These problems notwithstanding, the UN, human rights organizations, and investigative analysts have documented a pattern of abuse and possible war crimes of the kind that are emblematic of paramilitary forces operating with impunity, unconstrained by political or judicial accountability. Whether the military effects of these units are large or small, the political effects are certainly even greater; since they have long-term impacts on local governance.[29] The paramilitary units are mainly used in night operations against residential areas harboring suspected militants in so-called search operations. The operations typically lead to high civilian casualties. UNAMA, which has reported on civilian casualties in Afghanistan annually since 2009, now singles out the operations of paramilitaries associated with the CIA as a matter of grave concern.

The UN mission report in 2019 cited 'continuing reports of the KPF carrying out human rights abuses, intentionally killing civilians, illegally detaining individuals, and intentionally damaging and burning civilian property during search operations and night raids.'[30] The UN used similar language to describe the CIA-supported Special Forces of the Afghan intelligence agency, the NDS, in both its 2017 and 2018 reports.[31] Relative to the total number of civilian casualties recorded – around 11,000 killed and injured in 2018 –those caused by the CIA's Afghan 'army' are small. Even so, the UN singles out the rise in casualties from covert pro-government forces as a matter of 'deep concern.'[32]In 2018, the civilian toll of the dead and injured from what the UN categorizes as 'search operations' was 353 – a stunning 185% increase over the previous year.

These numbers are likely even higher, since the UN mission includes only data on incidents that it can document with reasonable certainty and thus tends to err on the conservative

side. Most of the search operations are executed by the CIA-sponsored paramilitaries. According to UN figures for 2018, the NDS Special Forces and the KPF caused almost as many civilian deaths as the total number attributed to all Afghan national security forces in that year.[33] Moreover, the paramilitaries were much more likely than the regular Afghan forces to kill civilians rather than to injure them. The high ratio of deaths to injuries, the UN report concludes, suggests a pattern of intentional killing and excessive use of force. The sharp increase in civilian deaths from search operations reflects Mike Pompeo's promise in 2017 that the CIA would launch an 'aggressive,''unforgiving,' and 'relentless' campaign. The increase was also in line with the general escalation of violence in 2018, as all parties appeared to intensify their efforts to gain advantages on the ground that could translate into political bargaining power during peace negotiations that seemed to be on the horizon.

Non-accountable use of force

The two main techniques for targeted killing are kill-or-capture raids and air strikes from drones. These modalities of political violence continue the reproduction of armed governance whereby the individuals targeted are alleged terrorists, active insurgents and others considered part of their networks. In Afghanistan, US military intelligence units with assistance from coalition forces deployed under NATO command regularly compiled long kill-or capture lists, known in NATO under the mystifying name of Joint Prioritized Effects List.[34] As in other theaters of the US global 'war on terror,' the CIA has also been actively engaged in kill-or-capture missions in Afghanistan, sometimes in cooperation with the regular military forces and the Special Forces under the Joint Special Operations Command (JSOC). While more is known about the frequency and criteria for individual targeted operations by the US regular armed forces, the lists used by the CIA are secret.

The agency will neither confirm nor deny their existence.[35] In terms of international law; targeted killings are deeply problematic, especially when carried out by an intelligence

agency. As Philip Alston, UN Special Rapporteur on extrajudicial, summary or arbitrary executions (2004–-2010) notes, the practice (1) represents a significant regression in the evolution of both international law and US domestic law; (2) provides legitimacy to the position held by some officials, commentators, and scholars who believe that the US should officially adopt a policy of extraterritorial targeted killings that would go well beyond what is currently allowed by international law; and (3) supports the notion that intelligence agencies can legitimately expand their activities from traditional intelligence-gathering to killing and still enjoy the same de facto immunity from the constraints of international law.[36]

Overall, as the UN mission reports repeatedly note, the CIA-sponsored program and activities of its Afghan army are shielded from public oversight and accountability. Afghan authorities appear to be uninformed or unwilling to divulge anything about the program's structure, funding, or operations. It is telling that UN officials investigating reports of abuse and intentional killings of civilians by NDS Special Forces were unable to obtain any information from Afghan officials, including in the NDS itself.[37] In legal terms, the CIA has long enjoyed a privileged position in Afghanistan by being outside the jurisdiction of Afghan laws and decrees that regulate the operations of international military forces. For instance, prior to 2014, Afghan restrictions on certain coalition practices that disproportionately harmed Afghan civilians, notably night raids, did not apply to the CIA and its operatives because these do not constitute 'military forces.'

The 2014 Bilateral Security Agreement that governs military relations between the US and Afghanistan maintains this distinction. The agreement explicitly prohibits US forces from entering Afghan homes except when necessary for immediate self-defense, forbids them to arrest or detain Afghans, and bars them from operating detention facilities in Afghanistan. Again, the restrictions do not apply to the CIA because, in formal terms, the agency does not have military forces. Extending the provision to the CIA would signal that it was carrying out such activities in Afghanistan and thus conflict with its principal

function of undertaking covert missions. The Afghan government, being heavily dependent on US support, has accepted the US position.

At the time of the Bilateral Security Agreement discussions, President Karzai faced critics at home who favored an expansive CIA role in the country, including the Afghan intelligence community and local beneficiaries of CIA largesse. There were also broader considerations that graphically illustrated some of the scholarly literature on the outsourcing of violence to militias in civil war.[38] From a short-term tactical perspective, it was argued that exempting the CIA from the constraints that applied to the regular forces was an advantage; its 'army' could wage a truly 'aggressive,' 'unforgiving,' and 'relentless' campaign against the Taliban and other militants. For both the Afghan and US governments, these considerations came to outweigh the recognized costs: grave human rights violations, potential breaches of international law, and the alienation of the Afghan people, whose support was necessary to stabilize the government.

In the US, only the House and Senate Intelligence Committees have an oversight function relative to the CIA. Their ability to obtain information from the agency is limited, as the Senate Select Committee on Intelligence experienced when investigating alleged CIA use of torture in 2001–2006 worldwide. Congressional willingness to release findings to the public is also constrained, as evidenced in the heavily redacted summary that the Select Committee released in 2014. In Afghanistan, the UN, human rights organizations, journalists, and families of victims of abuse or killings have no access to CIA representatives. Unlike in the US military, there is no spokesperson or liaison office to contact when missions go astray, individuals are executed, innocent civilians are killed, or property destroyed. Identifying alleged perpetrators can be difficult. When US military Special Forces participate in an operation and are rostered as CIA officers, US military spokesmen can plausibly deny involvement by the military.

To the casual observer, Americans are indistinguishable in the field. To local Afghans, they are all 'foreigners with beards on motorcycles.' The identity of their Afghan teams is not always

clear to the villagers either. Despite numerous reports that CIA-sponsored paramilitaries have committed serious human rights abuses and possible war crimes, very few cases have been investigated and even fewer prosecuted. The exceptional cases reflect a system of politicized justice based on proximity to centers of political power rather than the rule of law. Two reported cases illustrate the system. In 2009, a Kandahar-based strike force that was linked to the CIA killed a local police chief for having had the temerity to arrest one of its members. The de facto execution of a highly placed official prompted the Afghan government to arrest and convict 38 members of the strike force of murder.

A second reported case took place in 2015, when a KPF unit killed a young boy who was related to a local leader and former mujahedin commander. The family was able to use its political connections to secure an investigation, and a court convicted two KPF soldiers to ten years in prison. Compensation for civilian deaths caused by the KPF can also be obtained if villagers complain to local authorities who have lines of communication to the force or if they collectively protest, for example, by blocking roads.[39]More commonly, it seems, villagers lodge protests with the local authorities who are most accessible to them at the district or provincial level. Sometimes investigations are promised, but usually nothing further happens. In 2018, a member of the Afghan Independent Human Rights Commission said that, in 13 years of working in the eastern region, she could recall no case of being able to access paramilitary forces operating in the region to question them about reports of abuse.[40]

US-supported militias and Afghan armed governance setting up foreign-supported militias always creates a dynamic of escalation in the implementation of security and control, thus generating spirals of violence. This in turn produces a type of political capital that defines both the dimensions and structure of violence. Such political capital constitutes the lifeblood of armed governance. One consequence of protracted situations of armed governance, as in Afghanistan, is the blurring of the categories of war, soldiers, combatants, and military, on the one hand, and of those of peace, criminals, security, and

police, on the other. As Ian Shaw and Majed Akhter maintain, the figure of the terrorist is quite emblematic in this regard, since it increasingly straddles these two classifications: the terrorist is not simply an 'enemy combatant' and not merely a 'criminal'[41] but, rather, the manifestation of a violent, competing political project.

In discussing what they define as the 'dronification of state violence,' Shaw and Akhter argue that a major feature defining today's covert drone war is that it targets individuals allegedly linked to globalized, transnational networks instead of nation-states and their military forces. Through this mechanism of individualization, the discrete battlefield is converted into a boundless battle space, thus challenging the foundations of international law. The target of state-supported violence is shifting in scale from conquering territory to destroying individual human bodies. The CIA has played a central role in the genesis of this new cartography of violence. Shaw and Akhter define the dronification of state violence as: '(a) the relocation of sovereign power from the uniformed military to the CIA and Special Forces; (b) the technopolitical transformations performed by the Predator drone; (c) the bureaucratization of the kill chain; and (d) the individualization of the target.'[42]

Both dronification and the use of local militias are key aspects of armed governance in Afghanistan and have been implemented as strategic patterns of CIA operations. As such, they take place within a larger landscape of armed governance where both the CIA and the regular US forces rely on armed drones in the air and a wide range of US-funded 'regular' militias on the ground – including the massive Afghan Local Police (funded with almost 500 million dollars in 2010–2015) and the Critical Infrastructure Police. These forces were militias in all but name, established as part of the US counterinsurgency strategy promoted from 2009 onward. Over the years, some of these militias allegedly protected local populations, others preyed upon them, and some have done both.[43]

A critical point, however, is that the more institutionalized militias like the Afghan Local Police are more open to public scrutiny of their practices than the CIA-sponsored militias. Regardless of their sponsorship, the outcomes of externally supported militias programs are volatile, reflecting common dynamics of principal– agent relationships. When the goals of militias and their supporters are incongruent, for instance, external support can be appropriated in ways that contradict the intended (or at least declared) outcomes and strategic interests of the foreign supporter. These goals are shaped in the context of armed governance in which short-term victories on the battlefield generally overshadow longer-term political objectives. Moreover, militias often use external resources to serve their own local agendas. In Kunduz, for example, Pashtuns have been particularly affected by the predatory behavior of US backed Tajik, Uzbek, and Turkmen militias. Thus, the US support for the militias led to incentives among Pashtuns that fueled rather than countered the insurgency.[44]

CIA militias and peace talks

In the context of peace talks, CIA-supported militias represent a wild card. The direct talks between the US government and the Taliban that started in Qatar in July 2018 led to an agreement signed on February 29 (fittingly a leap year date), 2020, which provided for the withdrawal of all military forces of the US and its allies over a fourteen-month period, and a commitment by the Taliban not to permit international 'terrorist' groups to operate from Afghanistan. The agreement covered withdrawal of foreign private security forces but, unsurprisingly, said nothing about the CIA's role.

The agreement stipulated that intra-Afghan negotiations would follow to discuss a cease-fire and 'the future political roadmap of Afghanistan.'[45] A comprehensive peace agreement negotiated by the Afghan parties was expected to include the legal framework for political, social, economic, and other human rights, possible constitutional revisions, provisions for accessing political power, possible power-sharing formulas, and the structure of the post-war armed forces, including the CIA-sponsored militias. If an Afghan agreement were

modeled on the peace accords promoted by the UN since the early 1990 s, the CIA's Afghan 'army' would have to be disbanded. Almost all internal war settlements during the past three decades have provided for partial demobilization and restructuring of armed forces – including paramilitary forces and militias.

The 2001 Bonn Agreement for Afghanistan likewise allowed an opening for security sector reform. The 2003 UN program for disarmament, demobilization, and reintegration (DDR) covered some 80,000 armed fighters in military organizations that mostly were structured like militias. The case for including a similar program in a peace agreement is compelling. Militias that operate outside the control of the central state and the chain of command of its armed forces will undermine the process of state formation and the prospects for a sustainable peace, as the experience of the massive international operation during the past eighteen years demonstrates. The continued de facto fragmentation of military power was one of the main reasons for the lack of major progress after 2001 to rebuild and strengthen the central Afghan state.

Foreign-financed militias have been the scourge of Afghan history in the modern era as well as earlier centuries. Shielded from accountability by powerful foreign protectors and freed from the need to secure local support, they can run a prolonged, under-the-radar, dirty war, as the record of the CIA's Afghan army illustrates. While the case for disbanding the militias is strong, it is not easily realized. For a start, an apparent precondition would be a basic legal framework for dealing with the Afghan military forces on all sides of the conflict. Hard trade-offs and compromises between deeply antagonistic adversaries will likely be necessary. Implementation poses a separate set of issues. Efforts to disarm and integrate militias after 2001 were short-lived, as noted, reflecting the pressures of renewed war and vested interests in a fragmented military power, as well as the demanding and long-term task of building a regular national army.

This time around, two decades of CIA support for local militias and paramilitaries has left a deeply problematic legacy. Even if the US withdraws its regular forces from Afghanistan, Washington may well be interested in keeping 'intelligence assets' for counterterrorist purposes.[46]Such a presence would require some local infrastructure of support. To this end, the CIA could easily maintain some of its local units, and – given Afghanistan's forbidding geography and complex social environment –probably mount operations on a fairly significant scale. Zalmay Khalilzad, the chief US negotiator with the Taliban has mentioned the militias as one of several items to be included in a general peace agreement.[47] Pompeo, previously the CIA director and currently US Secretary of State, had not said anything about them by late 2019. After the Taliban-US agreement was signed in 2020, analysts in Washington suggested that the Taliban would make it a priority to take over the NDS and end its relationship with the CIA.[48]

This would mean the militias could also be taken over by the Taliban (e.g., to fight rival militant factions), or the militias might break away to find new sponsors or operate autonomously. If violence continues in the future, militias will be in much demand in the political market place. The well-trained and well-equipped CIA militias would be particularly valuable. Whatever their allegiance to the CIA in the past, Afghan history is famously replete with tales of rapidly shifting allegiances and a pragmatic approach to alliances. The CIA paramilitaries constitute a formidable set of actors in their own right. Given their highly paid and privileged status, they are unlikely to welcome a drastic reduction in pay that would accompany integration into the regular armed forces or demobilization. If cut loose by the CIA, they may be reborn as private armies or 'security guards' in the service of powerful individuals or operate autonomously to prey on civilians and commercial sources.[49]

Either possibility is in line with patterns of armed governance and collective violence in modern Afghan history. Peace talks must always face the possibility of recurrent political violence. The CIA's particular capacity to carry out state violence in the

form of political destabilization, drone strikes, and targeted killings may erode the potential of the peace process in Afghanistan from within. The signs of agreement between the US and Taliban to withdraw US and NATO forces in return for a guarantee that Afghan territory would not be used for launching attacks outside the country would not translate into concrete steps toward a comprehensive peace agreement without a dialogue between Afghan parties and a permanent cease-fire. It is particularly in relation to these two last elements that the CIA-supported militias could play a negative role by jeopardizing the future of a lasting peace.

Policy implications

In contexts of armed governance, such as today's Afghanistan, state and non-state actors alike can avoid accountability for human rights violations. Evasion of political accountability can take a variety of forms, including interference with the monitoring activities of nongovernmental organizations (NGOs) and the media, the use of alternative types of repression such as disappearance or encounter killings, or the delegation of repression to other states, as with the policy of rendition, or to other actors like militias.[50] If policy is positioned in an explicitly normative frame of reference, efforts to end impunity for serious cases of such violations and possible war crimes take priority. Vigorous investigation and prosecution of possible war crimes committed by militias will likely also strengthen rather than weaken the prospects for a peace settlement acceptable to the US and the Afghan governments. As military experts on counterinsurgency have long recognized, tactical victories gained by the unrestrained and unaccountable use of force against civilians undermine the overall strategic objective of winning the support of the population.

Ending impunity means addressing the accountability issue in both its legal and moral dimensions. Legal accountability requires US and Afghan authorities to urgently investigate and prosecute alleged human rights abuse and war crimes that are reported and in part carefully documented by the UN and the Afghan and international human rights communities. The

Afghan government can investigate and take further legal action under Afghan laws against members of the illegal armed groups, notably the CIA-sponsored KPF. Afghan military authorities or special commissions can investigate and take further action against the paramilitaries with formal institutional links to the Afghan government, namely the NDS Special Forces.

Absent a political agreement for a durable cease-fire or peace, structural reforms of the CIA's Afghan 'army,' including disbanding the illegal armed groups or integrating elements in the regular forces, are not likely to find much support in US or Afghan government circles. A consistent judicial offensive against impunity would be a shade easier. Steps to end impunity conform to broadly accepted norms and could invoke precedents. As discussed above, even CIA-supported illegal armed groups were not always protected from the legal consequences of their actions. Egregious attacks on a high-profile civilian (a Kandahar police chief) and a victim whose family was politically well connected (the family of the Khost boy) brought prosecutions and convictions.

In addition, at least one widely reported case of serious abuse committed by US Special Forces (or CIA operatives) and their Afghan partners against civilians has been investigated by ad hoc Afghan commissions and a mixed US-Afghan commission.[51] Nevertheless, a more vigorous campaign against impunity would require a great deal of active US engagement – certainly much more than US civilian and military authorities have demonstrated to date.[52] More fundamentally, efforts to end the impunity of the CIA's army require a focus on the CIA itself.

As the primary reference in a principal–agent relationship with the militias and the paramilitaries, the CIA ultimately bears responsibility for their actions –at least in a moral-political sense if not in strictly legal terms.[53] That responsibility, in short, is to ensure that its Afghan army acts in line with Afghan law and relevant international humanitarian and human rights law. Responsibility also rests with the US government and the wider American public, which allow the

CIA to operate armed groups that have no legal standing in the country where they operate, to support the paramilitary forces of its local intelligence partner, and to run operations shielded from transparency and public accountability.

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No potential conflict of interest was reported by the author(s).

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Chapter 7

The Unintended Consequences of US Support on Militia Governance in Kunduz Province of Afghanistan

Toon Dirkx

Abstract

How do militias use the external support provided to them by powerful foreign actors? In Kunduz province, Afghanistan, a wide range of militias has received money, weapons, training and political support through several US-funded militia programmes. While labelled as 'local self-defence forces', the observable behaviour of these militias ranges from providing local governance services in the areas they control to preying upon the people they are supposed to guard. Through the analytical lens of multi-layered governance this article investigates how the external support of the United States has been adopted, manipulated, and/ or diverted by local militias in Kunduz to serve their own agendas. While the militia support yielded short-term counterinsurgency gains, in the mid to long term, it has unintentionally undermined both the security needs of local populations in Kunduz and US strategic interests.

Introduction

How do militias use the external support provided to them by powerful foreign actors? The provision of money, weapons, training and political support can significantly affect the behaviour of militias, and the governance of groups fighting a civil war. Militias can operate both on behalf of, and independently from the state, and sometimes are supported by powerful foreign actors. This article focuses on instances in which militias are supported by such foreign actors, in particular the United States. While the term 'militia' is applied to a wide range of non-state armed groups, the most

fundamental characteristic of militias is their fight against rebels (Kalyvas 2006, p. 107, Jentzsch et al. 2015, pp. 755–756). Paradoxically, these groups of 'anti-rebels' are sometimes portrayed as a root cause of insecurity, while others see them as a vital part of local rule and state-building (Kalyvas 2006, p. 107). In some cases militias prey upon local populations, while other examples illustrate that militias provide governance services, or do (Jentzsch et al. 2015, Staniland 2015, Dirkx and Terpstra 2016).

