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The Taliban’s War for Legitimacy in Afghanistan

ASHLEY JACKSON AND FLORIAN WEIGAND

More than seventeen years after their fall from power, the Taliban control large swaths of territory in Afghanistan. While they continue to fight the Afghan government and the international forces that support it, they are also the de facto governing authority for many Afghans. The Taliban are no longer a shadowy insurgency; they are now a full-fledged parallel political order. They have increasingly sought local support so as to portray themselves as having more legitimacy to rule than the government they are at war with. With talks now well underway between the Taliban and the United States to secure a drawdown of US forces, it is clear that the movement will be a force in Afghan politics for the foreseeable future.

The emergence of the Taliban in the mid-1990s was the product of a specific moment in Afghan history. The Taliban of today, fighting a US-led occupation and contending with a population that is far more educated and connected with the outside world, is a very different movement than the one that ruled Afghanistan two decades ago.

Afghanistan has been at war since 1979, when the Soviet Union invaded and occupied the country. When Soviet forces withdrew in 1989, the mujahideen—the guerrilla factions that had forced their retreat—turned on one another and plunged the country into civil war. The Taliban were initially a rural uprising of religious students and former fighters disillusioned with the anarchy, rape, and pillage perpetrated by the mujahideen. Their original objectives were to rid their country of abusive commanders and to restore law and order under a pure Islamic government.

After the Taliban seized power in 1996, they became infamous for their harsh treatment of women. Their harboring of al-Qaeda rendered them a pariah state; following al-Qaeda’s September 2001 attacks on the United States, it resulted in the US-led invasion that toppled their regime. Key Taliban figures, including the group’s leader Mullah Omar, attempted to surrender when it became clear that the regime was finished, but were mostly rebuffed by the Americans. Some were arrested and sent to the prison camp at Guantanamo Bay, Cuba; others fled to Pakistan, where they later regrouped as an insurgency. Many minor Taliban members returned to their home villages to lead quiet lives.

Taliban leaders in Pakistan began sending small infiltration teams across the border into southern Afghanistan sometime around 2004, to lay the groundwork for insurgent operations and reforge old alliances. In 2005, Jalaluddin Haqqani’s old mujahideen faction switched sides from the government to the Taliban. This allowed the movement to expand its reach into Haqqani territory in the southeast and gave it greater logistical and operational capacities. Violence rapidly escalated in 2006, when the Taliban orchestrated an average of 12 armed attacks and 4 remotely detonated bombings every day—triple and double the previous year’s rate, respectively.

The situation continued to deteriorate. The temporary US troop surge that began in late 2009, ordered by President Barack Obama in concert with NATO allies, only escalated the conflict. Despite being confronted with this heavy military pressure and the death of Mullah Omar in 2013 (which the group kept secret for more than two years), the Taliban have consistently shown remarkable resilience and the ability to adapt while avoiding fragmentation or disintegration.

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After the drawdown of the US troop surge was completed in 2014, the Taliban expanded and consolidated their reach. Between 2015 and 2018, the number of districts they control or influence doubled, according to the US special inspector general for Afghanistan reconstruction.

BROAD TENT

Part of the Taliban's strength lies in accommodating a wide range of factions and actors, with diverse interests, under the broader tent of the movement. The Taliban is led by an emir, currently Sheikh Haibatullah Akhundzada. The emir has two deputies: Mullah Omar's son, Mullah Yaqub, and Jalaluddin Haqqani's son, Sirajuddin Haqqani. The emir is advised by a supreme leadership *shura*, or council, comprising key figures from across the movement's ideological and geographic spectrum. While the Taliban include various personality-based factions that at times come into conflict with one another and vie for greater power and resources, acrimonious splits have been exceedingly rare.

Beneath this senior leadership layer is a military commission with regional commands, as well as a dozen or so civilian commissions akin to ministries, covering everything from health and education to finance and media relations. Senior leadership structures are based in Pakistan, primarily in Quetta but also in Peshawar. The division of labor is partly geographic: operations under Quetta's supervision cover the south, southwest, west, and northwest of Afghanistan, while Peshawar has responsibility for the eastern, northeastern, south-eastern, and central regions. This is an outgrowth of the Taliban's decentralized regional command *shuras* from the early years of the insurgency; the two centers of gravity endure as power bases, even as the movement has become more coherent as a whole.

Inside Afghanistan, regional- and provincial-level military structures exist alongside civilian ones. A given district will have Taliban officials for military operations, recruitment, and intelligence as well as health directors, tax collectors, judges, education monitors, and officials responsible for negotiating aid access with nongovernmental organizations. While some level of Taliban governance existed as early as 2006 in the form of shadow governors and judges, it was not until nearly a decade later that these ruling structures functioned in any systematic or consistent way. Today, the high-level commissions governing each sector are increasingly effective. There are clear chains of

command from the leadership based in Pakistan down to villages in Afghanistan, and policies that they are able to implement. Of course, there are also regional variations and some degree of local differentiation.

