ROGUE OR RULER?

AN ANALYSIS OF THE TALIBAN'S REBEL GOVERNANCE STRUCTURES AND LEGITIMATION PROCESSES IN AFGHANISTAN

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Cover picture: *Mullah Abdul Ghani Baradar, the leader of the Taliban delegation, and Zalmay Khalilzad, U.S. envoy for peace in Afghanistan, shake hands after signing an agreement at a ceremony between members of Afghanistan's Taliban and the U.S. in Doha, Qatar. February 29, 2020*.

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ABSTRACT

This research aims to increase the understanding of the legitimacy of rebel governance structures, by assessing the rebel governance case of the Taliban in Afghanistan since the establishment of the Islamic Emirate of Afghanistan in 1996. The recent history of Afghanistan has been dominated by political fragmentation and violent struggle for power. After the mujahideen factions had proved to be unable to stabilise the country, the Taliban seized power. While this rebel group has often been portrayed as merely a violent, extractive and terrorist movement – especially in Western media, academic research has demonstrated a different side to its attempts to rule the Afghan population. As the formal government of Afghanistan is considered to be at least dysfunctional, the Taliban has gradually adopted 'state functions' over time, often at the detriment of the formal state structure. This eventually led to the establishment of a full-fledged parallel administration by the rebel organisation. This research argues that this so-called 'shadow government' can be considered legitimate in a pragmatic, symbolic and external sense of the concept. The provision of basic services, regulation of civilian life, symbolic display of power and the engagement in rebel diplomacy have strengthened the Taliban's position as a significant and legitimate political actor, both on the local and international level. Their current unprecedented position arguably affords the rebel movement a reasonable level of influence on the political future of this war-torn state.

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MAP OF AFGHANISTAN

Figure 1. Afghanistan, Administrative Divisions (University of Texas 2009).

ABBREVIATIONS AND ACRONYMS

AIA	Afghan Interim Authority
FATA	Federally Administered Tribal Areas
IEA	Islamic Emirate of Afghanistan
ISI	Inter-Services Intelligence
NA	Northern Alliance
NATO	North Atlantic Treaty Organisation
NGO	Non-governmental organisation
OEF	Operation Enduring Freedom
UNSC	United Nations Security Council

GLOSSARY OF ARABIC AND PASHTO CONCEPTS

Al Qaeda	'The Base', transnational Islamist militant movement
Amir al Mu'menin	'Commander of the Faithful', the leader of the Taliban
Fatwa	Nonbinding ruling based on Islamic law
Khalifah	'Leader', commonly refers to the leader of the *khilafah*
Khilafah	'Caliphate', an Islamic state under the leadership of the *khalifah*
Layeha	'Code of conduct', issued by the Taliban
Loya jirga	Pashtunwali traditional grand assembly, in Arabic called *shura*
Madrasas	'School', often refers to schools for the study of Islam
Mujahideen	'Those engaged in struggle', grammatically corresponds to *jihadists*
Mullah	Islamic clergyman, trained in religious law
Oshr	Tax sanctioned by Islamic law, most similar to value added tax
Pashtunwali	Traditional tribal code of the Pashtun people
Rahbari shura	Leadership council of the Taliban
Shahadah	'Testimony', the Islamic profession of faith
Shahnamah	'Night letters', method of communication by the Taliban
Shari'a	Islamic law, based on multiple religious sources
Shura	Consultative assembly, in Pashto called *loya jirga*
Taliban	'Students', Islamist rebel movement originated from Afghanistan
Zakat	Tax sanctioned by Islamic law, to be given to the poor

MUJAHIDEEN FACTIONS

Harakat-i-Inqilab-i-Islami	Islamic Revolutionary Forces, led by Mohammad Nabi Mohammadi
Hezb-i-Islami Gulbuddin	Islamic Party, led by Gulbuddin Hekmatyar
Hezb-i-Islami Khalis	Islamic Party, led by Mohammad Yunus Khalis
Ittehad-i-Islami	Islamic Unity, led by Abdul Rasul Sayyaf
Jabha-e-Nijat-Mili	Afghan National Liberation Front, led by Sibghatullah Mojaddedi
Jamiaat-i-Islami	Islamic Society, led by Burhanuddin Rabbani
Mahaz-e-Mili	National Islamic Front of Afghanistan, led by Pir Sayyid Ahmad Gailani