It is unclear however, how militia behaviour changes under the influence of external actors. The US army has long recognised that militias can protect local communities and furthermore isolate rebels from the population they claim to represent. Conventional doctrine suggests that for counterinsurgency to be effective, US forces should work closely with local forces to build an 'indigenous security capability' that can win the precious 'hearts and minds' of the local population.[1] However, US-backed militias have sometimes undermined this doctrine and consequently US strategic interests. Afghanistan is a particularly relevant case, because of extensive US support to militias since the 2001 US-led invasion (Giustozzi 2009, Peceny and Bosin 2011). This article analyses the behaviour of US-backed militias in the northern Kunduz province where the arming and funding of militias accelerated in 2009 amid growing concerns about the rise of Taliban activity.

This support led to the establishment of several US-funded militia programmes in Kunduz, including, the 'Afghan Local Police' (ALP) and the 'Critical Infrastructure Police' (CIP). Some of these US-backed militias in Kunduz have protected local populations, others have preyed upon the people they were supposed to guard, and some have done (Human Rights Watch 2011, Münch 2013, Goodhand and Hakimi 2014). In the wake of the post-2014 drawdown of US troops, some militias even defected to the Taliban. It remains unclear however, how the external support of the United States to these militias – ranging from political support to the provision of money, weapons and training – has been appropriated, or misappropriated. This article investigates how local militias in Kunduz, in particular militia commander Nabi Gechi and local

power broker Mir Alam have adopted, manipulated, and/or diverted the external support of the United States. The unintended consequences of US support on militia governance in Kunduz included militias assaulting, harassing, taxing and extorting local populations. Contrary to US strategic interests, the militias the US supported became a prime source of insecurity that indirectly contributed to a resurgence of the Taliban in 2015.

When the goals of militias and their external supporter are incongruent, external support can be appropriated in ways that contradict intended outcomes and strategic interests of the supporter. These goals are forged in the context of an ongoing civil war in which short-term gains on the battlefield generally overshadow longer term strategic interests of external supporters. At the same time, militias may opportunistically use external resources to serve their own agendas. Especially where the central government's ability to influence and control militia behaviour is limited, the insertion and (abrupt) withdrawal of external resources by powerful foreign actors can significantly affect how militias govern. While the insertion of external support helps to empower militias, the withdrawal of external support often results in militias taxing local populations through the use or threat of force.

In some cases, militias have some degree of popular support of the people they claim to govern, while in other cases, militias prey upon local populations along and across tribal, ethnic and political fault lines. To explain this variation it is vital to understand the social and political networks in which external support 'lands'. In Kunduz, Pashtuns have been disproportionately affected by predatory behaviour of US-backed Tajik, Uzbek, and Turkmen dominated militias. Indirectly, the US militia support led to incentives among Pashtuns that fuelled rather than countered the insurgency. This was foreseen in 2010 by the US political leadership in Kabul and numerous analysts, but a short-sighted counterinsurgency strategy persisted. While in the short term the US support for militias helped to marginalise the Taliban in Kunduz, in the mid to long term these militia policies have

unintentionally undermined both the security needs of local populations and US strategic interests.

The case of Kunduz demonstrates that while the US army has the power and the resources to subject militias to projects of security governance, militias can redirect the influence of US political interventions by manipulating external support at the local level. The different layers of security governance in Kunduz thus constitute a complex interplay between US attempts to modify the actions of militias to achieve certain goals, and Afghan militias that may not align with these goals. This argument is based upon the analysis of policy documents and speeches, diplomatic cables, extensive fieldwork in 2013, and 2016. In 2013, in cooperation with Afghan research assistants, more than 100 structured interviews were held with civilians, militiamen, local elders, shura members, civil society representatives, ALP members and ANP officers in Kunduz. In addition to this, I conducted in-depth interviews with police trainers, military staff, diplomats and NGO workers at the German-led Provincial Reconstruction Team (PRT) in Kunduz. During additional fieldwork in 2016, various analysts, NGO workers, diplomats, military staff and informants from Kunduz were also interviewed.

Multi-layered Governance and Militias

External intervention can significantly influence the behaviour of militias and the ways they govern. In recent years, a growing body of literature has emerged on the fluid nature of militias, and non-state armed groups more broadly. Militias can for example transform into rebels, criminals, or even be incorporated in the state's security apparatus (Schneckener 2006, Staniland 2015, Dirkx and Terpstra 2016, Jentzsch, this issue). Within the literature on non-state armed groups, studies on 'rebel governance', and more recently 'militia governance', analyse the interactions and relations of rebels and militias in civil wars with civilians and the state (Mampilly 2011, Arjona et al. 2015, Gutiérrez-Sanín 2015, Terpstra 380 T. DIRKX and Frerks forthcoming). How powerful foreign actors influence the ways these groups govern remains understudied, however.

Beyond the incumbent government, rebels and militias, powerful foreign actors need to be taken into account in the analysis of civil wars. Together, these different actors have intersecting influences on the governance of civilians. To capture the complex relations between them, analysts need to disentangle multiple layers of governance (Kasfir et al. this issue). While for some research questions a single-layered analysis may suffice, understanding how militias govern in the case of the Afghan civil war requires a broader analytical framework to examine the complex relations between a multiplicity of actors and strategic interests. In Afghanistan, from the start of the US-led invasion, the CIA and the US army have tried to influence militia governance in order to align it with US political-military goals through the provision of money, weapons, training and other resources.

Inserting as well as (abruptly) withdrawing external support constitutes an additional 'layer' of multi-layered governance together with interactions of the militias with civilians, rebels and the Afghan state (Kasfir et al. this issue). My argument is that combinations of these layers influence militia governance during civil war. Sometimes the influence of external intervenors is positive (at least from their own perspectives) in the sense that the militia conform to objectives and expectations of the funders. In other instances their influence is negative in that militia governance pursues goals that undercut the intentions of its sponsor. As will be demonstrated, the result from these interactions can undermine the larger strategic objectives of both external intervenors and the central government. Instead of viewing Afghan militias as passive 'proxies', I approach them as actors who have historically played dynamic roles under different geopolitical configurations (the cold war, the 1990s, and the War on Terror).

In doing so, I counter the dominant narrative, spearheaded by a plethora of Western policymakers and analysts that present militias as static, ahistorical and apolitical entities. Paradoxically, this prevailing discourse lacks an accurate understanding of the key role that external support has had in enabling the establishment of an elite of warlords, militia

commanders and other power brokers who govern through patron–client networks and their control of opium, arms and foreign resources (Rubin 2000, Hussain 2012). The attempts of the US government to modify the actions of Afghan militias to fight the Taliban and provide security in rural areas essentially consist of discursive and material forms of support. The discursive level encompasses moral and political support to anti-Taliban militias through the adoption of a language that sounds both state-like and locally owned, with words such as 'police', 'village defence guards' and 'community watch'.[2]

In doing so, US officials use particular 'frames', which function to interpret and organise individual and collective experience, thereby guiding, inspiring and legitimating their own activities, as well as those of other socio-political actors (Benford and Snow 2000, p. 614). Above all, these frames project legitimacy on certain Afghan militias at the expense of other armed groups (e.g., the Taliban, the Haqqani network and the Islamic State). US officials have for example consistently refrained from calling the local forces the US supports 'militias'. Instead, they insist that their 'self-defense programmes' are based on 'Afghan traditions' (Felbab-Brown 2016, p. 262).

These frames provide the rationalities for specific forms of material support. This material support consists of the provision of money, weapons, ammunition and training to militias, but also of logistical support, communication technologies, shelter and food (O'Neill 2005, pp. 111–124, see also Office of the Secretary of Defense 2016, p. 40). Since 2001, the US government has spent billions of dollars on material support for militia programmes, as well as wider efforts to build up the Afghan army and police. More than half of all US reconstruction dollars have been used to build, equip, train and sustain the Afghan National Security Forces, thereby far outweighing the Afghan government's investments in the security sector (SIGAR 2017, p. 2). These material forms of support are intimately connected to, and enabled by, the frames that legitimise and justify support. The multi-layered approach to militia governance in this article serves to understand how these various forms of external support have

facilitated specific types of militia behaviour when they 'hit the ground' in Kunduz. However, this third layer of external intervention has both intended and unintended consequences.

The Militia Dilemma

A central dilemma for the international community in Afghanistan has been what to do with or about the militias (Giustozzi 2009, Perito 2009, Edwards 2010, Barfield 2010, Jones and Muñoz 2010, Suhrke 2011, Braithwaite and Wardak 2013, Mukhopadhyay 2014, Malejacq 2016). Demobilise them in order to centralise the means of coercion, or support them in the fight against the Taliban insurgency? The move to give US money, arms and training to militias in Afghanistan was controversial from the onset for various reasons (Boone 2009; Partlow and De Young 2010). It largely contradicts the dominant view of international organisations and most Western governments that claim a state monopoly of force to be a prerequisite for security and stability (Dirkx and Terpstra 2016). This Weberian notion of the state as the only actor who can control the legitimate use of force has resonated particularly well with Western states, whose own history is generally characterised by a transition from fragmented political power towards more economically, politically and militarily consolidated and centralised states (Tilly 1990).

However, since the start of the 2001 US-led intervention in Afghanistan there has been a tension between the international community's ambition to stabilise Afghanistan by helping the government to centralise the means of coercion, and powerful foreign actors 382 T. DIRKX that support local militias, strongmen and warlords that operate autonomously in spaces outside the reach of the Kabul government. Foreign forces tried simultaneously to centralise and fragment the means of coercion through different logics, justifications and approaches, turning militia programming, and the US-led intervention at large, into a contradictory endeavour (Suhrke 2011, 2013, Goodhand and Hakimi 2014, p. 6). On the one hand, interventions focused on centralising the means of coercion through security sector reform (SSR), judicial reform,

counter narcotics and disarmament, demobilisation and reintegration (DDR) programmes.

On the other, foreign forces continued to support and fund warlords, local power brokers, militias and private security companies, who as Goodhand and Hakimi (2014, p. 6) put it 'operated either above or below the law'. Various local policing and community defence experiments followed one after the other, including for example the Afghan National Auxiliary Police, the Afghan Public Protection Program (APPP or AP3), the Community Defense Initiative (CDI) and eventually the Critical Infrastructure Police (CIP), and the Afghan Local Police (ALP) (Friesendorf and Krempel 2011, p. 27, Goodhand and Hakimi 2014, p. 9). From the early days of the intervention onwards, US policymakers made critical choices that 'contradicted and undermined the liberal focus' of the state-building project, which 'inadvertently weakened the capacity of the Afghan state' (Peceny and Bosin 2011, p. 607). This resulted in a complex security marketplace consisting of formal actors and informal actors that shaped, and at times trumped, the security concerns of local populations (see also Luckham and Kirk 2012, p. 47). US support to Afghan militias has furthermore affected the Afghan government's ability to influence and control militia behaviour. The case of Kunduz province is emblematic of these ominous dynamics.

The Strategic Importance of Kunduz

Kunduz is a strategically important ethnically heterogeneous province in the north of Afghanistan. Since the 1850s, several waves of migration altered the ethnic makeup of the province, which induced conflicts about land, resources, as well as political representation. The province's strategic location has also been an important source of conflict. With the completion of the Salang tunnel in 1964, Kunduz came to lie at the intersection of the roads connecting Mazar-e Sharif with the northeast of the country, and Kabul through the Hindu Kush Mountains to Tajikistan. It contributed to the establishment of the province as a significant drug trafficking hub, and control of the province became a precious military asset. Especially during the civil war of the 1990s, Kunduz became a major

battleground. The ethnic diversity and strategic location of the province provided all major mujahedeen factions with support bases and stakes in Kunduz.[3] The provincial capital switched hands five times, after which it was controlled by the Taliban from June 1997 until November 2001 (Wörmer 2012, Münch 2013, pp. 10–11).

The movement successfully bribed some commanders of opposing Northern Alliance factions, but most defections to the Taliban followed ethnic lines. Wörmer points out that the Taliban's rule over Kunduz was characterised by a 'Pashtun domination of the provincial administration' (2012, p. 43). When by October 2001 the US Air Force started to bomb Taliban positions, and US Special Forces supported Northern Alliance factions on the ground, the power structure was about to change once again. Taliban fighters in the north retreated to defend their stronghold in Kunduz, but after a bloody battle and series of negotiations, the province fell in the hands of the Northern Alliance by late November 2001. Kunduz retained a strong potential support base for the Taliban however, because of its large Pashtun population. The following section outlines how, when the Taliban came back as an insurgency, a combination of local efforts, actions of the Afghan government, and US interventions shaped the mobilisation of anti-Taliban militias in Kunduz.

The Mobilisation of Anti-Taliban Militias in Kunduz Militia formation in Kunduz initially started as a predominantly local initiative with little direct American involvement. Later, as shown below, when US Special Forces started to fund, train and equip local militias, already existing militias were able largely to co-opt the US-funded programmes (Münch 2013, p. 40, Goodhand and Hakimi 2014, pp. 36–37). The mobilisation of anti-Taliban militias started in the summer of 2009. In the lead-up to the presidential elections of August 2009, the provincial authorities were highly concerned about the rise of Taliban activity in Kunduz. When the Kabul government did not grant the request of the provincial governor Engineer Mohammad Omar for additional police and military forces and the German-led ISAF forces were unwilling to fight the Taliban, the governor started to equip local jihadi

commanders, many of whom, including himself, had fought against the Taliban in 2001 alongside US forces[4] (Wörmer 2012, p. 40, Münch 2013, p. 36, Goodhand and Hakimi 2014, p. 33).

At the provincial level, local Northern Alliance commanders, who also opposed the Taliban, took advantage of the insecure situation, and started to activate their old networks along and across tribal, ethnic and political lines.[5] At the time, General Mohammad Daud, the Kunduz chief for the National Directorate of Security (NDS),[6] was put in charge of recruiting local commanders and militias to fight the Taliban. This was a significant development because in addition to being the local NDS chief, Daud was the brother-in-law of Mir Alam, a powerful Tajik commander of the Jamiat party who also fought against the Taliban in 2001.[7] Daud, nearly without exception, relied on Mir Alam to recruit local commanders loyal to him (Koelbl 2010, Hewad 2012).

At the national level Mir Alam was backed by the Tajik and Jamiat affiliated Vice-President Mohammad Qasim Fahim until his death in 2014 (Human Rights Watch 2011, p. 30, Human Rights Watch 2015, p. 49). Another commander that set up a militia at the time was Nabi Gechi, an ethnic Turkmen from the Qala-e-Zal district in Kunduz who earned a reputation during the 1980s when he fought with the mujahedeen against the Soviets. It was during this time that he earned his moniker ‘Gechi’ (Turkmen for ‘goat’), because of his quickness in fighting and moving around in the mountains (Nazar and Recknagel 2009, Raghavan 2015). After 2001 he reportedly laid down his weapons, opened a fish and kebab restaurant in the neighbouring Balkh province, but returned to Qala-e-Zal in 2009 when local elders and the provincial authorities asked him to come back to prevent the Taliban from overrunning the district (Münch 2013, p. 15, Sites 2013, Raghavan 2015).

The local council of Qalae-Zal raised money from its citizens to equip Gechi’s militia with Kalashnikovs, rocket-propelled grenades and a portable mortar. It also paid the militiamen 6,200 afghanis ($124) per month, and 2,000 afghanis ($40)

more for food (Nazar and Recknagel 2009). Soon thereafter the militia also received additional weapons and funding from the NDS.[8] The anti-Taliban militias in Kunduz were almost exclusively comprised of Tajiks, Uzbeks and Turkmen, even though in the ethnically heterogeneous province as a whole Pashtuns are the largest ethnic group. One of the few Pashtun commanders that also set up a militia was Mir Alam's rival, Mohammad Omar, a Sayyaf loyalist and Ittihad[9] commander also known as 'Pakhsaparan', the 'Wall Breaker' (Bleuer and Ali 2014, Goodhand and Hakimi 2014, p. 33, Baczko and Dorronsoro 2016, p. 6). Other local power holders involved in setting up militias were the Uzbek Ibrahimi clan in the Imam Sahib district, and, as mentioned, Nabi Gechi in Qala-e-Zal. None of them were as influential as Mir Alam however (Hewad 2012, Münch 2013, p. 36, Goodhand and Hakimi 2014, p. 33).[10]

Through this mobilisation of anti-Taliban militias, the Taliban were ousted from most parts of Kunduz, but an even stronger blow for the Taliban came when after the assassination of Engineer Mohammad Omar in October 2010,[11] Abdul Rahman Sayedkhaili became the new provincial chief of police. With money provided by the interior minister Besmillah Khan, Sayedkhaili started to fund militias to fight the Taliban while he simultaneously bribed Taliban commanders to switch sides. The MoI sponsored efforts of the provincial chief of police were further advanced by the deployment of US Special Forces to Kunduz who were tasked with killing and capturing insurgents. By January 2011, Sayedkhaili declared Kunduz to be cleared of the Taliban (Goodhand and Hakimi 2014, p. 34). Up until then, the anti-Taliban militias had thus been funded through a complex mix of formal and informal channels of the Afghan government, including local councils, the provincial authorities, the NDS and the MoI.

Arbaki

The militias that were set up, or in some cases reactivated, are often referred to as 'arbaki' (Bruno 2008, Tariq 2008, Schmeidl and Karokhail 2009, Human Rights Watch 2011,

Hakimi 2013, Goodhand and Hakimi 2014, International Crisis Group 2015, p. 4). In theory, arbaki are a tribal community police force that protects their community from outside threats, and implements the decision of the local Jirga (village council) (Jones and Muñoz 2010, p. 27). In practice however, the behaviour of arbaki and the way they are perceived by local populations differ greatly among localities. An elder in the Ali Abad district of Kunduz explained that arbaki: 'has no clear and defined activity. They are different in each area, since arbaki are the residents of that place'.[12] paradoxically, in some areas, arbaki are seen as predatory militias rather than a customary police force. While initially, US officials were rather hesitant of supporting groups with such ambiguous track records, as the security situation deteriorated the idea of supporting 'local', 'indigenous' and 'tribal' security actors increasingly inspired those involved in the development of local policing programmes (Hakimi 2013, p. 393, see also Gant 2009, Jones and Muñoz 2010, Rector 2012, Moyar 2014).

The ALP programme

Probably the most well-known US-sponsored militia programme in recent years has been the 'Afghan Local Police' (ALP). The programme originated in Kabul, where the Combined Forces Special Operations Component Command – Afghanistan (CFSOCC-A), led by Brigadier General Edward Reeder, was developing plans to deploy US and Afghan Special Forces to villages where they would train and support 'village defense forces' to resist the Taliban (Moyar 2014, pp. 9–15). General Stanley McChrystal,[13] who took command of ISAF in June 2009, was eager to back the initiative, while the US political leadership in Kabul feared that setting up militias could undermine efforts to build the Afghan National Security Forces, and thwart the limited achievements of the disarmament, demobilisation and reintegration (DDR) programmes[14] (Goodhand and Hakimi 2014, pp. 11–12). In August 2010 the programme was established nevertheless after President Karzai was persuaded by General David Petraeus to sign a presidential decree, authorising its establishment.

Once the US-funded ALP programme got underway, its long-term strategy was formulated as providing 'sustained security, permanent stability, expands governance and increase development in the areas where the ALP will be established' (NATO/ISAF 2011, p. 7). A US official of NSOCC-A[15] later pointed out to me that the ALP programme seeks 'to broaden the security reach of the Afghan government in a cost-effective manner by supporting local communities to defend themselves against insurgents. (…) 386 T. DIRKX [It] helps to prevent insurgents from controlling a broader swath of rural areas that lack ANP [Afghan National Police].'[16] Between 2010 and 2015 the US Department of Defense (DoD) spent 469.7 million dollars to fund the ALP through the Afghan MoI. The US DoD estimated that it would cost approximately 121 million dollars annually to sustain the programme based on the authorised strength of 30,000 ALP personnel (SIGAR 2015a).