Capacity to govern became a necessity as the Taliban regained territory and influence. Estimates vary, but according to the most reliable figures the Taliban control or have influence over around 60 to 70 percent of Afghanistan. While the major cities remain under government control, the Taliban hold sway over vast areas of the countryside. Estimates of their fighting strength are approximate at best, ranging between 70,000 and 100,000 armed men. These estimates do not include the unknown number of civilian administrators.

The Taliban's safe havens in Pakistan have become less important as they have extended their hold on Afghan territory and expanded their resource base, but Pakistan has nonetheless played a critical—if muddled—role in the post-2001 Taliban's resurrection. Elements associated with Pakistan's Inter-Services Intelligence agency (ISI) provided significant financial, logistical, and technical aid to the movement, particularly in the early years of the insurgency. But the relationship is fraught: the ISI detained key Taliban leaders who were engaged in early peace talks with the United States, and has generally sought to exert coercive control over a movement with an independent agenda. The Taliban rank and file are almost uniformly resentful of Pakistan's influence over the group and Afghanistan's internal affairs in general.

Estimates of the Taliban's annual budget range from \$500 million to \$2 billion, but these sums are difficult to trace or verify. The core of Taliban financing is the opium trade. While the Taliban banned poppy cultivation during their reign in the 1990s, they have profited handsomely from it as an insurgency. Despite billions spent by the international community on countering narcotics since 2001, the Afghan poppy crop is the source for 70–90 percent of the world's heroin trade and generates an estimated \$2 billion annually. The Taliban also raise revenue by taxing entities ranging from large telecommunications and construction companies to farmers taking their harvest to market. They even collect on the state electricity company's bills in many areas they control, netting millions annually.

SHADOW GOVERNMENT

In order to construct local legitimacy, the Taliban draw on people's frustrations with the Af-

ghan government and the international forces. Air strikes that kill civilians and invasive night raids into the homes of ordinary people have helped the Taliban promote a strategic narrative that depicts them as liberators fighting against anti-Islamic occupation forces and a puppet regime in Kabul. The United Nations estimates that over 3,000 Afghan civilians have been killed in air strikes since 2009.

The Taliban also benefit from frustration with the rampant corruption that has permeated the government and almost all aspects of daily life in Afghanistan. After 2001, US financial support enriched local commanders, many of whom had been routed by the Taliban in the 1990s. These warlords have diverted money from reconstruction projects and government funds. Today, their wealth, networks, and control over parts of the armed forces and the government allow them to act with impunity. Local militias (*Arbakai*) associated with these figures are widely seen as abusive and extortive. The Taliban found their pathway to success in the 1990s by promoting themselves as a popular movement fighting corrupt warlords who were exploiting ordinary people. This narrative continues to be powerful.

The Taliban's attention to governance supports their narrative of a fight against corrupt elites. This aspect has become particularly important as the Taliban have gained greater territorial control and influence. In order to gain legitimacy, they must demonstrate that they have something to offer beyond violent resistance to what they see as a US occupation.

Alongside the Taliban's military wing, their sophisticated system of parallel governance has spread across the country, collecting taxes, regulating government-provided health care and education, and dispensing justice. In taking over these functions, the Taliban seek to capitalize on the Afghan government's weaknesses to further undermine its legitimacy. However, the reality on the ground is complex. Afghans living in areas where the Taliban are present have little choice but to obey their rules. "At least they are less corrupt" is a common refrain among civilians in such areas, but they also frequently tell stories of Taliban abuses and intimidation.

Despite billions of dollars in foreign assistance, the Afghan Ministry of Education is still one of the most corrupt and dysfunctional government

departments. One in twelve schools is a "ghost school" that exists only on paper, and teacher absenteeism is widespread. Taliban education monitors coerce teachers into showing up and observe their work, forcing the removal of those who fail to perform to their standards. They have removed subjects seen as "un-Islamic," such as civic education, from the curriculum, and banned a culture textbook that included a photo of female police officers. They have also introduced religious education into schools and prevented girls from attending secondary school in many areas under their control.

A particularly important element of the Taliban's shadow governance structure is the provision of justice. Government courts are often available only in district or provincial centers, resulting in high transportation costs for people from more rural areas. Cases tend to drag on for years. Bribery is rife, if not a requirement to get a case settled; often the party that pays the most money or has better connections to the official involved is likely to win the case.

By contrast, Taliban courts have a reputation for being accessible, fast, cheap, and fairer, or at least less corrupt, than their government counterparts.