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INTRODUCTION

After almost twenty years of war and over a year and a half of negotiations, the U.S. and the Taliban signed a 'peace deal' on 29 February 2020.[1] The document consists of four main provisions, which include 1) a halt of the use of Afghan territory by groups indicated security threats to the U.S. and its allies,[2] 2) the withdrawal of foreign troops from Afghanistan, 3) intra-Afghan peace negotiations, and 4) a permanent and comprehensive ceasefire. Quite understandably, the Taliban consider the agreement a victory. Their prominent role in these negotiations and preparations for a more stable Afghanistan seem to indicate that the Taliban have not only survived the past decades of violence and external intervention, but are likely to play an essential role in Afghanistan's political future. Interestingly, current President Ashraf Ghani was not party to the negotiations nor the agreement, as his government has been denounced to be illegitimate by the Taliban, further complicating Afghanistan's future following US withdrawal (Sarwary & Hussain 2019). Both nationally and internationally, there is a lot of pessimism about the agreement: the deal is argued be untransparent and non-inclusive, and therefore not sustainable as the Afghan government nor independent civil society organisations are represented (Cordaid 2020). In general, the key question raised is what price the Afghan people have to pay for this 'peace', as regional players fear a complete retake of the control over the country by the Taliban – hereby eliminating any form of democracy – in addition to the assumption that in this case, the Taliban cannot be militarily defeated (Worden, 2020).

Despite the common portrayal of the Taliban as a radical Islamist or terrorist movement, the inclusion of the Taliban in the deal suggests a certain level of importance and legitimacy as a political actor in Afghanistan, without whom an effective agreement could not be struck. This raises the question whether the Taliban, in addition to this perceived external legitimacy, are also considered to be a legitimate actor by the Afghan people. For years, the Taliban have been able to maintain control over a semi-stable geographical territory in Afghanistan, determining the course of interaction with the civilian population in it. Despite their rule being largely dominated by coercion and intimidation, the Taliban have also acquired a certain amount of legitimacy among their constituents, often to the detriment of the formal Afghan state (Terpstra 2020, 1). This research provides an analysis of this phenomenon through the lens of rebel governance theory, in order to assess what governance efforts the Taliban have undertaken, to what extent these can be considered legitimate, and by whom.

[1] The official title of the document is "Agreement for Bringing Peace to Afghanistan between the Islamic Emirate of Afghanistan which is not recognized by the United States as a state and is known as the Taliban and the United States of America" (U.S. Department of State 2020).

[2] Most notably – but not exclusively – Al Qaeda and branches thereof.

RESEARCH PUZZLE

The abovementioned research context allows for both an empirical and a theoretical complication to be deduced as the basis for this research. From a theoretical perspective, rebel governance is argued to occur in civil war settings – which are often deemed to be anarchic and unstable. However, empirical research has shown that civilians living under rebel rule often tend to comply with rebel groups, at least to a certain extent (Arjona 2017; Arjona et al. 2015; Duyvesteyn 2017; Duyvesteyn et al. 2015; Gawthorpe 2017; Kasfir 2019; Kasfir et al. 2017; Keister & Slantchev 2014; Kitzen 2017; Podder 2017; Terpstra & Frerks 2017; Terpstra & Frerks 2018; Von Billerbeck & Gippert 2017; Worrall 2017). There are ample cases in which rebels have become involved in governance, which is defined here as "the various institutionalised modes of social coordination to produce and implement collectively binding rules, or to provide collective goods" (Risse 2011, 9). Whereas some assume, however, that rebels solely rule by modes of coercion, it is more often the case that rebel groups seek some level of legitimacy among their constituents (Arjona 2014; Arjona 2016; Arjona et al. 2015; Berti 2016; Coleman 2017; Duyvesteyn 2017; Kasfir 2019; Kasfir et al. 2017; Mampilly 2011; Schlichte & Schneckener 2015; Terpstra & Frerks 2017). Taking into account the relationship between rebel governance and legitimacy provides an additional layer of understanding rebel-civilian interaction and compliance by civilian populations in civil war settings. Driven by these complications, this thesis focuses on answering the following research question:

"How has the legitimacy of the Taliban's rebel governance structures changed over time since the establishment of the Islamic Emirate of Afghanistan in 1996?"

In order to address this research question, the thesis sets out the current understanding of rebel governance and legitimacy in chapter 1. It focuses on identifying different varieties of rebel governance structures and legitimation processes in the existing literature, for the purpose of determining what varieties of rebel governance can be considered legitimate and to what extent. The chapter provides a comprehensive theoretical framework in order to analyse the legitimacy of the rebel governance case of the Taliban. Additionally, chapter 2 proceeds to outline the context of the research, evaluating how the Taliban gained political foothold after the withdrawal of the Soviet Union, what the regime change in 2001 meant for its political and social basis, and how the Taliban have manifested themselves after the regime change. In chapter 3, the rebel governance framework is applied to the case study. The objective is to assess how the rebel governance have developed since the establishment of the Islamic Emirate of Afghanistan (IEA) in 1996 in Afghanistan and how this relates to the legitimacy of the Taliban. It is further questioned whether specific governance efforts are considered more or less

legitimate than others, to what extent and by whom. Finally, the conclusive chapter will provide an answer to the research question, as well as discuss insights and directions for further research.