After it was first piloted in other parts of the country, ALP units were formed in Kunduz province in the first half of 2011, leading to a force of 1,125 ALP officers by June 2012 (Münch 2013, p. 40, Goodhand and Hakimi 2014, p. 35). The training for ALP officers consists only of three weeks in which the recruits are educated in the basic handling of small firearms, the delivery of first aid and communication with US Special Forces. The programme envisioned that the US trainers would embed themselves in a village, develop knowledge of the power structure and political actors, vet recruits and then supervise the ALP units in action. While this worked out in some areas, in Kunduz the supervision of US Special Forces amounted to a visit once a week even though close monitoring was crucial, especially in the complex power structure of Kunduz (Felbab-Brown 2016, pp. 266–267).

The CIP programme

A lesser-known US-funded militia programme, the 'Critical Infrastructure Police' (CIP) established in 2011, ran parallel to the ALP for some time.[17] Apart from Kunduz, it operated in other northern provinces such as Balkh, Jowzjan and Faryab, and possibly also in Sar-i-Pul (Felbab-Brown 2016, p. 269).

While the word ‘police’ may suggest otherwise, the CIP programme essentially consisted of militias that quickly developed a reputation for predatory behaviour towards local populations (Ibid).[18] These police numbered in the low thousands, were officially unpaid, although the commanders and militiamen did receive monthly payments of $200 and $150, respectively from an American discretionary fund called the ‘Commander’s Emergency Response Program’ (CERP) (Rosenberg and Rubin 2011, Sites 2013, Goodhand and Hakimi 2014, p. 34, Felbab-Brown 2016, p. 269).[19] The purpose of the CERP fund was to enable US military commanders in Afghanistan and Iraq to support a broad range of small humanitarian relief and reconstruction projects.

The eligible categories included ‘protective measures to enhance the durability and survivability of a critical infrastructure site (oil pipelines, electric lines, etc.)’, which is probably how the CIP programme was justified (SIGAR 2015b). It was run by US Special Forces under ISAF’s Regional Command-North with the aim of using local forces as a ‘temporary solution’ to protect strategically important locations such as bridges and roads (Stahnke CIVIL WARS 387 2012). It remains vague however how much money was spent on the CIP programme. In an audit of CERP spending in Afghanistan from 2004 until 2014 only 890 million dollars of the total of 2.2 billion dollars could be accounted for. It is unclear what the other 1.3 billion dollars of CERP funding has been spent on, but the US DoD did indicate that CERP funds have also been used as a tool for counterinsurgency efforts (SIGAR 2015b, p. 18).

After a short training course and an oath sworn to the Afghan constitution the CIP members were recorded biometrically, and given a yellow armband with a CIP logo (Stahnke 2012). Part of the CIP militiamen used to be members of the Taliban, which according to some gave them an advantage in identifying Taliban infiltrators in their communities while others questioned their commitment to the CIP programme precisely because of their past membership in the Taliban (Lawrence 2012). The US started to arm CIP forces in northern Afghanistan in the spring of 2011, ‘probably as a

counterweight to the arbaki programme of the NDS (…)', which in Kunduz, was managed by Daud and his brother-in-law Mir Alam (Münch 2013, p. 43). In Kunduz the CIP forces numbered a little over 500 spread across three districts.

The Afghan State Influence on Militia Governance

The Afghan national government was in a much weaker position than the US armed forces, but still managed to influence the ALP and CIP programmes that intended to create militia governance. President Karzai himself initially opposed the idea of setting up the ALP, 'warning that such groups could become militias in a country already plagued by warlordism' (Lawrence 2010; Partlow and De Young, 2010). Only after extensive discussions with General David Petraeus, who took command of ISAF in July 2010, did Karzai authorise the programme[20] (Belcher 2013, p. 73). The result of the discussions was a compromise solution, allowing the US to legitimise and legalise its existing militia programmes, while the Afghan government, at least in theory, managed to extend its control over those programmes by bringing the ALP under the Afghan Ministry of Interior (Goodhand and Hakimi 2014, p. 13).

However, at the same time those efforts to establish ALP units were well under way with approval of the Afghan government, the CIP programme was implemented by ISAF without Karzai's consent. When Karzai found out about the CIP programme – at least three months after it had started – he issued a decree in December 2011 to disband it, fearing that it would impede his aim of centralising the means of patronage (Münch 2013, p. 43, Goodhand and Hakimi 2014, pp. 34–35, Felbab-Brown 2016, p. 269). The US DoD reported that by November 2012 all CIP forces throughout Afghanistan had been demobilised or incorporated in the ALP (DoD 2013, p. 101).

Militia Governance in Kunduz

Although the CIP programme was eventually disbanded by Karzai, for some time in 2011 and 2012 the two distinct US-funded militia programmes ran in Kunduz at the same time.

The situation regarding militia programmes was further complicated when the earlier mentioned Afghan MoI funding stopped after the provincial police chief Sayedkhaili was killed by the Taliban in March 2011 (Münch 2013, p. 41). His successor was unable to continue payment of the arbaki militias that Sayedkhaili had been funding. As a result, these militias that previously received MoI-funding started to extort local populations. While the Afghan government tried to disarm some of them, the Germans at the Provincial Reconstruction Team (PRT) incorporated a part of these militias in Kunduz in the by then still running US-funded CIP programme (Goodhand and Hakimi 2014, p. 34). Some militias thus initially received funds from the Afghan MoI through police chief Sayedkhaili, but when he was killed and the money stopped flowing from Kabul, they were 'transferred' to the American CIP programme. Altogether, inserting and abruptly withdrawing various external resources affected militia governance in Kunduz in complex ways, as the cases of militia commander Nabi Gechi and local power broker Mir Alam demonstrate.

Nabi Gechi

One of the militias that received US support through the CIP programme contained the approximately 225 militiamen of Commander Nabi Gechi in the Qala-e-Zal district of Kunduz province (Raghavan 2015). Prior to receiving US money, weapons and training, Nabi Gechi's militia was commended in a leaked US Embassy cable for being 'the most organised and disciplined of the various militia groups operating in Kunduz province.'[21] It assessed that Gechi's forces 'proved themselves in fighting insurgents', and that 'the local population expressed strong appreciation for the improvement in security Nabi's forces have brought.'[22] The cable concluded that:

(...) the inclusion of the community into the process, their benign behavior toward the population (not collecting taxes), and the (comparatively) clear chain of command have all helped to make the force in Qala-e-Zal a success.[23]

US officials saw Nabi Gechi's way of governing in Qala-e-Zal as aligned with US strategic interests of fighting the Taliban

and protecting the local population. His good reputation helped him to secure US support when the CIP programme was implemented in Kunduz. In October 2012, when the programme had ended, the US military stated it had the 'greatest respect and appreciation' for Gechi's 'leadership' (quoted in Raghavan 2015). In May 2013, almost a year after the CIP programme had ended, Nabi Gechi managed to retain his influence in the district. During that time, several respondents expressed themselves content with Nabi Gechi's militia, which they regarded as a force protecting them against the Taliban. A shop keeper, for example, expressed his happiness with the security situation, because the help came from one of his own people and not from foreigners or the government. He said: 'The security situation is very good. When I lock my shop I sleep well without any problem (…).

The reason of the good security is commander Nabi (…) When he came to our village the security got better.'[24] He explained that Nabi Gechi: 'has power because he has a good relationship with the people and the community supports him.'[25] Another person claimed that Gechi is involved in resolving disputes, and that unlike many government officials 'Nabi is not a corrupted person' (quoted in Terpstra 2013, p. 34). Respondents mainly referred to the Taliban as the most important security threat in their daily lives. One community member said: 'the people in our village had a very hard life when there were Taliban (…) in our area. Thus, our people, and our leader Nabi, decided to fight against them.'[26] A resident of Kunduz City reiterated Nabi Gechi's remarkable capabilities during an interview in 2016. He stated: 'Nabi Gechi is an exceptional commander.

He is honestly fighting against the Taliban. The people are very happy. The area under his control are all Turkmen, and all his arbaki are Turkmen, so there is support of the people.'[27] Gechi himself said: '(…) this power has been given to me by my people (…). Whatever they say I will do. I will even commit suicide for my people if they ask.'[28] A militia member explained that the responsibilities of his militia are: 'to provide security in the village, and when the Taliban come to the village we secure the area until the Afghan Local Police or

Afghan National Police get to the location.'[29] Some Taliban members even switched sides to Gechi's militia, after it took control of Qala-e-Zal (Sites 2013).[30] All of Gechi's militiamen interviewed in 2013 claimed they had previously received support from US forces in the form of money and weapons to assist them in the fight against the Taliban. In fighting the insurgency, Gechi cooperated with the Afghan National Police (ANP).

An ANP officer working in the district confirmed that: '(…) some operations happened through cooperation of ANP and arbakis against Talibs in this district. The area was cleared from them.'[31] After US support ended; Gechi's militiamen were able to sustain their control of the district mainly through illegal taxation. From then on, Gechi started to take matters into his own hands by taxing local communities for food, fuel and money to support his own fight against the Taliban (Münch 2013, p. 43, Baczko and Dorronsoro 2016, p. 5).[32] He even taxed weddings to support his militia (Felbab-Brown 2016, p. 269). Stopping the CIP programme thus made Gechi use his acquired power to let the people instead of the Americans pay for his governance. As a journalist states, Gechi 'is not just the general. He is the judge, the police chief and the tax collector' (Raghavan 2015).

This behaviour directly contradicted the prior US assessment that claimed Gechi was 'not collecting taxes'. People unwilling to pay the taxes allegedly were tortured by Gechi's men to force them to pay (Raghavan 2015). One respondent that lived in Kunduz 390 T. DIRKX City at the time mentioned that Gechi also set up 'his own prison'.[33] However, 'the ethnic homogeneity and economic marginality of the district' spared Gechi from clashing with other commanders, as happened in other parts of the province (Baczko and Dorronsoro 2016, p. 5). Conjointly, these factors seem to have contributed to the consolidation of Gechi's militia governance of Qala-e-Zal. The consequences of external support through the CIP programme for Gechi's militia are ambiguous. For some respondents, Gechi was a hero-like figure who protected them against the Taliban, in line with the envisioned goals of US support.

At the same time, however, Gechi has taxed local communities in return for security and justice services, outside the formal control of the Kabul government, but with informal connections to provincial police and government officials. Using his power to collect taxes and resolve disputes when the CIP programme ended, he simultaneously weakened the reach of the Afghan government, and redirected the implementation of US political intervention, from the objectives that the US forces had envisioned. The external support to his militia facilitated securing territorial control of the district, which in turn made a rudimentary form of governance possible (tax collection, security provision, dispute resolution) (see Kasfir 2015, p. 28). Abusing those who refused to pay taxes was unlikely to have won their hearts and minds. Gechi's case also shows that while the US army undeniably has the power and resources to subject militias to projects of security governance, at the local level, militias can redirect the influence of powerful foreign actors, and find possibilities to manipulate external support to serve their own agendas.

Mir Alam

The implications of the US-funded ALP programme on militia governance in Kunduz are even more complex. As mentioned, from September 2011 onwards, the ALP programme ran in several districts in the province with the aim of setting up 'local self-defence forces' to protect communities against the Taliban. Mir Alam's militias had gained strength through the support of the NDS in the two years prior to the establishment of the ALP programme in Kunduz, but were not officially integrated into the ALP forces. However, most, if not all, ALP commanders were either linked to Mir Alam or rival militia commander Pakhsaparan (Hewad 2012, Goodhand and Hakimi 2014, p. 35, Human Rights Watch 2015, p. 50).[34] Mir Alam's influence was especially far-reaching through his network of Jamiat-affiliated Tajik and Uzbek commanders. As one respondent explained: 'Every local police commander in Kunduz belongs to Mir Alam.

They are all under his control. When Mir Alam says something they accept it. (…) He is the secret governor of the

province.'[35] Thus, while Mir Alam himself was not directly supported by the ALP programme, through his position as most important local power broker he did manage to acquire influence over the ALP units and the resources the programme brought to the province. CIVIL WARS 391 The influence of the ALP programme on Mir Alam has been significant for various reasons, not least because of his history of assaulting, harassing and exploiting local populations. A cable of the US Embassy in Kabul from 2006 for example stated that when Mir Alam was the chief of police in the neighbouring Baghlan province (2005–2007), he acted as a mujahedeen commander, rather than a professional police officer, abusing his position of authority 'to engage in a broad range of criminal activity, including extortion, bribery, and drug trafficking'.[36]

Mir Alam's control over ALP commanders and the money and weapons that were brought to Kunduz as part of the programme enabled him to continue his predatory behaviour, and strengthened his position as power broker. ALP units, on which Mir Alam exerted influence, engaged in especially predatory behaviour in zones of contested territorial control. Many respondents found it difficult to distinguish between the arbaki militias that were paid by the NDS and the US-funded ALP forces. Often the two names were used interchangeably. A civil society member in an area with a relatively strong Taliban presence in the Ali Abad district stated that 'arbaki are responsible for every violence and illegal activity. They are not useful for us. They are bullying, harassing and they commit armed robberies (…)'[37]

In another contested area of the Ali Abad district a respondent said: 'people are afraid of them (…) Arbaki will do harm, so people are looking to the government.'[38] A civil society member from this area stated: 'arbaki are rebellious people and cause more problems in this area. They are supported by powerful people and the government cannot do anything in this part.'[39] Apart from physical violence towards civilians, many respondents said ALP units were also involved in bachabazi, which literally means 'boy play'. It involves wealthy or powerful commanders keeping boys to be dressed up as girls, and ordered to dance, which may often entail

sexual abuse (Human Rights Watch 2011, p. 41). This practice was regularly mentioned by respondents, and explicitly condemned as bad behaviour of militias. Furthermore, militias loyal to Mir Alam have been implicated in a long list of violent incidents towards local populations, including killings, cases of rape and extortion. As noted by Kunduz expert Lola Cecchinel (2014, n.p.) 'It is hard to say who the local people fear more (…): their 'defenders' –ALP and other militias–or the Taliban themselves.'

For example, ALP commander Qadirak, an ethnic Aymaq loyal to Mir Alam, was infamous for his predatory behaviour towards Pashtuns across Kunduz province. In September 2012 he was involved in the 'Konam killings', where in the predominantly Pashtun village Konam-e-Kalan 12 villagers were killed by his militiamen and others loyal to Mir Alam (Human Rights Watch 2015, pp. 51–58). Another infamous case is the former Taliban commander Ishaq Nazami who switched sides to the ALP, and was then – after the intervention of Karzai – put on trial with his militia and convicted for the rape of Lal Bibi, an ethnic Kuchi (Pashtun nomad) (Goodhand and Hakimi 2014, p. 36). Similar to the short-lived CIP programme, the US support to ALP forces initially helped to marginalise the Taliban, and expand the territorial control of militias in Kunduz, as the programme intended. Yet, instead of providing security to all civilians, the ALP units and other militias loyal to Mir Alam became a prime source of insecurity. While Nabi Gechi managed to maintain some form of popular support from his Turkmen community after the external support had ended, the ALP units loyal to Mir Alam increasingly lacked popular support because of their predatory behaviour.

Pashtun Marginalisation from Militia Governance

An important feature of militia governance in Kunduz that violated ALP objectives has been the marginalisation of Pashtuns. Ethnic Pashtuns have been targeted disproportionately by predatory behaviour of the Tajik, Uzbek and Turkmen dominated militias. A Pashtun respondent told me that 'with the selection of men for the arbakis, they only

called the non-Pashtuns tribes' and that 'Pashtun people have no leaders like Mir Alam and Nabi Gechi'.[40] Another Pashtun respondent said that Mir Alam's ALP commanders 'were all thieves' that were solely focused on 'personal benefit for themselves.'[41] He furthermore explained that because most government positions were going to Tajiks, Uzbeks and Turkmen, the Pashtuns – who make up the largest part of the population – 'do not feel represented. Their voices are not heard.'[42] Protocols were in place to safeguard against ethnic imbalances in the ALP recruitment process, but in the Dashti Archi district for example, they were circumvented by US Special Forces because they were unable to find any Pashtun volunteers to join the programme.

Pashtun elders were allegedly unwilling to send their sons to fight for a local government they considered to be dominated by Uzbeks (International Crisis Group 2015, p. 16). To illustrate the abusive behaviour of ALP forces towards Pashtuns, a Pashtun respondent from Kunduz City reported his outrage at ALP forces in the Chardara district:

People who join the local police are not good people. The common people are fed up with them. (…) One of my relatives is a tailor in the city. He has a shop in Kunduz City, but he lives in a rural area. Two years ago in a rural part of Chardara he went out of his home and passed a local police post. The local police had a dog. When my relative crossed the road, there was an accident with their dog, [and] because of that the local police fired mortars at my relative. Another relative of mine that was there lost his leg because of this. The people will never accept the local police.[43]

The risk of marginalising Pashtuns through militias loyal to Mir Alam was no surprise to the Americans. Already in January 2010, US officials reported in a leaked US Embassy cable that:

Unlike in Qala-e-Zal, where the population is overwhelmingly Turkmen, Khanabad district, like the province as a whole, comprises a plurality of Pashtuns as well as smaller numbers of Tajiks, Hazaras, and Uzbeks. As the militias loyal to Mir Alam are mostly Tajiks, there exists a real risk that conflict

between the population and militias or among the militias themselves will take on an ethnic dimension, in which the militias are perceived by Pashtuns as not anti-Taliban but anti-Pashtun.[44]

Moreover, another leaked Embassy cable from two months earlier warned that the 'ethnically divisive' militia of Mir Alam 'exemplifies a quick fix with dangerous implications: tactical gains at strategic costs'.[45] In the years following the implementation of the CIP and the ALP programmes, the strategic costs of the 'ethnically divisive' militias were becoming increasingly visible. In late 2013, German and American forces were gradually drawing down from Kunduz. Meanwhile, a resurging Taliban increasingly challenged the Afghan National Security Forces and the militias the US was supporting. During 2014 and 2015, the Taliban launched several offensives, and by late September 2015, it managed to take control of Kunduz City.

For the first time since the removal of the Taliban regime in 2001, the Taliban managed to temporarily takeover one of the major cities of Afghanistan (Cooke and Urwin 2015). The multiple reasons for the Taliban's resurgence are explained in detail elsewhere (Cooke and Urwin 2015, Fisher and Mercado 2016, Terpstra 2017). For the purpose of this article it is important to point out that the Pashtun marginalisation from militia governance is likely to have impeded broad-based support against the Taliban surge in 2015. A Kabul-based analyst explained that the bad behaviour of ALP forces has driven Pashtuns 'into the hands of the Taliban' and contributed to its resurgence.[46] A Pashtun respondent from Kunduz City said:

For fifteen years, all the provincial government directorates belonged to non-Pashtuns. Now, [after the fall of Kunduz City] many Pashtuns are happy with the Taliban, because they pressure the government. The Taliban pressure the government to work for the Pashtuns now.[47]

Arguably, many Pashtuns in Kunduz are better off with the Taliban than the militias (Cooke and Urwin 2015, International Crisis Group 2015). In short, Northern Alliance factions that

mainly consisted of Tajiks, Uzbeks and Turkmen had managed to maintain their power when US-funded militia programmes came to Kunduz (Goodhand and Hakimi 2014, p. 37). The US programmes were co-opted, manipulated and redirected by commanders such as Nabi Gechi (who had received direct US support), and Mir Alam (who as a local power broker managed to exert control over ALP units that had obtained US resources). Because the mostly non-Pashtun arbaki militias and ALP forces were preying upon Pashtuns, many Pashtuns did not feel represented by the militias. This contributed to the Taliban's resurgence in 2015. Paradoxically, the militias indirectly fuelled rather than countered the insurgency, directly undermining US strategic interests.

Conclusion

From the start of the 2001 US-led intervention in Afghanistan, the US military repeatedly tried to use Afghan militias to advance US political-military interests. The US military applied a counterinsurgency doctrine that relied on local forces to gain popular support and fight the Taliban. They chose existing militias as their instrument. The Americans had their own ideas about how militias should govern. While they exercised influence on militia governance by supplying resources, it often had opposite effect from what they expected. In addition, US intervention complicated, but did not eliminate Afghan governmental influence on the militias. My argument is that both external intervention and state interests influence militia governance during civil war. Sometimes this influence is positive in the sense that the militia conform to objectives and expectations of their funders. But in other instances the influence is negative in that militia leaders pursue goals that undercut their funders' intentions and undermine the larger strategic objectives of both external intervenors and the government.