In many districts, the Taliban deploy judges who hold session once or twice a week. Their court system reaches far beyond the area they can be said to control: some people who live in areas that are only under Taliban influence or in cities under government control may still bring their cases to the Taliban courts. They do not necessarily support or favor the Taliban, but may feel that they have no viable alternative.

For instance, if two families cannot agree on who owns a certain piece of land, they can go to a Taliban court on one of the scheduled days in a nearby village. If only one party requests a ruling, the judge will ask both sides to appear at the next court date with documents or witnesses that support their position—and will reach a decision by the end of that day. Bribes are less common than they are in government courts, and a party who disagrees with a verdict can request that an appeals court hear the case.

Few appear to do so, however, probably for fear of incurring the anger of the Taliban judge whose decision they wish to reverse. Many Afghans say the quickness of rulings is an asset but also raises

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questions. The efficiency and consistency of these courts provide a certain level of predictability, albeit sometimes at the cost of due process. Taliban justice may be swift and relatively accessible, and better than the alternative, but it is not necessarily well-informed or just. There is also a significant difference in the handling of civil cases, like land disputes, and criminal cases. Criminal punishments include amputations, beatings, and public shamings, and those convicted of “spying” are routinely executed.

The Taliban also collect taxes far beyond the borders of areas in which they have achieved territorial dominance. There is a high degree of coercion involved, and most people have little alternative but to pay. But Taliban taxes are often seen as more predictable and less onerous than the fees and bribes levied by government officials or at pro-government checkpoints. Along with ordinary people, the Taliban now often tax Afghan corporations, construction firms, and aid agencies in many areas, bringing in steady revenues.

The Taliban’s strategy is to gradually increase their control over society. They use their parallel governance system to keep people at least marginally satisfied and boost perceptions of their legitimacy. This, in combination with their coercive power, secures the population. The Taliban provide services against a backdrop of violence targeting those who pose a threat to them, whether it is the summary execution of Afghan security forces personnel or spectacular attacks in cities that also kill civilians. Such violence sends a warning to the the civilian population.

THREAT PERCEPTION

There are a number of dividing lines in how the Taliban are perceived, whether geographic, economic, or ethnic and tribal. Most crucially, there is a divide between major cities, particularly Kabul, Herat, and Mazar-e Sharif, and more rural and remote parts of the country. Particularly in urban areas, the lives of many have improved considerably since 2001. These are also the places that suffered the brunt of Taliban brutality in the 1990s. In these areas, the Taliban are often described as a threat to Afghanistan that originates in Pakistan, or as a movement primarily made up of Pakistani madrassa students. They are depicted as foreigners

or proxies of foreign governments rather than real Afghans, and thus delegitimized.

Others struggle to understand why the international forces cannot defeat the Taliban. They see the Taliban’s resurrection as part of a grand strategy orchestrated by the United States that aims at undermining Afghanistan’s stability. In this narrative, the Taliban’s purported role as a US pawn or proxy also renders them illegitimate.

However, considering the Taliban’s level of control and influence in Afghanistan today, it is hardly accurate to characterize them as something “external.” The extent of their control does not rest only on force and coercion. The Taliban have a domestic support base; its core comprises those who have suffered most in the conflict and have been profoundly marginalized by the post-2001 political settlement. In most areas under their control, the Taliban are local people. They are from the same villages that they rule, which gives them a deep understanding of the specific local context and the people’s problems, grievances, and expectations.

People in places like Kabul have better access to education, health care, and government employment. They can more easily participate in the democratic process. Corruption also matters in the cities, of course, undermining the

state’s legitimacy. For instance, government jobs often can be obtained only through personal networks or bribes, resulting in the marginalization of those who lack the right networks and financial means. Even so, most do not consider the Taliban a viable alternative—for historical, ideological, political, and cultural reasons.

Just as the Taliban seek to undermine the Afghan government by delivering basic services, they also aim to do so through violence. Attacks on security forces and government offices in supposedly safe cities like Kabul have a high symbolic value. They enable the Taliban to illustrate their power and undermine the legitimacy of the state. These attacks serve as a warning to those siding with the government, and demonstrate that it is incapable of protecting the people even in its remaining strongholds. Even among those who are existentially opposed to the Taliban returning to power, such attacks chip away at their confidence in and support for the government.

In the context of the current peace talks, other fears are growing. People in places like Kabul

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are worried about losing the freedoms they have gained since 2001 if the Taliban reimpose their harsh rule of the late 1990s. A particular concern is what may happen to women's rights if the Taliban become part of a new government, extending their influence over Kabul and the other urban centers.

At least in theory, the Afghan constitution grants equal rights to women. While this has not translated into general practice, women today play an important role in all sectors of society—at least in Kabul and other major urban areas. Walking through Kabul, it is easy to find coffeehouses filled with young people, including many women.