The case of Kunduz demonstrates that while the US army has the power and the resources to subject militias to its choice of projects of security governance, militias can redirect the influence of US political interventions by manipulating external support at the local level. In turn, this affects the

relations and interactions between militias, rebels, civilians and the state. The different layers of security governance in Kunduz thus constitute a complex interplay between US attempts to modify the actions of militias to achieve certain goals, and Afghan militias that may or may not go along with these goals. Within the complicated power structure of formal and informal security actors in Kunduz, I have particularly analysed how the militia of Nabi Gechi, and militia's loyal to local power broker Mir Alam, have appropriated external US support. The mobilisation of anti-Taliban militias in 2009 started as a mostly local initiative in response to the rise in Taliban activity in the province. During the recruitment process Pashtuns were largely excluded from the Tajik, Uzbek and Turkmen dominated anti-Taliban militias.

When later, US-funded militia programmes came to Kunduz, the already existing militia commanders managed to maintain their power, and largely co-opted external support. As such, US-funded programmes have mainly amplified and reinforced the existing power structure in the province. In the case of Nabi Gechi, the CIP programme has helped to marginalise the Taliban and to increase territorial control, but when external funds were withdrawn, it also indirectly facilitated illegal taxation. Based on the evidence available, the most convincing explanation why supporting Gechi's militia has worked out relatively well compared to other commanders in the province is that his militia enjoys some degree of popular support from the Turkmen community he claims to protect. Militias loyal to Mir Alam, including US-trained ALP units, often lacked this popular support and have instead assaulted local populations, especially Pashtuns.

The marginalisation of Pashtuns in turn fuelled the insurgency and eventually contributed to a resurgence of the Taliban in 2015. Following this analysis of the implementation and aftermath of the CIP and ALP programmes, I have demonstrated how the external support to militias in Kunduz has undermined US strategic interests. The intended goals of the programmes – fighting the Taliban and protecting civilians –were only partly attained, and came with the price of many unintended consequences. In essence, the cases show that

when the ultimate goals of militias and their external supporter are incongruent, external support can be appropriated in ways that directly or indirectly contradicts the intended outcomes and strategic interests of the actor providing the support.

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The Unintended Consequences of US Support on Militia Governance in Kunduz Province, Afghanistan. Toon Dirkx. Civil Wars, 2017 VOL. 19, NO. 3, 377–401https://doi.org/10.1080/13698249.2017.1416851 To cite this article: Toon Dirkx (2017) The Unintended Consequences of US Support on Militia Governance in Kunduz Province, Afghanistan, Civil Wars, 19:3, 377-401, DOI:10.1080/13698249.2017.1416851.To link to this article: https://doi.org/10.1080/13698249.2017.1416851 *© 2018 The Author(s). Published by Informa UK Limited, trading as Taylor & Francis Group.* *Civil Wars publish original scholarship on all aspects of intrastate conflict, including its causes and nature, and the factors which help to explain its onset, duration, intensity, termination and recurrence. It also publishes work which explores the epistemology of scholarship on intrastate conflict and contributes to debates about the politics, sociology and economics of civil wars, and the significance of intrastate conflict for international relations. The journal has a broad intellectual remit designed to be multidisciplinary and open to a range of different academic methodologies and interests. It welcomes work on specific armed conflicts and micro-analysis, on broad patterns of civil wars, and on historical perspectives as well as contemporary challenges. It also seeks to explore the policy implications of conflict analysis, especially as it relates to international security, conflict prevention and resolution, intervention and peacebuilding. Civil Wars will be required reading for students and scholars of armed conflict and international relations, and, given its policy relevance, will be of interest to those in government, international organisations and the military. Print ISSN: 1369-8249 Online ISSN: 1743-968X. Civil Wars is*

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Notes to Chapter

Chapter 1: From Rebel to Quasi-State: Governance, Diplomacy and Legitimacy in the Midst of Afghanistan's Wars (1979–2001). Romain Malejacq

1. Lehznev, Crafting Peace, 2–3.
2. Robinson, "Twenty-First Century Warlords," 123.
3. Schlichte and Schneckener, "Armed Groups and the Politics of Legitimacy."
4. Lehznev, Crafting Peace, 8.
5. Tilly, Trust and Rule, 15.
6. Osman, The Fall of Kunduz, 4.
7. Schetter, Glassner, and Karokhail, "Beyond Warlordism," 139. According to Antonio Giustozzi and Noor Ullah, 'what characterizes warlords is that their leadership is exercised over the military class. In other words, their strength is their military legitimacy. This, together with their control over a territory, gives them in turn a political role, but without the benefits of political legitimacy', Giustozzi and Ullah, "Tribes' and Warlords," 2.
8. Jackson, "Warlords as Alternative Forms of Governance." On warlord governance in post-2001 Afghanistan, see Mukhopadhyay, Warlords, Strongman Governors, and the State in Afghanistan.
9. Kooiman, Governing as Governance, 3.
10. Coggins, "Rebel Diplomacy," 99. On rebel diplomacy as a 'tactical choice' rather than a 'weapon of the weak', see Huang, "Rebel Diplomacy in Civil War," 91.
11. Huang, "Rebel Diplomacy in Civil War."
12. Schlichte and Schneckener, "Armed Groups and the Politics of Legitimacy."
13. Huang, "Rebel Diplomacy in Civil War," 120.
14. Giustozzi, Empires of Mud, 193–4.
15. Most of the information I convey in this article has been corroborated in these interviews. For anonymity purposes, here I only refer to interviews when using quotes or information that pertains to specific individuals, and only with the interviewees' authorisation.
16. See Malejacq, "Warlords and the Coalition in Afghanistan"; Malejacq, "Warlords, Intervention, and State Consolidation"; and Malejacq and Mukhopadhyay, "The 'Tribal Politics' of Field Research."
17. Wood, "The Ethical Challenges of Field Research," 375.
18. Coggins, "Rebel Diplomacy"; and Huang, "Rebel Diplomacy in Civil War."
19. Ibid., 90.
20. Chan, "The Warlord and Global Order," 165.
21. Rich, "The Emergence and Significance," 1.

22. See for example Duffield, “Post-Modern Conflict”; and Reno, Warlord Politics.
23. Coggins, “Rebel Diplomacy,” 101.
24. On the ‘idea of the state’, see Buzan, People, States, and Fear, 44–53.
25. According to Marcel Merle, ‘any authority, body, group and even person likely to “play a part” in social life – the international scene in the case in point’ – is an actor in the international system, see Merle, Sociology of International Relations, 253. According to Hedley Bull’s definition of the international system, only actors ‘having rights and duties in world law, conducting negotiations and perhaps able to command armed forces’ qualify as ‘actors in world politics’, see Bull, The Anarchical Society, 246.
26. Ahram and King, “The Warlord as Arbitrageur,” 170.
27. Ibid.
28. Fearon and Laitin, “Neotrusteeship,” 7.
29. Mampilly, Rebel Rulers, 28.
30. Duffield, “Post-Modern Conflict,” 81.
31. Jackson, “Warlords as Alternative Forms of Governance,” 131.
32. Coll, Ghost Wars, 107–14.
33. Rubin, Fragmentation of Afghanistan, 84 and 104; Coll, Ghost Wars, 114, 120, and 290; and Barfield, Afghanistan, 213.
34. Rubin, Fragmentation of Afghanistan, 101.
35. Email communication with former commander of Ahmad Shah Massoud, 9 August 2012.
36. On charismatic authority, see Weber, Politics as a Vocation.
37. Schlichte and Schneckener, “Armed Groups and the Politics of Legitimacy,” 418.
38. Mampilly, “Performing the Nation-State,” 85. On performances and symbolism, see also Terpstra and Frerks, “Governance Practices and Symbolism.”
39. Coll, Ghost Wars, 116; Morillon, Le testament de Massoud, 64; and Giustozzi, Empires of Mud, 282.
40. Coll, Ghost Wars, 116–7.
41. Ibid., 121.
42. Puig, “Le commandant Massoud”; Rubin, Fragmentation of Afghanistan, 237; and Sinno, Organizations at War, 132.
43. Arjona, Kasfir, and Mampilly, “Introduction,” 5.
44. Schlichte and Schneckener, “Armed Groups and the Politics of Legitimacy,” 419.
45. Coggins, “Rebel Diplomacy,” 110.
46. Clifford Bob originally uses the idea of ‘inventing an icon’ to describe the marketing strategy of Commandant Marcos and the Zapatistas in Mexico, see Bob, The Marketing of Rebellion, 161.
47. Puig, La pêche à la truite, 507–28.

48. Interview with former representative of the Shurah-e Nazar in Washington, DC, Kabul, 2 February 2011.
49. Interview with former director of the Afghan National Directorate of Security (NDS), Kabul, 6 February 2011.
50. Dorronsoro, Revolution Unending, 133.
51. Coll, Ghost Wars, 345.
52. Morillon, Le testament de Massoud, 14.
53. Coll, Ghost Wars, 219–20. According to Abdulkader Sinno, " [t]he Saudis also gave Massoud and Rabbani $150 million in 1993–94," see Sinno, Organizations at War,233.
54. Coll, Ghost Wars, 186; Dorronsoro, Revolution Unending, 235; and Giustozzi, Empires of Mud, 282 and 285.
55. Jackson, Quasi-States.
56. Rubin, Fragmentation of Afghanistan, 247; Coll, Ghost Wars, 262–3; and Barfield, Afghanistan, 248–53.
57. Interview with Afghan researcher, Kabul, 13 March 2011. On the relationships between Massoud and Rabbani and the role of the latter, see also Giustozzi, Empires of Mud, 285.
58. Coll, Ghost Wars, 286.
59. On the politics of international recognition, see Coggins, "Friends in High Places."
60. Rubin, Fragmentation of Afghanistan, 270.
61. Coll, Ghost Wars, 47, 345, and 464; and Giustozzi, Empires of Mud, 286.
62. Huang, "Rebel Diplomacy in Civil War," 91.
63. Coll, Ghost Wars, 345.
64. Interview with Ahmad Wali Massoud, Kabul, 13 February 2011.
65. Coll, Ghost Wars, 465; and Torabi, "State-, nation- et peace-building," 21.
66. Interview with Dr Abdullah Abdullah, former minister of foreign affairs, Kabul, 7 February 2011.
67. Coll, Ghost Wars, 345.
68. Philippe Morillon however seems to believe that India was not only providing political support but also weapons, see Morillon, Le testament de Massoud, 44. Coll mentions cash payments, see Coll, Ghost Wars, 519.
69. Morillon, Le testament de Massoud.
70. Coll, Ghost Wars, 233; and Morillon, Le testament de Massoud, 44.
71. Coll, Ghost Wars, 14.
72. Ibid., 336.
73. Ibid., 575.
74. Interview with Member of Parliament, Kabul, fall 2008.
75. On political actors as 'brands', see Médard, "Le système politique bordelais."
76. Interview with former representative of the Shurah-e Nazar in Washington, DC, Kabul, February 2, 2011.

77. Schlichte and Schneckener, “Armed Groups and the Politics of Legitimacy.”

78. Coll, Ghost Wars, 574–84.

79. On political leaders as ‘myths’, see Médard, “Charles Njonjo.” Acknowledgements

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Chapter 2: Rebel governance, rebel legitimacy, and external intervention: assessing three phases of Taliban rule in Afghanistan. Niels Terpstra

1. Weinstein, Inside Rebellion; Mampilly, Rebel Rulers; Klem and Maunaguru,“Insurgent Rule”; and Hoffmann and Verweijen, “Rebel Rule.”
2. Kasfir, “Rebel Governance.”
3. Stel, “Governing the Gatherings,” 20–30.
4. Schlichte and Schneckener, “Armed Groups and the Politics of Legitimacy”;Duyvesteyn, “Rebels & Legitimacy”; Schoon, “Building Legitimacy”; Terpstra and Frerks, “Rebel Governance and Legitimacy”; Worrall, “(Re-)Emergent Orders”; and Kasfir, “Foreword.”
5. Terpstra and Frerks, “Rebel Governance and Legitimacy.”
6. Schoon, “Building Legitimacy,” 748.
7. Kasfir, Frerks, and Terpstra, “Introduction,” 257.
8. O’Neill, From Revolution to Apocalypse, 142–48.
9. Huang, “Rebel Diplomacy in Civil War”; and Malejacq, “From Rebel to QuasiState.”
10. Schröder and Schmidt, “Introduction,” 9.
11. Ibid., 9.
12. In general terms, the mujahideen can be characterized as a ‘force of religious nationalists: communities – particularly those from rural areas – were motivated to participate in the jihad by religious fatwas sanctioning jihad, but also to protect their land, their villages, traditions and customs’ (Strick van Linschoten, 2016, p. 112).

13. Ruttig, “How Tribal Are the Taliban?” 23–24.
14. Strick van Linschoten and Kuehn, The Taliban Reader, 1.
15. Edwards, Before Taliban; Barfield, “Establishing Legitimacy in Afghanistan”; Barfield, Afghanistan; Ruttig, “How Tribal Are Taliban?”; Strick van Linschoten and Kuehn, An Enemy We Created; Strick van Linschoten and Kuehn, The Taliban Reader; Strick van Linschoten, “Mullah Wars”; Ibrahimi, “The Taliban”s Islamic Emirate of Afghanistan (1996–2001)”; Weigand, “Afghanistan”s Taliban”;Jackson, “Life under the Taliban Shadow Government”; and Johnson, Taliban Narratives.
16. Kalyvas, The Logic of Violence in Civil War, 5.
17. Kasfir, Frerks, and Terpstra, “Introduction,” 259.
18. Kalyvas, The Logic of Violence in Civil War, 210–20.
19. Duyvesteyn et al., “Reconsidering Rebel Governance”; Kasfir, Frerks, and Terpstra, “Introduction,” 258; and Murtazashvili, “A Tired Cliché.”
20. Kalyvas, Logic of Violence, 218.
21. Rosenau et al., Governance without Government, 4.
22. Kasfir, “Rebel Governance,” 24.
23. Kasfir, “Dilemmas of Popular Support in Guerrilla War,” 4.
24. Mampilly, Rebel Rulers; Arjona, Kasfir, and Mampilly, Rebel Governance in Civil War; Duyvesteyn et al., “Reconsidering Rebel Governance”; Arjona, Rebelocracy; and Kasfir, Frerks, and Terpstra, “Introduction.”
25. For a discussion on the Taliban’s current involvement in other governance sectors, such as education and health care, or its taxation practices, see Jackson (2018).
26. Kasfir, Frerks, and Terpstra, “Introduction,” 274.
27. Terpstra and Frerks, “Governance Practices and Symbolism,” 1013.
28. See note 26 above.
29. Mampilly, Rebel Rulers, 56.
30. Suchman, “Managing Legitimacy,” 574.
31. Terpstra and Frerks, “Rebel Governance and Legitimacy,” 285.
32. Terpstra and Frerks, “Governance Practices and Symbolism,” 1035–36.
33. Worrall, “(Re-)Emergent Orders,” 715.
34. Schlichte and Schneckener, “Armed Groups and the Politics of Legitimacy,” 418.
35. Kalyvas, “Promises and Pitfalls of an Emerging Research Program”; and Terpstra, “Statebuilding, Legal Pluralism, and Irregular Warfare.”
36. Schlichte and Schneckener, “Armed Groups and the Politics of Legitimacy,” 417
37. Ibid., 417.
38. Ibid., 417–18.
39. Kasfir, “Foreword,” xiii.

40. Weber, The Theory of Social and Economic Organization, 359; and Kasfir, "Foreword," xiii.
41. Terpstra and Frerks, "Rebel Governance and Legitimacy," 281.
42. Ibid., 281.
43. Weigand, "Afghanistan"s Taliban," 376.
44. Huang, "Rebel Diplomacy in Civil War"; and Podder, "Understanding the Legitimacy of Armed Groups," 698–701.
45. See note 8 above.
46. Johnson, Taliban Narratives, 31–33.
47. The PRTs were invented by the United States. They generally consist of military compounds with military officers but also include diplomats and reconstruction experts who work together on reconstruction.
48. The security situation in Kunduz has been dire, particularly since the temporary fall of Kunduz city to the Taliban in September 2015. Common data collection challenges include the following: threats to the personal security of researchers and respondents, scarcity of data, lack of monitoring of field surveyors, high staff turnover within research organizations, unsteady access to certain districts at certain points in time, incorrect expectations of researchers and respondents regarding data collection, multiple layers of interpretation in the data collection process, and social desirability in the answers of respondents.
49. Malejacq, "From Rebel to Quasi-State," 871.
50. Barfield, Afghanistan, 211.
51. Ibid., 215.
52. Johnson, The Afghan Way of War, 206.
53. Ibid., 207.
54. Barfield, Afghanistan, 225.
55. Safi, "The Afghan Taliban's Relationship with Pakistan," 14; and Barfield, Afghanistan, 225.
56. Barfield, Afghanistan, 225.
57. Ruttig, "How Tribal Are the Taliban?" 10.
58. Ibid., 10.
59. Strick van Linschoten and Kuehn, An Enemy We Created, 18.
60. Ruttig, "How Tribal Are the Taliban?" 11; and Safi, "The Afghan Taliban's Relationship with Pakistan."
61. Ruttig, "How Tribal Are the Taliban?" 11; Safi, "The Afghan Taliban"s Relationship with Pakistan," 15; and Strick van Linschoten and Kuehn, An Enemy We Created, 43–50.
62. 'Talib' literally translates to 'student." 'Taliban' or 'Taliban' is plural and translates to 'students.' Mullahs are religious leaders usually – at least at a very basic level – educated in Islamic traditions and Islamic law.
63. Strick van Linschoten and Kuehn, An Enemy We Created, 45.
64. Ibid., 45.

65. The Peshawar Seven included Hezb (Hekmatyar), Hezb (Hales), Jamiat (Rabbani), Harakat (Nabi Muhammadi), Ittehad (Sayyaf), Nejat (Mujaddedi), and Mahaz (Gailani) (Ruttig 2010, p. 11).
66. Ruttig, "How Tribal Are the Taliban?" 11.
67. Coll, Directorate S, 2.
68. Strick van Linschoten and Kuehn, An Enemy We Created, 46.
69. Giustozzi and Baczko, "The Politics of the Taliban's Shadow Judiciary, 2003–2013," 201; and Strick van Linschoten and Kuehn, An Enemy We Created, 47.
70. Strick van Linschoten, "Mullah Wars," 111.
71. Strick van Linschoten and Kuehn, An Enemy We Created, 46.
72. Ibid., 67.
73. Ibid., 43.
74. Johnson and Mason, "Understanding the Taliban and Insurgency in Afghanistan," 73.
75. Coll, Directorate S, 1.
76. Strick van Linschoten and Kuehn, An Enemy We Created, 66–67.
77. Coll, Directorate S; and Giustozzi, Empires of Mud.
78. Giustozzi, Empires of Mud, 50.
79. Staniland, Networks of Rebellion, 126–27.
80. Giustozzi, Empires of Mud, 83.
81. Strick van Linschoten, "Mullah Wars," 20.
82. Ibid., 20.
83. Zaeef, Strick van Linschoten, and Kuehn, My Life with the Taliban, 60–61.
84. Strick van Linschoten and Kuehn, An Enemy We Created, 114.
85. Zaeef, Strick van Linschoten, and Kuehn, My Life with the Taliban, 65. The Taliban movement garnered support of Pakistani authorities, but it was certainly not founded by Pakistan (Safi, 2018, p. 17). For example, alongside the inception of the movement in 1994, a Taliban office was opened in Quetta in Pakistan. One of the Taliban buildings there was used to 'recruit new fighters into the movement, another house was a place where injured Taliban were treated medically,' and a third building 'functioned as storage facility' (Safi, 2018, p. 18).
86. Strick van Linschoten and Kuehn, An Enemy We Created, 117.
87. Johnson and Mason, "Understanding the Taliban and Insurgency in Afghanistan," 74.
88. Giustozzi, Empires of Mud, 82.
89. Ibid., 82.
90. Giustozzi and Baczko, "The Politics of the Taliban's Shadow Judiciary," 203.
91. Giustozzi, Empires of Mud, 83.
92. Barfield, Afghanistan, 261.
93. Barfield, Afghanistan; Giustozzi, Empires of Mud; and Mukhopadhyay, Warlords, Strongman Governors, and the State in Afghanistan, 136.

94. Depending on the strictness of the definition, the Taliban ceases to be a rebel group or an insurgency once it capture the capital and the majority of Afghanistan's geographical territory. Nevertheless, for the sake of the longitudinal analysis in this article, I decided to expand the scope of the conditions and also consider the full timeframe of 1996–2001 a continuation of rebel governance and rebel legitimacy.
95. Ibrahimi, "The Taliban's Islamic Emirate of Afghanistan (1996– 2001)," 947–48.
96. Ibid., 947–48.
97. Barfield, Afghanistan, 263.
98. Ruttig, "How Tribal Are the Taliban?" 12.
99. Ibid., 12.
100. Ibid., 12.
101. Otto, "Introduction," 23.
102. Ibid., 23–49.
103. Yassari and Saboory, "Sharia and National Law in Afghanistan," 312.
104. Edwards, Before Taliban, 302–3.
105. Yassari and Saboory, "Sharia and National Law in Afghanistan," 291.
106. Rashid, Taliban, 2000, 50.
107. Yassari and Saboory, "Sharia and National Law in Afghanistan," 292.
108. Ibid., 292.
109. Edwards, Before Taliban, 295–96.
110. Barfield, Afghanistan, 262.
111. Yassari and Saboory, "Sharia and National Law in Afghanistan," 292.
112. Ibrahimi, "The Taliban's Islamic Emirate of Afghanistan (1996– 2001)," 955.
113. Rashid, Taliban, 2001, 303–4.
114. Strick van Linschoten, "Mullah Wars," 121.
115. Ibid., 121.
116. Barfield, "Problems in Establishing Legitimacy in Afghanistan," 288.
117. Barfield, Afghanistan, 261–63; and Weigand, "Afghanistan's Taliban," 363.
118. Hezb-e Wahdat is a political movement in Afghanistan. Like most Afghan political movements, it is rooted in the anti-Soviet resistance. Political Islamism is its ideology, but it is mostly supported by ethnic Hazaras, who follow a Shia interpretation of Islam.
119. Wörmer, "The Networks of Kunduz," 22.
120. Rashid, Taliban, 2001, 163.
121. Ibid., 163.
122. Barfield, Afghanistan; Strick van Linschoten and Kuehn, An Enemy We Created. There is debate regarding why exactly this occurred (Strick van Linschoten and Kuehn, 2014, pp. 130–34). It was an important moment for the Taliban movement itself and how it was seen by the outside world. Some interpreted it as a sign that Mullah Omar was the legitimate person to establish

an Islamic government in Afghanistan. Some Talibs who were present at the meeting allegedly stated that it served to diffuse internal rivalries within the movement, while others mentioned the push for Pakistani influence (Strick van Linschoten and Kuehn, 2014, pp. 131–33).

123. Strick van Linschoten and Kuehn, An Enemy We Created, 133.
124. Strick van Linschoten, "Mullah Wars," 101.
125. Strick van Linschoten and Kuehn, An Enemy We Created, 133.
126. Strick van Linschoten, "Mullah Wars," 27.
127. Barfield, "Problems in Establishing Legitimacy in Afghanistan."
128. Ibrahimi, "The Taliban's Islamic Emirate of Afghanistan (1996– 2001)," 956.
129. Barfield, Afghanistan, 263.
130. Ibrahimi, "The Taliban"s Islamic Emirate of Afghanistan (1996– 2001)," 955.
131. Edwards, Before Taliban, 301.
132. Ibid., 301.
133. Malejacq, "From Rebel to Quasi-State."
134. Barfield, Afghanistan, 263.
135. Ibid., 260.
136. Ruttig, "How Tribal Are the Taliban?" 19.
137. Strick van Linschoten and Kuehn, The Taliban Reader, 226.
138. Ibid., 227.
139. Ibid., 227.
140. Ruttig, "How Tribal Are the Taliban?" 19.
141. Jackson, "Life under the Taliban Shadow Government," 9.
142. Ruttig, "How Tribal Are the Taliban?" 21.
143. Giustozzi, "Hearts, Minds, and the Barrel of a Gun"; and Jackson, "Life under the Taliban Shadow Government."
144. Giustozzi and Baczko, "The Politics of the Taliban"s Shadow Judiciary, 2003–2013," 199.
145. Strick van Linschoten and Kuehn, The Taliban Reader, 227.
146. IWA, "Corruption and Justice Delivery in Kunduz Province of Afghanistan," 14.
147. IWA, "Corruption and Justice Delivery in Kunduz Province of Afghanistan," 14–15; and Ali, "One Land, Two Rules."
148. Interview code: 2018–13.
149. Interview code: 2018–05.
150. Ali, "One Land, Two Rules," 11.
151. Ibid., 11.
152. Ibid., 11.
153. Interview code: 2018–16.
154. See note 148 above.

155. Interview code: 2018 – 19.
156. Giustozzi and Baczko, “The Politics of the Taliban’s Shadow Judiciary,” 19–20.
157. See note 43 above.
158. Ibid., 376.
159. Interview code 2018–16.
160. Interview code: 2018–03.
161. Ledwidge, Rebel Law, 72.
162. Johnson, Taliban Narratives, 31.
163. Ibid., 32–33.
164. Ibid., 32.
165. Ibid., 36.
166. Ibid., 22.
167. Ibid., 24.
168. Interview code: 2018 – 12.
169. Interview code: 2018 – 20.
170. Interview code 2018 – 09.
171. Interview code: 2018 – 13.
172. Interview code 2018 – 14.
173. Osman, “Rallying Around the White Flag,” 1.
174. Johnson, “The Taliban Insurgency and an Analysis of Shabnamah”; and Johnson, Taliban Narratives.
175. Johnson, “The Taliban Insurgency and an Analysis of Shabnamah,” 318.
176. Interview code: 2018–12; 2018–15.
177. Interview code: 2018 – 19.
178. Interview code: 2018 – 13.
179. Interview code 2018 – 01.
180. Johnson, “The Taliban Insurgency and an Analysis of Shabnamah (Night Letters),” 339.
181. Ali, “The Non-Pashtun Taliban of the North.”
182. Ibid.
183. See Strick van Linschoten, “Mullah Wars” 99.
184. The literal translation of bacha bazi from Dari is ‘boy play.’
185. SIGAR, “Child Sexual Assault in Afghanistan,” 1.
186. Jones, “Ending Bacha Bazi,” 66.
187. Reid and Muhammedally, “Just Don’t Call It a Militia”; and SIGAR, “Child Sexual Assault in Afghanistan.”
188. Reid and Muhammedally, “Just Don’t Call It a Militia,” 42.
189. Ibid.

190. See note 160 above.

191. Interview code: 2018–01.

192. See https://www.pbs.org/wgbh/frontline/film/dancingboys/ (Accessed 11 June 2019).

193. Roy, "Development and Political Legitimacy," 173.

194. See note 43 above.

195. See note 10 above.

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Chapter 3: Afghanistan's Newest Local Defence Force: Were "all the mistakes of the ALP" turned into ANA-TF safeguards? Kate Clark

1 The figure of 98 operational companies is from an email with a government official, 4 July 2020.

2 According to an Afghan government official familiar with the discussions. Interview, Kabul, 10 March 2020. His account is backed up by international sources.

3 See Kate Clark, Erica Gaston, Fazl Muzhary and Borhan Osman, 'Ghosts of the Past: Lessons from Local Force Mobilisation in Afghanistan and Prospects for the Future', Afghanistan Analysts Network/Global Public Policy Institute, July 2020, https://www.afghanistananalysts.org/en/special-reports/new-special-reportghosts-of-the-past-lessons-from-localforce-mobilisation-in-afghanistan-and-prospects-for-the-future/.

4 Borhan Osman and Kate Clark, 'Enemy Number One: How the Taliban deal with the ALP and uprising groups', 19 July 2018, https://www.afghanistan-analysts.org/enemy-number-onehow-the-Taliban-deal-with-the-alp-and-uprising-groups/.

5 Interview, former government official, 29 November 2018.

6 See Clark et al, 'Ghosts' [see FN 3]

7 See Osman and Clark, 'Enemy Number One' [see FN 4] and Fazl Rahman Muzhary and Kate Clark, 'Uprising, ALP and Taliban in Andar: The arc of government failure', Afghanistan Analysts Network, 22 May 2018, https://www.afghanistan-analysts.org/uprisingalp-and-Taliban-inandar-the-arc-of-government-failure/ for more detail on this dynamic.

8 This mixed picture has been reflected in UNAMA's Protection of Civilians reporting on the ALP; it has detailed abuses by some units, but also reported that many communities believe the ALP improved their security. A US Special Operations Forces evaluation in 2013 also found that a third of ALP units were "causing more harm than good to the counterinsurgency," but one third were "highly effective." Clark et al 'Ghosts', esp 42–43 [see FN 3].

9 Interview, former government official, 29 November 2018.

10 RS officer, Kabul, 12 December 2017.

11 As Clark et al have noted, 'community' is not a straightforward concept. There is a tendency to muddle, romanticise or reify it. In Afghanistan, many communities are actually divided across different tribal, ethnic or other solidarity lines. Even in uniform communities, who speaks for local interests can be hard to define and reliance on elders can mean reinforcing existing, often inequitable power structures that are not actually representative. Nevertheless, communities do appear to be a significant element in whether local force mobilisation succeeds or fails. Clark e al 'Ghosts', 14 [see FN 3].

12 Kate Clark, 'The Afghan Territorial Force: Learning from the lessons of the past?', AAN, 15 January 2019, https://www.afghanistananalysts.org/en/reports/war-and-peace/the-afghanterritorial-forcelearning-from-the-lessons-of-the-past/.

13 See Clark et al, 'Ghosts' [see FN 3].

14 The 14 commanders were deployed to the east/201 corps (6), southeast/203 corps (1), south/205 corps (1), west/207 corps (1), northwest/207 corps (1), northeast/217 corps (2) and Kabul/111 division (2). All interviewed by telephone or WhatsApp in September and December 2019.

15 Interview, RS officer, Kabul, 3 October 2018. In June 2018, the government and then the Taliban announced ceasefires to mark Eid ul-Fitr. The widespread fraternisation and goodwill shown between insurgents and government soldiers and officials led to hopes it could usher in lasting peace. For more, see Kate Clark, 'The Eid Ceasefire: Allowing Afghans to imagine their country at peace', AAN, 19 June 2018, https://www.afghanistan-analysts.org/en/reports/war-andpeace/the-eid-ceasefire-allowing-afghans-to-imagine-their-country-atpeace/.

16 Interview, RS officer, Kabul, 3 October 2018.

17 See, for example, 'The revolt of the good guys in Gizab', AAN, 24 June 2010, https://www.afghanistan-analysts.org/the-revolt-of-the-good-guys-in-gizab/; Martine van Bijlert, 'Trouble in Gizab; the fight everyone chose to ignore', AAN, 31 October 2011, https://www.afghanistananalysts.org/en/reports/war-and-peace/trouble-in-gizab-the-fight-everyone-chose-toignore/.

18 Interview with two RS advisors, by Skype, 14 November 2019.

19 Bahrami was an officer in the PDPA military and after 2001, served as corps commander (Helmand 2003–08) and commander of Special Forces unit 444 (2009–12), before holding several senior, security-related desk jobs. For a biography, see Thomas Ruttig, 'Afghanistan Has Now a Constitutional Cabinet: Eleven minister candidates received votes of confidence', AAN, 9 September 2017, https://www.afghanistan-analysts.org/en/reports/politicallandscape/afghanistan-has-now-a-constitutional-cabinet-eleven-minister-candidatesreceived-votes-of-confidence/.

20 Khaled was with Ettihad-e Islami, but with close relationships with Shura-ye Nizar/Jamiat-e Islami. Post-2001, he was a close associate of President Hamed Karzai and especially his brother, Ahmad Wali, the most important actor in the south of Afghanistan until his assassination in 2011. Khaled has also, reportedly, enjoyed a longterm relationship with the CIA. He has worked variously in Afghan intelligence, during the 1992–96 government and again after 2001, most recently as head of the NDS (2012–15). During his tenures as governor of Ghazni and Kandahar, he was accused of perpetrating abuses,

especially torture. Khaled survived a Taliban assassination attempt in 2012; his appointment as minister of defence in 2018 was his first official post after this. He is still an 'acting' minister as parliament has not yet approved his candidacy. For a biography from 2012, see Kate Clark, 'Filling the Power Ministries: Biographies of the four candidates', AAN, 12 September 2012, https://www.afghanistan-analysts.org/en/reports/political-landscape/filling-the-powerministriesbiographies-of-the-four-candidates/; for detail on the allegations against him, see Human Rights Watch, 'All Die: Afghanistan's Strongmen and the Legacy of Impunity', 2015, 58–83, https://www.hrw.org/sites/default/files/report_pdf/afghanistan0315_4up.pdf.

21 Zia Yasin, whose background is with Shura-ye Nizar/Jamiat-e Islami, has served as deputy director of the National Directorate of Security, NDS, (2011–15), governor of Takhar (2015–17) and National Security Advisor (2017–19). In early July 2020, he was appointed chief of staff to the ANA.

22 For details see: Muzhary and Clark, 'Andar' [see FN 7].

23 Khaled was reported to have taken this role when he was governor of Kandahar, after the assassination of Ahmad Wali Karzai in 2011. See references in footnote 20.

24 Interview, RS officer by WhatsApp, 19 December 2019.

25 Interview, government official, Kabul, 17 September 2019.

26 Written exchange with former government official, 4 March 2020

27 US Special Inspector General of Afghan Reconstruction (SIGAR), 'Quarterly Report To The United States Congress', 30 January 2020, https://www.sigar.mil/pdf/quarterlyreports/2020-01-30qr.pdf.

28 Data is from a government tracking information sheet that is collated on a biweekly basis for inter-ministerial planning and deliberation over the force, and provided to AAN. This data is accurate as of 17 December 2019.

29 The ANAP was eventually disbanded in 2008 due to its heavy infiltration by Taliban. Erica Gaston and Kate Clark, 'Backgrounder: Literature Review of Local, Community or Sub- State Forces in Afghanistan', AAN/GPPi, 31 January 2017, https://www.afghanistananalysts.org/en/special-reports/backgrounder-literature-review-oflocal-community-or-sub-state-forces-inafghanistan/, 33.

30 Interview, RS officer, Kabul, 22 April 2018.

31 Interview, RS officer, Kabul, 14 April 2019.

32 Interview, RS officer, Kabul, 5 September 2019.

33 Interview, RS officer, by WhatsApp, 19 December 2019

34 Email from government official, 4 July 2020. Different figures were given in a recent US DoD report to the US Congress: out of 105 companies, 83 are operational, six provisional, seven in training and nine planned. US Department of Defence, 'Enhancing Security and Stability', June 2020, https://media.defense.gov/2020/Jul/01/2002348001/-1/-1/1/ENHANCING_SECURITY_AND_STABILITY_IN_AF-GHANISTAN.PDF, 59. However, the published DoD figure is lower than that given by an RS officer on 6 May 2020 (in a WhatsApp message).

35 SIGAR, 'Quarterly Report January 2020', 84 [see FN 27].

36 DoD 'Enhancing Security June 2020', 59-60 [see FN 34].

37 The US military defines a permissive environment as one where the "operational environment in which host country military and law enforcement agencies have control as well as the intent and capability to assist operations that a unit intends to conduct." Department of Defense, 'Dictionary of Military and Associated Terms', 8 November 2010, 183, https://fas.org/irp/doddir/dod/jp1_02.pdf.

38 Bill Roggio and Alexandra Gutowski, 'Mapping Taliban Control in Afghanistan', The Long War Journal, accessed 17 July 2020,https://www.longwarjournal.org/mapping-taliban-control-inafghanistan.

39 Tom Gregg, 'Caught in the Crossfire: The Pashtun Tribes of Southeast Afghanistan', The Lowy Institute for International Policy, October 2009, https://www.files.ethz.ch/isn/108942/LPB_Gregg_crossfire.pdf, 4.

40 For more on the strength of the tribal structure, see UNHCR, 'Background Report: Paktika Province', 1989, http://www.afghandata.org:8080/xmlui/bitstream/handle/azu/3338/azu_acku_pamphlet_ds374_p35_p36_1989_w.pdf?sequence=1&isAllowed=y; Kate Clark, '2001 Ten Years on (3): The fall of Loya Paktia and why the US preferred warlords', AAN, 24 November 2011, https://www.afghanistan-analysts.org/en/reports/war-and-peace/2001-ten-years-on-3-the-fall-of-loya-paktia-and-why-the-us-preferredwarlords/; Tom Gregg, 'Caught in the Crossfire: The Pashtun Tribes of Southeast Afghanistan', Lowy Institute, 2009, https://www.files.ethz.ch/isn/108942/LPB_Gregg_crossfire.pdf; Thomas Ruttig, How Tribal Are the Taliban? Afghanistan's largest insurgent movement between its tribal roots and Islamist ideology, AAN, 2010, https://www.afghanistan-analysts.org/wp-content/uploads/downloads/2012/10/20100624TR-HowTribalAretheTaliban-FI-NAL.pdf.

41 See Fazal Rahman Muzhary and Kate Clark, 'How to set up a "good ALP": the experience of Yahyakhel district, Paktika and how it became more peaceful', AAN, 20 December 2018, https://www.afghanistan-analysts.org/how-to-set-up-a-good-alp-the-experience-ofyahyakhel-district-paktika-and-how-it-became-more-peaceful/.

42 For detail on the accusations, see Julius Cavendish who sources UNAMA in 'Afghanistan's Dirty War: Why the Most Feared Man in Bermal District Is a U.S. Ally', Time, 4 October 2011, http://content.time.com/time/world/article/0,8599,2096079,00.html; Human Rights Watch, 'Today We Shall', 31–9 [see FN 20]. Azizullah went on to head the ALP provincially and then command a special police unit before being killed by the Taliban in 2018. For reports of his death, see Radio Free Liberty, 'Commander Of Afghan Special Police Force Shot Dead During Picnic With Family', 29 June 2018, https://www.rferl.org/a/taliban-kills-commander-ofspecial-policeforce-in-kabul/29327366.html.

43 UNAMA, 'Afghanistan Annual Report On Protection of Civilians in Armed Conflict, 2019', February 2020, https://unama.unmissions.org/sites/default/files/afghanistan_protection_of_civilians_annual_report_2019_-_22_february.pdf, 57-58.

44 Interview, RS officer, 22 April 2018.

45 Then Minister for Borders and Tribal Affairs Gul Agha Sherzai had wanted half of the funding to "arm the borders – his Barakzais," recalled a former government official. Interview, 29 November 2019.

46 Written communication with former government official, 4 March 2020.

47 Interview former government official, 29 November 2019

48 Popular Uprising Forces are local counter-insurgency forces receiving support from the NDS and, it is assumed, ultimately also from the NDS' main sponsor, the CIA. There is little publicly available information about their numbers, cost, weaponry, training, locations, or how commanders and locations are chosen. There is also no known formal mechanism of accountability and, as UNAMA has pointed out, Uprising Forces "have no legal basis under the laws of Afghanistan." See for example, 'Protection of Civilians in Armed Conflict Annual Report 2019', 2020, 84, https://unama.unmissions.org/sites/default/files/afghanistan_protection_of_civilians_annual_report_2019_-_22_february.pdf.