The Taliban's approach to women's rights remains deeply conservative, even though their policy is not consistent and varies across the country. In general, the freedoms of women living under Taliban rule—even in already conservative rural areas—are significantly curtailed. More broadly, the variance in the Taliban's approach to women's rights reflects how different rural communities in Afghanistan think about the role of women. While some rural areas are more progressive, large parts of the countryside remain conservative. This mindset stands in stark contrast to the more educated and liberal communities within Kabul and other major urban areas.

The diversity of experiences, views, traditions, and practices in Afghanistan is often overlooked. It is a deeply divided country, and this divide is at the root of the conflict.

INTERNATIONAL OUTREACH

When they ruled the country, the Taliban were notoriously closed to outsiders and shrouded in mystery. They shunned major media; access to their top leadership, particularly Mullah Omar, was closely guarded. Their relative openness and media savvy as an insurgency have marked a substantial shift from the 1990s. Early on, they established a fairly sophisticated media operation that began to produce an English-language website with regular press releases, readily responded to press inquiries via cell phone and messaging apps, and spread their propaganda on social media platforms like Twitter.

The Taliban have increasingly sought to engage with the international community. While many remain reluctant to deal directly with the Taliban, the UN and aid organizations engage with them on humanitarian and human-rights concerns. Mullah Omar issued a letter in 2007 ordering Taliban

fighters to facilitate polio vaccinations and calling on parents to have their children vaccinated “for the benefit of our next generations.” This proclamation was an outcome of negotiations with the UN at a time when few entities were willing to engage with the Taliban at all. While this kind of humanitarian dialogue does not bestow official recognition on the group (in the UN's view, at least), it does implicitly recognize that Taliban support is required for achieving international priorities such as eradicating polio in Afghanistan.

In 2011, Taliban representatives began a confidential, routine dialogue with representatives from the UN High Commissioner for Human Rights on civilian casualties—a dialogue that was initiated by the Taliban. They have consistently referred to civilian casualties caused by international and Afghan government forces as a justification for their operations, despite the fact that the Taliban themselves have long been responsible for the majority of civilian deaths.

The UN estimates that armed opposition groups are responsible for 23,050 civilian deaths since 2009 (when it started keeping records), nearly four times the number attributed to pro-government forces. In its latest report, the UN said 2018 was the deadliest year so far for civilians, with 3,804 deaths.

Whether the Taliban have taken any steps to spare civilians is unclear; the number of civilian casualties attributed to them has consistently increased year after year. However, they have publicly cited the talks with the UN to support their claims that they are attempting to protect civilians. The Taliban pursue this kind of dialogue because it confers on them some form of recognition by the international community, however limited that might be, and deflects criticism of the harm they are causing to civilians on the ground.

A pivotal shift in international legitimacy came in 2013, when the Taliban opened a political office in Doha, Qatar. The office was opened with the consent of the United States, after a long series of secret talks among the Taliban and the Qatari and US governments. The Taliban soon moved their political commission to Qatar. The office initially stirred controversy and then languished for years, as once hopeful prospects for peace talks faltered. Nonetheless, their Doha presence gave the Taliban an accessible address, free from Pakistan's control and located outside the conflict zone.

Talks are now underway between the United States and the Taliban. The Trump administration, eager to end the war and bring the troops home,

appointed Zalmay Khalilzad as special representative for Afghanistan reconciliation in September 2018. Khalilzad has advanced the talks rapidly. The Taliban's key demand is the withdrawal of US troops, and most Taliban fighters will be ready to lay down arms if this condition is met. It has long been clear that the Taliban are willing to meet the core US demands of renouncing al-Qaeda and pledging not to give foreign terrorist groups safe harbor in Afghanistan. The Taliban for some time have been fighting against factions of the Islamic State that emerged in Afghanistan.

At least a partial US withdrawal looks all but agreed; in December 2018, President Donald Trump reportedly ordered the pullout of half the remaining 14,000 US troops in the country. The future of Afghanistan, however, looks more precarious than ever. The real question now is whether the parties to the conflict can broker an intra-Afghan settlement that will ensure stable governance in the future. There are clear ideo-

logical differences between the Taliban and the various factions that comprise the Afghan government, and those factions are increasingly divided. The Taliban continue to refuse to engage with the government in any formal talks.

The Taliban's success is not only a setback for Afghan President Ashraf Ghani and the international community, which has supported the government with more than \$100 billion in aid over the past seventeen years. The Taliban's increasing international legitimacy and the progress in the peace talks pose a threat to those Afghans who have benefited most from the post-2001 government. A peace agreement with the Taliban threatens to erase what they have achieved, including the country's slow transition toward democracy and the modest acceptance of women's rights. While the Taliban are willing to talk to the United States to secure the withdrawal of foreign forces, it is less clear whether they will be able to come to an agreement with their Afghan adversaries. ■