49 Kate Clark, 'A Maelstrom of Militias: Takhar, a case study of strongmen co-opting the ALP', AAN, 14 November 2019, https://www.afghanistan-analysts.org/en/reports/war-and-peace/amaelstrom-ofmilitias-takhar-a-case-study-of-strongmen-co-opting-the-alp/.

50 In 2009, the author reported on the case of a local woman, Sara, who managed to take three men to court who had publicly gangraped her after she had accused their commander of killing her son. This was despite the district governor, district court judge, one of the province's MPs (now dead) and one of President Karzai's advisers being close factional allies or relatives of the rapists. Karzai later pardoned two of the rapists (the third had died) and less than a year later, Sara's husband, who had refused to stop pursuing the case, was murdered. See Kate Clark, 'Afghan President pardons men convicted of bayonet gang rape,' The Independent, 24 August 2008, https://www.independent.co.uk/news/world/asia/afghanpresident-pardons-men-convicted-of-bayonet-gang-rape-907663.html. The same group of commanders was also accused of kidnapping school teachers in 2002 because they were teaching the government's (nonmadrassa) curriculum, and of imprisoning and torturing local people trying to reclaim land which they said the leader of the group had stolen from them (both incidents reported by the BBC – no URL available).

51 Global Witness, 'War In The Treasury Of The People: Afghanistan, Lapis Lazuli And The Battle For Mineral Wealth', June 2016, https://www.globalwitness.org/en/campaigns/conflictminerals/war-treasury-people-afghanistan-lapis-lazuli-and-battle-mineral-wealth/, 6.

52 Interview, government official, Kabul, 14 March 2020.

53 Interview, government official, Kabul, 14 April 2019.

54 Interview, government official, Kabul, 12 April 2019.

55 Interview, government official, Kabul, 5 September 2019. Several interviewees also said the company in Dara-ye Suf-e Payin in Samangan had fallen into the hands of a commander who had ensured recruitment was from one or two villages only.

56 Security-wise, all four districts had seen intense fighting in 2018, with the Taliban fielding both local and Red Unit fighters. Deh Yak had fallen to the Taliban in May 2018, with the government retaking the district headquarters only in May 2019. The final sliver of government-held territory in Andar, apart from an ANA base, fell to the Taliban in October 2018. See Fazl Rahman Muzhary, 'Unheeded Warnings (1): Looking back at the Taliban attack on Ghazni', AAN, 16 December 2018, https://www.afghanistan-

analysts.org/unheededwarnings1-looking-back-at-the-Taliban-attack-on-ghazni/.

57 See Muzhary and Clark, 'Andar' [see FN 7].

58 Interview, government official, Kabul, 17 April 2019.

59 Interview, RS officer, Kabul, 22 April 2018. Account confirmed by a former government official who also said RS later "gave" Jaghori to the vice president. Interview Kabul, 29 November 2018.

60 Interview, government official, 29 April 2018.

61 Only one of the 14 commanders interviewed reported having men from outside the district in his company. He saw this is as problematic. Interview, by telephone, 16 September 2019.

62 The commander said he was one of 11 candidates for the post and had been approved and confirmed by the advisory board of the brigade and the Kabul Division. Interview, by telephone, December 2019.

63 Interview, with government official, Kabul, 16 April 2019.

64 Interview, RS officer, via Whatsapp, 17 December 2019.

65 Interview, with initial ANA-TF commander in Khairkot, Sharana, 7 April 2019.

66 Interview, with Elias Wahdat, Kabul, 13 July 2019.

67 Miakhel was appointed deputy defence minister in early July 2020.

68 Interview, RS officer, Kabul, 22 April 2018.

69 Data from a government information sheet from July 2019 [see FN 28]. Particularly problematic for being below strength were the following: Panjwayi, Kandahar, lacked 77 personnel; Arghandab, Kandahar, lacked 72; Zharai Kandahar, lacked 66; Tirin Kot, Uruzgan, lacked 58; Jawand, Badghis, lacked 51; Shiberghan of Jowzjan, lacked 47; Sharana, Paktika, lacked 39. Thanks to Erica Gaston for this point.

70 The commanders reporting their companies as understrength said they lacked the following numbers of personnel: 74, 59, 48, 41, 29, 21 and 10; another gave no figures, but said his company was rerecruiting.

71 Interviewees in Paktika reported soldiers leaving en masse because of the problem with pay. By the end of 2019, the salary issue in Paktika was reported as resolved and soldiers were returning

72 Interview, government official, Kabul, 5 September 2019; interview, government official, Kabul, 17 September 2019. See also Fahim Abed, The New York Times Magazine, 'Afghan War Casualty Report: July 12-18', 18 July 2019, https://www.nytimes.com/2019/07/18/magazine/afghan-war-casualty-report.html; Fahim Abed, The New York Times Magazine, 'Afghan War Casualty Report: July 25-Aug. 1', August 2019, https://www.nytimes.com/2019/08/01/magazine/afghan-war-casualty-report.html.

73 A government official, Kabul, 14 March 2020, said there were seven insider attackers. Contemporary press reports mentioned one, for example, see Fahim Abed, 'At Least 23 Soldiers Killed in Insider Attack in Afghanistan', The New York Times, 14 December 2019, https://www.nytimes.com/2019/12/14/world/asia/afghanistan-soldiers-taliban.html.

74 For example, in Khak-e Jabar in Kabul, he said there had been suspicions that some of the recruits were not from the district, but from Sarobi, and that six or seven others were under Taliban influence. The 'Sarobi recruits' were later found to be long-term residents of Khak-e Jabar and therefore legitimately in the force; the Taliban suspects were investigated and arrested. This all took place before the company was deployed. Interview, government official, Kabul, 14 March 2020.

75 Interview, RS officer, via Whatsapp, 17 December 2019.

76 Interview, government official, Kabul, 17 December 2019.

77 In December 2019, the DoD reported difficulties with the mobile enrolment of soldiers in remote provinces into the personnel and pay accounting system as well as a standing backlog of paperwork waiting for digital enrollment in Kabul. The result is some units going months without pay. US Department of Defence, 'Enhancing Security and Stability in Afghanistan: Report to Congress' December 2019, 51, https://media.defense.gov/2020/Jan/23/2002238296/-1/-1/1/1225-REPORT-DECEMBER-2019.PDF.

78 Interview, by telephone, 16 September 2019.

79 Interview, by telephone, 15 December 2019.

80 DoD, 'Enhancing Security', June 2020, 53 [see FN 34].

81 DoD 'Enhancing Security', December 2019, 51 [see FN 77]

82 DoD 'Enhancing Security', December 2019, 51 [see FN 77].

83 DoD 'Enhancing Security', June 2020, 59 [see FN 34].

84 DoD 'Enhancing Security', December 2019, 51 [see FN 77].

85 SIGAR, 'Quarterly Report To The United States Congress', 30 April 2020, 88, https://www.sigar.mil/pdf/quarterlyreports/2020-04-30qr.pdf, 88.

86 SIGAR, 'Quarterly Report April 2020', 88 [see FN 85]. This was still the US stance on expansion when this report went to publication. See DoD 'Enhancing Security', June 2020, 60 [see FN 34].

87 Interview, RS officer, Kabul, 3 October 2020.

88 Interview, government official, via WhatsApp, 17 December 2019.

89 Interview, government official, 29 April 2018.

90 Interview, RS officer, Kabul, 22 April 2018.

91 Interview, RS officer, Kabul, 19 December 2019.

92 Interview, RS officer, Kabul, 5 September 2020.

93 See Clark et al, 'Ghosts', 65 [see FN 3].

94 Interview, former government official, Kabul, 10 March 2020.

95 Obaid Ali, 'Hit from Many Sides 1: Unpicking the recent victory against the ISKP in Nangrahar', AAN, 1 March 2020, https://www.afghanistan-analysts.org/en/reports/war-and-peace/hitfrom-manysides-1-unpicking-the-recent-victory-against-the-iskp-in-nangrahar/.

96 Interview, Elyas Wahdat, Kabul, 13 July 2019.

97 Interviews, two elders, both by telephone, 27 June 2019.

98. Interview, member of CDC, by telephone, 13 April 2019.

99 Interview, member of CDC, by telephone, 13 April 2019

100 Interview, member of a CDC, Kabul, 15 April 2019.

101 Interview, member of CDC, by telephone, 10 July 2019.

102 A malek is the senior person (always male) in a village. He may be independent of government or appointed by it; different areas and ethnicities have different traditions and the same village may have both types. In either case, he represents the village when outside it and acts as a local civil governor within it.

103 Interview by telephone, December 2019.

104 Interview, RS officer, Kabul, 14 April 2019.

105 The two elders interviewed gave meticulous detail about how recruits in the force were shared out between different villages and branches of the Banzi sub-tribe of Kharutis and Utmanzi Waziris from the Radan area of Barmal. Interviews by telephone, 27 June 2019.

106 One civil society activist in Khairkot said that officials had explained at two separate gatherings that the new force would mean jobs. Once people had been assured that the soldiers would not have to go to foreign countries, he said there was "no problem with recruitment." All the recruits had been introduced by elders and came from ten out of the district's 65 villages, with most having previously been in the ANSF, ALP or government posts. Another civil society activist said the district governor told the elders to meet to decide on recruits. He said each of Khairkot's five zones had provided 20 recruits, the 'tribal balance' had been applied and every village and all tribes were considered so that no tribe could feel marginalised. Both interviews conducted by telephone, 5 May 2019.

107 Interviews with two recruits, Sharana, 7 April 2019, followed up by telephone, 14 April 2019.

108 In Khairkot, the commander, a former ANP officer said in April 2019: "Recruiters came to our villages, and went mosque-tomosque in our villages. They talked to the tribal elders and the religious scholars and provided them with information. Later, the elders of our villages sat together and decided to recommend the youth. Then the youths willingly admitted themselves to the ANA-TF, guaranteed by two elders and the district governor." (Interview, Sharana, 7 April 2019, with follow-up by telephone, 14 April 2019.) Later, after he had been removed from his post, he said he had personally recruited 94 men. As he was very disgruntled, he may have been exaggerating his role to emphasise the injury he felt he had suffered, or was diverging truthfully from the official narrative of community consultation. (Interview, by telephone, 12 December 2019.) A soldier in the Khairkot company gave this account: "I left my job in the ANP and joined ANA-TF [because] I wanted to make more progress in my life and help the people of our own district. Community elders and [the ANA-TF] commander also persuaded me to join. The tribal elders had meetings among themselves in the mosques and guest houses and were very interested in persuading the youths to join the ANA-TF because the security of our district is bad." Interview, Sharana, 7 April 2019.

109 The former commander of Urgun company said he had personally recruited 150 men (17 December 2019 by telephone). One of the soldiers in the company described recruitment differently: "Recruitment took place according to principles and the tribal elders were well involved in this process. The recruits have been selected from different villages and all the people had their

participation in the recruitment." Interview, Sharana, 7 April 2019, with follow-up, by telephone, 14 April 2019.

110 Interview, ANA-TF soldier, Sharana, 7 April 2019, followed up by telephone, 7 April 2019.

111 Interview, RS advisor, via WhatsApp, 14 January 2019.

112 Interview, government official, Kabul, 17 September 2019.

113 For detail, see Clark et al, 'Ghosts', 22–27 [see FN 3].

114 Former Afghan official, Kabul 10 March 2020.

115 US Department of Defence, 'Enhancing Security and Stability in Afghanistan: Report to Congress', June 2019, https://media.defense.gov/2019/Jul/12/2002156816/-1/-1/1/ENHANCING-SECURITY-AND-STABILITY-IN-AFGHANISTAN.PDF, 53.

116 USFOR-A's breakdown of expected savings compared to regular ANA include conversion in the personnel force structure and pay rate (an estimated 6% of costs saved); reduction of equipment (vehicles, weapons, communication systems, etc) allocated to the ANA-TF units (66% saved); commensurate reduction in fuel consumption (15% saved), ammunition (77% saved) and maintenance and parts (56% saved). Figures in SIGAR, 'Quarterly Report to the United States Congress', July 2018, https://www.sigar.mil/pdf/quarterlyreports/2018-07-30qr.pdf, 99.

117 SIGAR, 'Quarterly Report January 2020', 84 [see FN 27].

118 SIGAR, 'Quarterly Report 30 April 2020', 88, [see FN 85].

119 See Kate Clark, 'Graft and Remilitarisation: A look back at efforts to disarm, demobilise, reconcile and reintegrate', AAN, 12 July 2020, https://www.afghanistan-analysts.org/graftand-remilitarisation-alook-back-at-efforts-to-disarm-demobilise-reconcile-and-reintegrate/.

120 SIGAR's recommendation, hedged with caveats and warnings, was that Congress might "wish to consider funding" a Taliban reintegration programme if: (a) the Afghan peace agreement provides a framework for reintegration of ex-combatants; (b) a significant reduction in overall violence occurs; and (c) a strong monitoring and evaluation system is established for reintegration efforts. At the same time, "U.S. agencies would need to take into account several risks to the execution of a program, including corruption, the difficulty of monitoring and evaluation, vetting challenges, and security issues – challenges that have plagued Afghan reintegration efforts since 2001, as this report has laid out." SIGAR, 'Reintegration Of Ex-Combatants: Lessons From The U.S. Experience In Afghanistan', September 2019, https://www.sigar.mil/interactive-reports/reintegration/index.html.

121 Interview former government official, 29 November 2018.

122 After an ISAF briefing on the ALP to NGOs in Kabul on 10 January 2012, the author asked whether anyone was working on demobilisation strategies and was told, "Yes, that's part of this debate, if it's required, there will need to be DDR, the risk of unemployed, armed men, so DDR is under review. It may not be necessary."

123 The 18,000 number is from: Lead Inspector General, 'Operation Freedom's Sentinel, Lead Inspector General Report to the United States Congress', 1 January–31 March 2020, 77, https://www.stateoig.gov/system/files/lead_inspector_general_for_operation_f

reedoms_sentinel.pdf. The figure of 28,000 is from SIGAR, quoting the ALP Directorate 'Quarterly Report To The United States Congress', 30 October 2019, 97, https://www.sigar.mil/pdf/quarterlyreports/2019-10-30qr.pdf. It was also quoted by an RS officer, interviewed via WhatsApp, on 4 August 2020.

124 Lead Inspector General, 'Operation Freedom's Sentinel', 6 [see FN 123].

125 Interview RS officer, via WhatsApp, 4 August 2020.

126 For a deeper look at this, including what might happen if support dries up, see the conclusion of a recent AAN special report: Kate Clark, 'The Cost of Support to Afghanistan: Considering inequality, poverty and lack of democracy through the "rentier state" lens', AAN, May 2020, https://www.afghanistan-analysts.org/en/reports/economy-development-environment/the-cost-of-support-to-afghanistan-new-special-report-considers-the-causes-of-inequalitypoverty-and-a-failing-democracy/.

127 CSTC-A is the US-led international military's Combined Security Transition Command – Afghanistan.

128 Interview, government official, Kabul, 14 April 2019.

Chapter 4: Opportunity Structures, Rebel Governance, and Disputed Leadership: The Taliban's Upsurge in Kunduz Province, Afghanistan, 2011–2015. Niels Terpstra

1. Interview code: KI2016 – 03, 30 March 2016, Kabul city; Joseph Goldstein and Mujib Mashal, "Taliban Fighters Capture Kunduz City as Afghan Forces Retreat," The New York, Times, September 28, 2015.

2. Borhan Osman, "Toward Fragmentation? Mapping the Post-Omar Taliban" (AAN Dispatch, Afghanistan Analysts Network, Kabul, 2015).

3. Charles Tilly and Sidney Tarrow, Contentious Politics (New York: Oxford University Press, 2007); Marco Giugni, "Political Opportunities: From Tilly to Tilly," Swiss Political Science, Review 15, no. 2 (2009), 361–67.

4. The term jirga is understood here as the institution that has historically resolved political, social, economic, cultural, judicial, and religious conflicts by making authoritative decisions. Jirga is "the product of Pashtun tribal society and operates according to the dictates of the Pashtunwali, an inclusive code of conduct guiding all aspects of Pashtun behavior and often superseding the dictates of both Islam and the central government." Lynn Carter and Kerry Connor, "A Preliminary Investigation of Contemporary Afghan Councils" (Agency Coordinating Body for Afghan Relief, Peshawar, 1989), 7. For the origins of the term, see, Ali Wardak, "Jirga – A Traditional Mechanism of Conflict Resolution in Afghanistan" (University of Glamorgan, Pontypridd, UK, 2003).

5. According to Carter and Connor (1989: 9), a shura is a "group of individuals which meets only in response to a specific need in order to decide how to meet the need. In most cases, this need is to resolve a conflict between individuals, families, groups of families, or whole tribes." For elaboration on informal justice institutions in Afghanistan, see, Noah Coburn, Informal Justice and the International Community in Afghanistan (Washington D.C.: United States Institute of Peace [USIP], 2013).

6. The Afghan National Security Forces (ANSF) consist of the ANP, which is the regular police force; the ALP, which are generally militias incorporated into the government forces; the Afghan National Army (ANA), which is the regular army; and the National Directorate of Security (NDS), which is the national intelligence agency.

7. The PRTs were invented by the United States. They generally consist of military compounds with military officers but also of diplomats and reconstruction subject matter experts who work together on reconstruction.

8. Tilly and Tarrow, Contentious Politics, 2007; Giugni, "Political Opportunities"; John Gledhill, "Disaggregating Opportunities: Opportunity Structures and Organisational Resources in the Study of Armed Conflict," Civil Wars 20, no. 4 (2018): 500–28.

9. Zachariah Cherian Mampilly, Rebel Rulers: Insurgent Governance and Civilian Life during War (Ithaca and London: Cornell University Press, 2011); Ana Arjona, Rebelocracy: Social Order in the Colombian Civil War (New York: Cambridge University Press, 2016); Nelson. Kasfir, Georg Frerks, and Niels Terpstra, "Introduction: Armed Groups and Multi-Layered Governance," Civil Wars 19, no. 3 (2017), 257–78.

10. I am aware that the concept of "opportunity structure" originated in a longer scholarly tradition in which it has mainly been applied to analyze social movements and other forms of collective action in situations that would generally not be classified as civil wars.Tilly and Tarrow (2007), however, showed how the same concept can also be applied to instances of civil war to analyze the opportunity structure for other types of movements,such as insurgencies. See for overview of the application of the concept to armed conflicts:Gledhill, 2018.

11. Julie Berclaz and Marco Giugni, "Specifying the Concept of Political Opportunity Structures," in Economic and Political Contention in Comparative Perspective, ed. Maria Kousis and Charles Tilly (New York: Routledge, 2005), 15–32; Giugni, "Political Opportunities"; Tilly and Tarrow, Contentious Politics, 2007.

12. Paul Staniland, Networks of Rebellion: Explaining Insurgent Cohesion and Collapse (Ithaca and New York: Cornell University Press, 2014), 5.

13. Charles Tilly and Sidney Tarrow, Contentious Politics (Boulder, Colorado: Paradigm Publishers, 2007), 4.

14. Tilly and Tarrow, 57.

15. Stathis N. Kalyvas, The Logic of Violence in Civil War (New York: Cambridge University Press, 2006), 218.

16. Seth G. Jones, "The Rise of Afghanistan's Insurgency: State Failure and Jihad," International Security 32, no. 4 (2008): 17.

17. Bard O'Neill, From Revolution to Apocalypse: Insurgency and Terrorism (Dulles: Potomac Books, 2005), 116–21.

18. Antonio Giustozzi and Christoph Reuter, "The Insurgents of the Afghan North: The Rise of the Taliban, the Self Abandonment of the Afghan Government, and the Effects of ISAF's 'Capture-and-Kill Campaign'" (Afghanistan Analysts Network, Kabul, 2011), 19–20.

19. Jones, "The Rise of Afghanistan's Insurgency," 17.

20. Nelson Kasfir, “Rebel Governance – Constructing a Field of Inquiry: Definitions, Scope, Patterns, Order, Causes,” in Rebel Governance in Civil War, ed. Ana Arjona, Nelson Kasfir, and Zacharia Mampilly (New York: Cambridge University Press, 2015), 24.
21. Arjona, Rebelocracy: Social Order in the Colombian Civil War, 45.
22. Stathis N. Kalyvas, The Logic of Violence in Civil War (New York: Cambridge University Press, 2006), 128; Arjona, Rebelocracy: Social Order in the Colombian Civil War, 48.
23. Ana Arjona, “Wartime Institutions: A Research Agenda,” 58, no. 8 (2014): 1361.
24. Mampilly, Rebel Rulers, 19.
25. Arjona, Rebelocracy: Social Order in the Colombian Civil War, 3.
26. O’Neill, From Revolution to Apocalypse, 124–35.
27. O’Neill, 125–28.
28. See figure 1, a map of Kunduz province.
29. See also figure 1, a map of Kunduz province. Late 2015, President Ghani announced the addition of three more districts within the geography of the already existing seven districts:Aqtash, Gultapa, and Gulbad.
30. TLO, Provincial Assessment Kunduz (The Liaison Office [TLO], Kabul, May 2010), 87. These figures should be seen as a reasonable estimation. There are no official uncontested statistics on ethnicity.
31. TLO, Provincial Assessment Kunduz, 87.
32. Nils Wormer, € The Networks of Kunduz: A History of Conflict and Their Actors, from 1992 to 2001 (AAN Thematic Report 02, Afghanistan Analysts Network, Kabul, 2012), 7–9.
33. See figure 1, a map of Kunduz province.
34. Wormer, 13 € –20. In Kunduz province, the most important mujahedeen factions included Jamiat-e Islami, Jombesh-e Melli, Hezb-e Islami, and Ittehad-e Islami. For an excellent overview of the mujahedeen factions in Kunduz province specifically, see Wormer (2012). €
35. Wormer, 33. €
36. Wormer, 38 € –40.
37. Wormer, 2. €
38. Peter Bouckaert, “Afghanistan – Paying for the Taliban’s Crimes: Abuses Against Ethnic Pashtuns in Northern Afghanistan” (Human Rights Watch, Kabul, 2002), 43–44.
39. Bouckaert, 1.
40. Philipp Munch, € “Local Afghan Power Structures and the International Military Intervention” (Afghanistan Analysts Network, Kabul, 2013), 15.
41. Munch, 15. €
42. Munch, 1. €
43. Giustozzi and Reuter, “The Insurgents of the Afghan North,” 7.
44. Giustozzi and Reuter, 7.

45. See for example: Timo Noetzel, "The German Politics of War: Kunduz and the War in Afghanistan," International Affairs 87, no. 2 (2011): 400; Giustozzi and Reuter, "The Insurgents of the Afghan North," 7.

46. IISS, "Northern route eases supplies to US forces in Afghanistan," Strategic Comments 16, no. 5 (2010): 1-3.

47. Giustozzi and Reuter, "The Insurgents of the Afghan North," 14. Reportedly, half of the Taliban commanders in charge of the Kunduz region before early 2010 were killed and most of the remaining ones moved to Pakistan due to the United States 'capture-and-kill campaign' (Giustozzi and Reuter 2011, 29).

48. Giustozzi and Reuter, 14.

49. Noetzel, "The German Politics of War: Kunduz and the War in Afghanistan"; Giustozzi and Reuter, "The Insurgents of the Afghan North,"; Munch, € "Local Afghan Power Structures and the International Military Intervention". The German engagement in Kunduz started as a low-risk stabilization operation. However, the deteriorating security situation and increased insurgent activity, particularly from 2008-2009 onwards, changed the realities on the ground (Giustozzi and Reuter 2011). Due to political, operational, and conceptual constraints, the Germans were slow to adapt to these changes in the local context (Noetzel 2011).

50. Munch, € "Local Afghan Power Structures and the International Military Intervention," 68.

51. Philipp Munch and Alex Veit, € "Intermediaries of Intervention: How Local Power Brokers Shape External Peace- and State-Building in Afghanistan and Congo," International Peacekeeping 25, no. 2 (2018): 274–79.

52. Jonathan Goodhand and Aziz Hakimi, "Counterinsurgency, Local Militias, and Statebuilding in Afghanistan" (Peaceworks 90, Washington D.C., USIP, 2014), 32.

53. Munch, € "Local Afghan Power Structures and the International Military Intervention," 1.

54. Giustozzi and Reuter, "The Insurgents of the Afghan North," 27–32.

55. Lola Cecchinel, "Taliban Closing in on the City: The Next Round of the Tug-of-War over Kunduz" (AAN Dispatch, Afghanistan Analysts Network, Kabul, 2014); Thomas Ruttig, "ANSF Wrong-Footed: The Taliban Offensive in Kunduz" (AAN Dispatch, Afghanistan Analysts Network, Kabul, 2015).

56. "The Global Intelligence Files," Wikileaks, November 3, 2011, https://wikileaks.org/gifiles/docs/12/1227291_re-alpha-insight-germanyafghanistan-german-security-company.html (accessed September 16, 2018). Around 2009 Germany slowly became more open to accept the operational and tactical consequences of a COIN strategy, but a limited political will,limited experience, and operational constraints obstructed the effectiveness (see for example: Noetzel 2011).

57. Rachel Reid et al., Just Don't Call It a "Militia": Impunity, Militias, and the Afghan Local Police (Human Rights Watch, 2011).

58. Toon Dirkx, "The Unintended Consequences of US Support on Militia Governance in Kunduz Province, Afghanistan," Civil Wars 19, no. 3 (2017): 377–401. Jamiat-e Islami is a Tajik-dominated movement, founded by Professor Burhanuddin Rabbani in 1968. It was one of the principal parties in the war against the Soviet occupation of Afghanistan in the 1980s. See for

example: Human Rights Watch, "Today We Shall All Die": Afghanistan's Strongmen and the Legacy of Impunity (Human Rights Watch, 2015).

59. Goodhand and Hakimi, "Counterinsurgency, Local Militias, and Statebuilding in Afghanistan", 32–37.
60. Goodhand and Hakimi, 33.
61. Dirkx, "The Unintended Consequences of US Support on Militia Governance in Kunduz Province, Afghanistan."
62. Goodhand and Hakimi, "Counterinsurgency, Local Militias, and Statebuilding in Afghanistan," 2014; Dirkx, "The Unintended Consequences of US Support on Militia Governance in Kunduz Province, Afghanistan."
63. Cecchinel, "Taliban Closing in on the City."
64. Cecchinel, 4.
65. Cecchinel, 4.
66. Cecchinel, 4.
67. Interview code: KI2016 – 06, 2 April 2016, Kabul.
68. Interview code: KI2016 – 07, 3 April 2016, Kabul.
69. Goodhand and Hakimi, "Counterinsurgency, Local Militias, and Statebuilding in Afghanistan.".
70. Goodhand and Hakimi, 35.
71. Peyton Cooke and Eliza Urwin, "Security and Social Developments in Kunduz," (Peacebrief, Washington D.C., USIP, 2015).
72. Kalyvas, The Logic of Violence in Civil War, 89–91.
73. Reid et al., Just Don't Call It a "Militia"; Goodhand and Hakimi, "Counterinsurgency, Local Militias, and Statebuilding in Afghanistan"; Human Rights Watch, "Today We Shall All Die".
74. Adam Baczko and Gilles Dorronsoro, "The Militia System in Kunduz" (Paris: Network of Researchers in International Affairs [NORIA], 2016); Dirkx, "The Unintended Consequences of US Support on Militia Governance in Kunduz Province, Afghanistan."
75. Interview code: KI2016 – 06, 2 April 2016, Kabul.
76. Interview code: KI2016 – 07, 3 April 2016, Kabul.
77. The ANP in Kunduz condoned much of the ALP behavior. Therefore, these militias operated with relative impunity. Moreover, in some instances, the ANP itself was actively involved in operations that involved looting houses and abusing civilians, including for example the police chief Khalil Andarabi. See: Lola Cecchinel, "The End of a Police Chief: Factional rivalries and pre-election power struggles in Kunduz" (AAN Dispatch, Afghanistan Analysts Network, Kabul, 2014).
78. Georg Frerks and Niels Terpstra, "Assessing the Dutch Integrated Police-Training Mission in Kunduz Province, Afghanistan, 2011-2013," in Expeditionary Police Advising and Militarization, ed. Edward Westermann and Donald Stoker (Solihull: Helion & Company, 2018), 242–66.
79. Frerks and Terpstra, 263–66.
80. Interview code: KI2016 – 09, 5 April 2016, Kabul.

81. Interview code: KI2016 – 09, 5 April 2016, Kabul; Romain Malejacq, "Afghanistan Militias: After a Decade of Counter-Insurrection Efforts, What Role Do They Play?" The Conversation, https://theconversation.com/afghanistan-militias-after-a-decade-of-counterinsurrection-efforts-what-role-do-they-play-74727 (accessed May 1, 2017).
82. International Crisis Group, "Afghanistan: The Future of the National Unity Government," (Brussels: International Crisis Group, 2017), 2.
83. International Crisis Group, 2.
84. Interview code: KI2016 – 08, 4 April 2016, Kabul.
85. Interview code: KI2016 – 08, 4 April 2016, Kabul.
86. International Crisis Group, "Afghanistan: The Future of the National Unity Government."
87. Interview code: KI2016 – 09, 5 April 2016, Kabul.
88. Cooke and Urwin, "Security and Social Developments in Kunduz," 2; Daniel Fisher and Christopher Mercado, "Why Kunduz Fell," Small Wars Journal, 2016.
89. Bethany Matta, "The Failed Pilot Test: Kunduz' Local Governance Crisis" (Afghanistan Analysts Network, Kabul, 2015), 4.
90. Matta, 4.
91. One of president Ghani's promises to the population of Kunduz was to tackle the problem of militia abuse (Behany 2015). Governor Safi attempted to follow up on this policy, but faced resistance, particularly amongst Jamiat-affiliated strongmen that were represented in the ALP and other militias in the province.
92. Malejacq, "Afghanistan Militias."; Interview code: KI2016 – 03, 30 March 2016, Kabul; Interview code: KI2016 – 08, 4 April, Kabul.
93. Cecchinel, "Taliban Closing in on the City," 2.
94. Cecchinel, 2.
95. Thomas Barfield, Afghanistan: A Cultural and Political History (Princeton University Press, 2010), 329.
96. O'Neill, From Revolution to Apocalypse, 51.
97. Jones, "The Rise of Afghanistan's Insurgency," 15–26; Barfield, Afghanistan, 327.
98. Jones, "The Rise of Afghanistan's Insurgency," 34.
99. Antonio Giustozzi and Christoph Reuter, "The Northern Front: The Afghan Insurgency Spreading beyond the Pashtuns" (Afghanistan Analysts Network, Kabul, 2010), 4.
100. Giustozzi and Reuter, 4.
101. Amrullah Saleh and Ghulam Farooq Wardak, "The Kunduz Fact Finding Commission Report" (Kabul, 2015), 23; UNAMA, "Afghanistan Human Rights and Protection of Civilians in Armed Conflict: Special Report on Kunduz Province" (Kabul: UNAMA, December 2015), 1. Online available at: https://www.refworld.org/docid/566fd0e64.html (accessed September 3, 2018).
102. Interview code: KI2016 – 07, 3 April 2016, Kabul.

103. Azam Ahmed, “Taliban Are Rising Again in Afghanistan’s North.” New York Times, October 23, 2014.

104. Cecchinel, “Back to Bad: Chahrdara between Taliban and ALP -a district case study” (AAN Dispatch, Afghanistan Analysts Network, Kabul, 2013), 2.

105. Cecchinel, 2.

106. Cecchinel, 2.

107. Cecchinel, 2.

108. Ahmed, “Taliban Are Rising Again in Afghanistan’s North.” Interview quote from Mohamuddin, 55 years old, a farmer from Ain al-Majar village in Chahar Dara, as quoted in the New York Times.

109. Ahmed.

110. As noted by one of the respondents, the Taliban spread its messages in Kunduz through their networks of mullahs, by the use of loudspeakers at the mosques for example, or during gatherings inside the mosques (Interview code: KI2016 – 09, 5 April 2016, Kabul). For a better understanding of Taliban messaging in general, see for example: Thomas Johnson, Taliban Narratives: The Use and Power of Stories in the Afghanistan Conflict (London: Hurst, 2018); Thomas H. Johnson, “The Taliban Insurgency and an Analysis of Shabnamah (Night Letters),” Small Wars & Insurgencies 18, no. 3 (2007): 317–44.

111. Cooke and Urwin, “Security and Social Developments in Kunduz,” 2.

112. Interview code: KI2016 – 09, 5 April 2016, Kabul.

113. Cooke and Urwin, “Security and Social Developments in Kunduz,” 2.

114. Taliban fighter in Kunduz province, interviewed by Vice News, “Embedded in Northern Afghanistan: The Resurgence of the Taliban,” last modified November 7, 2015, https://news.vice.com/video/embedded-in-northern-afghanistan-the-resurgence-of-thetaliban (Accessed 4 April 2017).

115. Cooke and Urwin, “Security and Social Developments in Kunduz,” 1–4.

116. Interview code: KI2016 – 06, 2 April 2016, Kabul; Interview code: KI2016 – 07, 3 April 2016, Kabul.

117. Interview code: KI2016 – 07, 3 April 2016, Kabul.

118. See also figure 1, a map of Kunduz province.

119. Obaid Ali, “The 2016 Insurgency in the North: Beyond Kunduz City – Lessons (Not Taken) from the Taliban Takeover” (AAN Dispatch, Afghanistan Analysts Network, Kabul, 2016), 7.

120. Ali, 7.

121. Ali, “The 2016 Insurgency in the North,” 7.

122. IWA, “Corruption and Justice Delivery in Kunduz Province of Afghanistan” (Integrity Watch Afghanistan, Kabul, 2018).

123. Ali, “The 2016 Insurgency in the North,” 3.

124. Ali, 3.

125. Interview code: KI2018 - Z01, 24 September 2018.

126. Interview code: KI2018 - Z01, 24 September 2018.

127. Interview code: KI2018 - Z01, 24 September 2018.

128. Interview code: KI2016 – 07, 3 April 2016, Kabul; Interview code: KI2016 – 08, 4 April 2016, Kabul; sources provided to the author by UNOCHA.

129. Interview code: KI2016 – 07, 3 April 2016, Kabul; Interview code: KI2016 – 08, 4 April 2016, Kabul; sources provided to the author by UNOCHA.

130. Thomas Ruttig, "How Tribal Are the Taliban? Afghanistan's Largest Insurgent Movement between its Tribal Roots and Islamist Ideology" (AAN Thematic Report, Afghanistan Analysts Network, Kabul, 2010).

131. Ruttig, "How Tribal Are the Taliban?" 22.

132. Ruttig, 22.

133. Osman, "Toward Fragmentation? Mapping the Post-Omar Taliban," 11–12.

134. Barfield, Afghanistan, 327.

135. Barfield, 327.

136. Borhan Osman and Anand Gopal, "Taliban Views on a Future State" (Center on International Cooperation, New York, 2016), 15.

137. Ashley Jackson, "Life under the Taliban Shadow Government" (Overseas DevelopmentInstitute (ODI), 2018), 27.

138. Jackson, 27.

139. Joseph Goldstein, "A Taliban Prize, Won in a Few Hours After Years of Strategy," The New York Times, September 30, 2015; Alex Strick van Linschoten and Felix Kuehn, An Enemy We Created: The Myth of the Taliban/Al Qaeda Merger in Afghanistan, 1970-2010, (London: Hurst, 2014), 311.; Interview code: KI2016 – 01, 29 March 2016, Kabul.

140. Adam Baczko, "Legal Rule and Tribal Politics: The US Army and the Taliban in Afghanistan (2001–13)," Development and Change 47, no. 6 (2016): 1425–26.

141. Antonio Giustozzi, Koran, Kalashnikov, and Laptop: The Neo-Taliban Insurgency in Afghanistan (Columbia University Press, 2008), 112.

142. Jackson, "Life under the Taliban Shadow Government," 19.

143. Interview code: KI2018 - Z01, 24 September 2018.

144. Interview code: KI2016 - 08, 4 April 2016, Kabul.

145. Interview code: KI 2018 - Z02, 18 October 2018.

146. Interview code: KI2018 - Z01, 24 September 2018.

147. Interview code: KI2016 – 07, 3 April 2016, Kabul.

148. See also: Niels Terpstra, "Statebuilding, Legal Pluralism, and Irregular Warfare: Assessing the Dutch Mission in Kunduz Province, Afghanistan," Peacebuilding (2019), DOI: 10.1080/21647259.2019.1620907.

149. Giustozzi and Reuter, "The Insurgents of the Afghan North."

150. Giustozzi and Reuter, 14.

151. Interview code: KI2016 – 06, 2 April 2016, Kabul. The respondent refers to places in Kunduz province that were under control of the Taliban for more than a few months. Particularly in those places where the Taliban has a longer-term presence, the Afghan government plays less of a role in the daily life of civilians. The Taliban becomes the de facto ruler of the area and the familiar

point of contact rather than the Afghan government, which provides the Taliban with advantages in terms of intelligence.

152. Interview code: KI2016 – 06, 2 April 2016, Kabul.

153. Charles Tilly, Coercion, Capital, and European States, AD 990-1992 (Blackwell: Oxford, 1992), 84–91.; Kasfir, "Rebel Governance – Constructing a Field of Inquiry: Definitions, Scope, Patterns, Order, Causes," 36.

154. Kasfir, "Rebel Governance - Constructing a Field of Inquiry: Definitions, Scope, Patterns, Order, Causes," 36.

155. Jan R. Bohnke, Jan Koehler, and Christoph M. Z € urcher, € "State Formation as it Happens: Insights from a Repeated Cross-Sectional Study in Afghanistan, 2007–2015," Conflict, Security & Development 17, no. 2 (2017): 107; Jackson, "Life under the Taliban Shadow Government," 22.

156. Jackson, "Life under the Taliban Shadow Government," 22; P. J Bearman et al., The Encyclopaedia of Islam, Second Edition, 2012. Zakat can be understood both as an act of worship and as a system of revenue-raising. There is however considerable disagreement among Muslim jurists over the details and specific interpretations of the laws of zakat.

157. Bearman et al., The Encyclopaedia of Islam, Second Edition. In the ancient Near East the payment of a tenth of one's goods or property to the Deity and King was widely practised (Bearman et al. 2012).

158. Bohnke, Koehler, and Z € urcher, € "State Formation as It Happens," 106–108.

159. Bohnke, Koehler, and Z € urcher, € "State Formation as It Happens," 107.

160. Bohnke and colleagues indicate that 34.1 percent of the population paid € ushr in 2007, and 65.8 percent in 2015. These specific numbers provide a reasonable estimation, but with this type of quantitative data in the context Afghanistan several caveats should also be borne in mind.

161. Bohnke, Koehler, and Z € urcher, 18; Cecchinel, € Taliban Closing in on the City.

162. Jackson, "Life under the Taliban Shadow Government", 22; Lauren McNally and Paul Bucala, "The Taliban Resurgent: Threats to Afghanistan's Security" (Afghanistan report II, Washington DC, Institute for the Study of War, 2015), 21.

163. Shivan Mahendrarajah, "Conceptual Failure, the Taliban's Parallel Hierarchies, and America's Strategic Defeat in Afghanistan," Small Wars & Insurgencies 25, no. 1 (2014): 109.

164. Bill Roggio, "Taliban Control 3 Districts in Afghan Provinces of Wardak and Kunduz," FDD's Long War Journal, 2014, http://www.longwarjournal.org/archives/2014/10/taliban_control_3_di.php (accessed April 3, 2018).

165. Mujib Mashal and Najim Rahim, "Taliban, Collecting Bills for Afghan Utilities, Tap New Revenue Sources," The New York Times, January 28, 2017, https://www.nytimes.com/2017/01/28/world/asia/taliban-collecting-electricity-bills-afghan.html?_r=1 (Accessed June 5, 2018).

166. Mashal and Rahim.

167. McNally and Bucala, "The Taliban Resurgent," 21.

168. Mashal and Rahim, "Taliban, Collecting Bills for Afghan Utilities, Tap New Revenue Sources."; Interview code: KI 2016 – 06, 2 April 2016, Kabul.

169. Saleem Mehsud, "Kunduz Breakthrough Bolsters Mullah Mansoor as Taliban Leader," CTC Sentinel 8, no. 10 (2015), 30.

170. Mehsud, 30.

171. See for the profile of Mullah Abdul Salam: https://www.afghanistananalysts.org/wpcontent/uploads/2016/01/20151001-PROFILE-Mullah-Abdul-Salam.pdf, (accessed August 15, 2018). Additionally, see also reporting by the CNN, http://edition.cnn.com/2010/WORLD/asiapcf/02/18/pakistan.taliban/index.html (accessed August 15, 2018).

172. Ali, "The 2016 Insurgency in the North." See also the profile of Mullah Abdul Salam mentioned in the previous footnote.

173. Mehsud, "Kunduz Breakthrough Bolsters Mullah Mansoor as Taliban Leader"; Ali, "The 2016 Insurgency in the North"; Jackson, "Life under the Taliban Shadow Government."

174. Mullah Omar had been declared dead at several occasions, most notably in 2011, but also in several instances afterwards. See for example, https://www.nytimes.com/2011/05/24/world/asia/24omar.html (accessed August 19, 2018).

175. There is ongoing debate on the actual location where Mullah Omar passed away. Some sources indicate it was Karachi, Pakistan, whereas other sources indicate that it was in Zabul province in Afghanistan. There is, however, a consensus that he passed away in 2013. See for example, Bette Dam, "The Secret Life of Mullah Omar" (Zomia, Washington DC, 2019), 15.

176. See for example, Rod Nordland and Joseph Goldstein, "Taliban Leader Mullah Omar Died in 2013, Afghans Declare," New York Times, July 29, 2015, https://www.nytimes.com/2015/07/30/world/asia/mullah-omar-taliban-death-reports-prompt-inquiry-by-afghan-government.html (accessed August 1, 2018).

177. See for example: BBC, "Mullah Omar: Taliban Choose Deputy Mansour as Successor," July 30, 2015, https://www.bbc.com/news/world-asia-33721074 (accessed August 1, 2018).

178. Osman, "Toward Fragmentation? Mapping the Post-Omar Taliban," 2.

179. Joseph Goldstein, "Taliban's New Leader Strengthens His Hold With Intrigue and Battlefield Victory," The New York Times, October 4, 2015, https://www.nytimes.com/2015/10/05/world/asia/kunduz-fall-validates-mullah-akhtar-muhammad-mansour-talibans-new-leader.html (accessed July 2, 2018).

180. Alex Strick van Linschoten and Felix Kuehn, The Taliban Reader: War, Islam and Politics (London: Hurst & Co, 2018), 227.

181. Osman, "Toward Fragmentation? Mapping the Post-Omar Taliban," 2.

182. Osman, 5.

183. Osman, 2.

184. Osman, 4–10; Mehsud, "Kunduz Breakthrough Bolsters Mullah Mansoor as Taliban Leader," 30–31.

185. Mehsud, "Kunduz Breakthrough Bolsters Mullah Mansoor as Taliban Leader," 30.

186. Mehsud, 30.

187. See for example: The Chronicle Herald, "Taliban Leader Says Capture of Afghan City Was 'Symbolic Victory' for Insurgents", September 30, 2015, http://thechronicleherald.ca/world/1314553-taliban-leader-says-capture-of-afghan-city-was-%E2%80%98symbolic-victory%E2%80%99-for-insurgents (accessed October 15, 2018).

188. IWA, "Corruption and Justice Delivery in Kunduz Province of Afghanistan," 10.

189. Tilly and Tarrow, Contentious Politics, 2007, 57.

190. Kalyvas, The Logic of Violence in Civil War, 218.

191. Goodhand and Hakimi, "Counterinsurgency, Local Militias, and Statebuilding in Afghanistan," 37.

Chapter 5: Afghanistan's Taliban: Legitimate Jihadists or Coercive Extremists? Florian Weigand

1. The material presented herein builds on a larger research project which involved fieldwork in Afghanistan from May 2014 to November 2015 (after several research visits between 2011 and 2013). In this time, more than 250 interviews were conducted at the community level, with Afghan authorities as well as with international stakeholders in different provinces of the country. More than 60 of these interviews took place in Nangarhar Province.

2. Some scholars refer to 'compliance' instead of 'obedience'. Building on Weber, here the term 'obedience' [Gehorsam] is used to define 'authority' [Herrschaft].

3. For an exploration of the relationship between coercion and legitimacy, see Gippert (2017).

4. For a more extensive analysis of the limitations of the traditional understanding of legitimacy in a conflict-torn setting, see von Billerbeck and Gippert (2017).

5. For a detailed history of the Taliban, see e.g. Barfield (2010), Cramer and Goodhand (2002), Edwards (2002), Rashid (2001), and Strick van Linschoten and Kuehn (2012).

6. For a discussion of the Taliban's ideology, see Gopal and Strick van Linschoten (2017).

7. The website shahmat was offline at the time of publication.

8. For a discussion of the Taliban's views on a future state, see Osman and Gopal (2016).

9. In 2014/15, the period during which the interviews were conducted, the number of districts controlled or influenced by the Taliban was still considerably lower, but was growing steadily (see e.g. Smith 2014).

10. For a recent analysis of the relationship between the Taliban and the Haqqani Network, see Joscelyn and Roggio (2017).

11. Jackson and Giustozzi's (2012) work on humanitarian access to areas under Taliban influence further illustrates how policies of the Taliban leadership are not necessarily implemented on the local level. Therefore, 'rules are fluid and vary depending on who is in charge' (Jackson and Giustozzi 2012, iii).

12. For their protection, the names of all interviewees were replaced with pseudonyms.
13. Hezb-e Islami was one of the biggest Mujahedin groups during the Soviet occupation, established and led by Gulbudin Hekmatyar. From 2001 to 2016, and in the period during which the interviews were conducted in Afghanistan, Hezb-e Islami consisted of a political wing, a political party with numerous MPs in the Afghan parliament, and a military wing that was fighting the Afghan state as an insurgency group under the leadership of Hekmatyar. After signing a peace deal, Hekmatyar returned to Afghanistan in May 2017 (see Rasmussen 2017).
14. For a summary of the history of the Islamic State in Nangarhar, see Osman (2016).
15. For a discussion of 'spectacular violence' in Kabul, see Esser (2014).

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Chapter 6: Armed governance: the case of the CIA-supported Afghan militias. Antonio De Lauri & Astri Suhrke

1. Barfield, Afghanistan: A Political History. Rulers of weak states commonly pursue 'medidated stateness' through alliances with localized military forces.

A classic formulation of the concept in its contemporary form is Ken Menkhaus, “Governance without Government.”

2. For a conceptual and empirical exploration of “multilayered governance” involving armed groups, see Kasfir, Nelson, G. Frerks, N. Terpstra, “Introduction: Armed Groups and Multilayered Governance.”
3. The contemporary phenomenon of warlords (jang salar in Dari) in Afghanistan is inextricably linked to insurrections that took place in the late 1980 s. The term “warlord” generally refers to a figure who is recognized by a militia, not by a state power. In reality, there are many more nuances to the role of warlords, which suggests that the term exhibits a certain malleability. For instance, socalled warlords in Afghanistan have taken part in the post-2001 processes of “democratization,” others sit in the Parliament or have government positions, and yet others have close ties with provincial governors. Therefore, warlords should not be considered to be at war with the state; rather, they are figures who play a key role in the armed governance that dominates contemporary Afghanistan. See for example Giustozzi, Empires of Mud and Mukhopadhyay, Warlords, Strongman Governors and State Building in Afghanistan.
4. Felbab-Brown, “Hurray for Militias?”.
5. Prados, “The CIA”s Secret War.”
6. Cogan, “Partners in Time.”
7. Gasper, “Afghanistan, CIA, bin Laden.”
8. De Lauri, “The Taliban and the Humanitarian Soldier.”
9. Wright et al., Different Kind of War.
10. Sedra, “Security Sector Reform.”
11. For a comparative perspective, see for example Mitchell and Carey, “ProGovernment Militias and Conflict,” Tar, “Counter-Insurgents or Ethnic Vanguards? Civil Militias and State Violence in Darfur Region, Western Sudan,” and Peic, “Divide and Co-Opt: Private Agendas, Tribal Groups, and Militia Formation in Counterinsurgency Wars.”
12. Lefèvre, “Local Defence in Afghanistan”; Goodhand and Hakimi,“Counterinsurgency, Militias, and Statebuilding.”
13. Clark, “CIA-Proxy Militias.”
14. Mazzetti et al., “Seal Team 6.”
15. Woodward, Obama”s Wars, p. 8. The information was independently confirmedby National Public Radio in the US (see https://www.npr.org/sections/thetwoway/2010/09/22/130041571/3-000-man-cia-army-conducts-operations-inpakistan). At the time, their main operations appeared to be against targets across the border in Pakistan.
16. Raghavan, “CIA Runs Shadow War.”
17. Gibbons-Neff et al., “C.I.A. Expands Taliban Hunt.”
18. Its equivalent in the south is the Kandahar Strike Force, which appears to have been less active in recent years. Another “first-generation” unit in the CIA”s Army, called “Afghan Security Guards,” is based in Paktika in the northeast and seems to have folded into the Afghan Local Police. See Clark, “CIA-Proxy Militias.”

19. UNAMA, Annual Report 2018, 37.
20. UNAMA, Annual Report 2018, 41, n. 158.
21. See Clark, "CIA-Proxy Militias," and Graham-Harrison, "Karzai Seeks to Curb CIA."
22. UNAMA, Annual Report 2018, 42.
23. UNAMA, Annual Report 2017, 53.
24. See note 13 above.
25. See note 16 above.
26. Mashal, "CIA"s Afghan Forces."
27. Purkiss, Fielding-Smith, and Feroz, "CIA-Backed Afghan Unit."
28. The CIA reportedly pays KPF members a monthly salary equivalent to that received by an Afghan general.
29. See note 4 above.
30. UNAMA, Annual Report 2018, 36.
31. UNAMA, Annual Report 2017, 53–54; UNAMA, Annual Report 2018, 41–44.
32. UNAMA, Annual Report 2018.
33. Ibid. 2018.
34. The compilation and use of the "kill-or-capture" lists were investigated by an independent commission appointed by the Norwegian government to assess Norway"s role in the international operation. See NOU, A Good Ally, sec 5.4 pp. 79–82.
35. Alston, "CIA and Targeted Killings."
36. Ibid.
37. The NDS has a Human Rights Chief, who met repeatedly with UNAMA in 2017, but was unable to provide any information about NDS Special Forces-related incidents for investigation and accountability purposes. See UNAMA, Annual Report 2017, 53.
38. For a wide range of perspectives, see Ahram, Proxy Warriors, Sanford, "Learning to Kill by Proxy," and Jentzsch, Kalyvas, and Schubiger, "Militias in Civil Wars."
39. See note 16 above.
40. Masal, "CIA's Afghan Forces."
41. Shaw and Akhter, "Dronification of State Violence."
42. Ibid., 214.
43. Dirkx, "Unintended Consequences."
44. Ibid.
45. https://www.state.gov/wp-content/uploads/2020/02/Agreement-For-BringingPeace-to-Afghanistan-02.29.20.pdf.
46. See comments by General Ambassador Karl W. Eikenberry, quoted in Landler, Cooper, and Schmitt, "Taliban Talks Raise Question."
47. Gannon, "U.S. Envoy Hails Talks."

48. Barnes, Gibbons-Neff, and Schmitt, "Afghanistan War Enters New Stage as U.S. Military Prepares to Exit."

49. Some NDS Special Forces are already reported to "provide security" for particular politicians. See Bakhtiyar, "Experts Criticize NDS."

50. Mitchell, Carey, and Butler, "Impact of Pro-Government Militias."

51. Up to seventeen male villagers in Wardak province were detained at a US camp in Wardak from October 2012 to February 2013 and subsequently disappeared. Only two bodies were ever found.

52. Suhrke, "From Principle to Practice."

53. Neta Crawford has persuasively made this argument in relation to civilian casualties from air strikes. If the institutional structure of an armed unit and its methods of warfare carry a high risk of 'collateral damage' during air strikes against enemy soldiers operating in populated areas, the unit that conducts the strikes bears a moral responsibility for any civilian casualties that result, even though the deaths and injuries were unintentional and cannot be prosecuted under existing laws allowing for 'military necessity' and related norms. See Crawford, Accountability for Killing.

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Chapter 7: The Unintended Consequences of US Support on Militia Governance in Kunduz Province of Afghanistan. Toon Dirkx

1. See: US Army/Marine Corps 2006. The US Army/Marine Corps Counterinsurgency Field Manual (FM 3–24).
2. For examples, see how the US Generals David Petraeus, John Allen, and Joseph Dunford spoke about the Afghan Local Police in their addresses to the House Armed Services Committee. See: C-SPAN 2011. "Operations in Afghanistan"; C-SPAN 2012. "Military Operations in Afghanistan"; C-SPAN 2013. "Troop Withdrawal from Afghanistan".
3. These mujahedeen factions included Jamiat-e Islami, Jombesh-e Melli, Hezb-e-Islami and Ittehad-e Islami.
4. See: US Embassy Kabul, 2009a. "Unconventional Security Forces —What's Out There?" Cable No. 09KABUL3661_a.
5. For an elaborate discussion of these networks from 1992 to 2001 see Wörmer (2012).
6. The National Directorate of Security (NDS) is Afghanistan's State intelligence service. It has mainly been funded by the US government since its establishment in 2002.
7. Jamiat is short for Jamiat-e-Islami Afghanistan (Islamic Society of Afghanistan). It is an ethnic Tajik dominated movement, and was one of the main parties fighting against the Soviet occupation of Afghanistan in the 1980s (Human Rights Watch 2015, iii).
8. See: US Embassy Kabul 2010. "Militias in Kunduz; A Tale of Two Districts" Cable No. 10 KABUL 12_a.
9. Ittihad is short for 'Ittihad-e-Islami Bara-yi Azadi Afghanistan' (the Islamic Union for the Liberation of Afghanistan), a predominantly Pashtun military and political group that was founded by Abdul Rabb al-Rasul Sayyaf, which fought against the Soviet occupation of Afghanistan in the 1980s (Human Rights Watch 2015, p. iii).
10. In a 2010 US Embassy cable Mir Alam is described as 'the most powerful power broker in the province.' See: US Embassy Kabul 2010. "Militias in Kunduz; A Tale of Two Districts" Cable No. 10 KABUL 12_a.

11. See: Rubin, A. J., 2010. Afghan Governor Is Killed in Blast at Mosque. Also see: BBC 2010. Head of Afghanistan's Kunduz province killed in bombing.
12. Structured interview with an elder in the Ali Abad district of Kunduz province, 3 June 2013.
13. General McChrystal was an adherent of a new counterinsurgency doctrine that emphasised the importance of understanding Islamist insurgencies as networked organisations, rather than hierarchical structures. During his years in Iraq and Afghanistan it became clear to him that 'it takes a network to defeat a network' (2011), thus requiring the US military to create opposing networks to insurgencies in Afghanistan and beyond (Knoke 2013, p. 6).
14. See for example: US Embassy Kabul, 2009b. 'Kunduz Authorities Turn to Militias as Security Deteriorates' Cable No. 09KABUL3366.
15. NSOCC-A stands for 'NATO Special Operations Component Command – Afghanistan'.
16. Email correspondence with an official of NSOCC-A on 30 May 2016.
17. The programme is also referred to as 'Critical Infrastructure Program' and 'Critical Infrastructure Protection'.
18. See also Matta (2011).
19. See also a leaked email by Melanne Verveer to former Secretary of State Hillary Clinton in which a message is forwarded of Brian Nichols of the State Department that asserts that CIP forces in Kunduz were paid with CERP funding. See: Verveer (2012).
20. Interior ministry Decree P-3196, 16 August 2010. See page 83 of US Department of Defense (DOD) 2012. Special Plans and Operations: Assessment of U.S. Government and Coalition Efforts to Develop the Afghan Local Police. Alexandria, VA: US Department of Defense, Inspector General.
21. See: US Embassy Kabul 2010. "Militias in Kunduz; A Tale of Two Districts" Cable No. 10KABUL12_a. [Online] Available at: https://www.wikileaks.org/plusd/cables/10KABUL12_a.html [Accessed 5 June 2016].
22. Ibid.
23. See: US Embassy Kabul 2010. "Militias in Kunduz; A Tale of Two Districts" Cable No. 10KABUL12_a.
24. Structured interview with a shop keeper in the Qala-e-Zal district of Kunduz province, 5 June 2013.
25. Structured interview with a shop keeper in the Qala-e-Zal district of Kunduz province, 5 June 2013.
26. Structured interview with a community member in the Qala-e-Zal district of Kunduz province, 5 June 2013.
27. In-depth interview with a resident of Kunduz City in Kabul, 4 April 2016.
28. Structured interview with Nabi Gechi in the Qala-e-Zal district of Kunduz province, 5 June 2013.
29. Structured interview with an arbaki member in the Qala-e-Zal district of Kunduz province, 1 June 2013.
30. A leaked US Embassy cable notes in this vein that 'according to the Governor and NDS, Gechi's forces (…) convinced a Taliban commander to join the

government side.' See: US Embassy Kabul, 2009b. 'Kunduz Authorities Turn to Militias as Security Deteriorates' Cable No. 09KABUL3366.

31. Structured interview with an ANP officer in the Qala-e-Zal district of Kunduz province, 6 June 2013.
32. Structured interview with Nabi Gechi in the Qala-e-Zal district of Kunduz province, 5 June 2013. See also the journalistic account of Sites (2013), in which he describes his meeting with Nabi Gechi in Qala-e-Zal in June 2013. According to Baczko and Dorronsoro (2016, p. 5) Nabi Gechi's militia was also funded by the German army.
33. In-depth interview with a former resident of Kunduz City in The Hague, 22 June 2017.
34. While there was hardly any Taliban activity in 2013 in the Khanabad district – the home ground of both Mir Alam and Pakhsaparan – clashes did occur between the militias of the two power brokers (Münch 2013, p. 37, Baczko and Dorronsoro 2016, p. 6).
35. In-depth interview with a resident of Kunduz City in Kabul, 3 April 2016.
36. See: US Embassy Kabul 2006. "PRT/Kunduz: New Police Chiefs Raise Hopes for Fundamental Improvements in Norteast" Cable No. 06KABUL2862_a.
37. Structured interview with a civil society member in the Ali Abad district of Kunduz province, 1 June 2013.
38. Structured interview with a housewife in the Ali Abad district of Kunduz province, 8 June 2013.
39. Structured interview with a civil society member in the Ali Abad district of Kunduz province, 1 June 2013.
40. In-depth interview with a resident of Kunduz City in Kabul, 3 April 2016.
41. In-depth interview with a resident of Kunduz City in Kabul, 4 April 2016.
42. In-depth interview with a resident of Kunduz City in Kabul, 4 April 2016.
43. In-depth interview with a resident of Kunduz City in Kabul, 3 April 2016.
44. See: US Embassy Kabul 2010. "Militias in Kunduz; A Tale of Two Districts" Cable No.10KABUL12_a.
45. See: US Embassy Kabul, 2009a. "Unconventional Security Forces —What's Out There?" Cable No. 09KABUL3661_a.
46. In-depth interview with a German analyst in Kabul, 31 March 2016.
47. In-depth interview with a resident of Kunduz City in Kabul, 3 April 2016.

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