ACADEMIC SIGNIFICANCE

The relevance of this research relates to governance in unstable territories where the application of the Weberian theoretical concept of a state, which has been used as a model for state-building efforts in countries such as Afghanistan, is problematic. The Weberian idea of a state cannot effectively be applied to the Afghan case, as it overlooks the importance of 'non-traditional' local and non-state governance. As Barfield (2010, 170) claims, conflict in Afghanistan has been largely catalysed by the pursuit of social change. Disregarding the local and non-state structures as systemic parts of the Afghan society and governance arena in state-building efforts has merely protracted the ongoing conflict. It is therefore crucial to incorporate the importance of non-traditional forms of governance such as rebel governance, into the study of civil war, state-building and legitimacy.

Whereas multiple scholars have researched and written about rebel governance theory and its implications for the situation in Afghanistan, a gap within the academic field has been identified in which the research underlying this thesis can be situated. Hence, this thesis elaborates on a research problem that has been uncovered in the literature that requires further study, exceeding a basic literature review. Whereas the majority of scholars assume that in any case of rebel governance it is indeed the rebels governing, empirical evidence has shown that this is not necessarily the case. Arjona (2014) has aimed to capture this deviance in theorising the difference between direct and indirect rule, suggesting a level of alliance building by rebels. This perspective of indirect or alliance governance by rebels is relatively uncharted in the academic debate, especially concerning the case of the Taliban.
In order to build on the existing theoretical knowledge about rebel governance in civil war or post-conflict settings, it is imperative to focus on specific movements, non-state armed groups, militias or rebels to identify differences and similarities in rebel governance strategies, and their respective levels of internal and external legitimacy. The objective of this thesis is thus to analyse and assess the rebel governance mechanisms implemented by the Taliban in Afghanistan, in order to better understand the processes of governance and legitimation by rebel actors. From this, suggestions and ideas for follow-up research can be deducted to further contribute to the theoretical field.

RESEARCH DESIGN

The research strategy for this qualitative single-case based thesis consists of a larger secondary literature review, in which literature has been selected through purposeful sampling and snowball sampling to avoid so-called 'cherry picking'. The epistemological stance of this research is interpretivist

(Bryman 2016, 26–28), as the primary aim of the research is to examine and understand social action, rather than explain. In line with this perspective, the constructionist ontological approach (Bryman 2016, 29–30) is adopted, taking into account the agency of actors in constructing the world.
The sources that have been gathered using this methodology are meant to cover all different theoretical aspects on the relationship between rebel governance, direct versus indirect rule and rebel legitimacy, in order to address and analyse the empirical evidence on governance and legitimacy by the Taliban in Afghanistan. The selected literature has been congregated by the key concepts identified and applied as the theoretical framework. This theoretical framework allows for a thorough analysis of the empirical evidence in order to produce a comprehensive overview of rebel governance strategies by the Taliban in Afghanistan and its implications for rebel legitimacy.

Finally, it should be acknowledged that the exclusive use of open-access existing literature provides limitations for the research and its outcome, as personal fieldwork is not part of this research and some level of personal bias, personal interpretation, and sampling bias through the selection of sources are risks of qualitative research. In this thesis, these risks have been minimised through the critical judgement of sources and the use of triangulation, meaning that different methods and sources have been cross-checked and combined to study the rebel governance case of the Taliban.

1. REBEL GOVERNANCE STRUCTURES AND LEGITIMATION PROCESSES

The academic debate regarding governance arrangements that have arisen in states with weak institutions is dynamic in the sense that a multiplicity of theoretical concepts has been developed to describe and understand these structures, ranging from 'negotiated statehood' and 'hybrid governance' to 'governance without government' and 'rebel governance'. The common denominator for all these concepts is the approach to governance as the result of a complex process of negotiations between different state and non-state actors in order to fill a certain power vacuum (World Bank Group 2017). The study of rebel governance is relatively new and has been a reaction to the criticism on other types of civil war theories, in which decisions and roles of civilians and militants are often theorised without considering the institutional context in which these actors interact with each other.

The concept of and debates on rebel governance – sometimes referred to as wartime governance – in particular has contributed to the debate of state failure and governance in general by providing an alternative for the assumption that war-torn territories, such as Afghanistan, are by definition anarchic and ungoverned. Instead, it focuses on the ability and willingness of armed groups, traditional authorities and other informal local actors to take 'state functions' upon themselves in the context of 'state failure' or the absence of a unitary national government, often through the use or threat of violence (Arjona 2014; Arjona 2016; Arjona et al. 2015; Kalyvas 2006; Péclard & Mechoulan 2015). There is a myriad of empirical examples of armed groups that have adopted strategies to establish relatively stable forms of political control, such as the FARC in Colombia, the LTTE in Sri Lanka, the Taliban in Afghanistan and to a certain extent Daesh in Syria and Iraq (World Bank Group 2017). It is this exact capacity and willingness that differentiates such groups from purely extractive groups. Whereas the former provides at least minimal services to their constituencies, the latter coerces without any form of restitution. Rebel governance is thus the theorisation of situations in which rebels decide to govern, as well as a lens to create an understanding of why rebels choose to do so and how their subjects respond.

This chapter examines the characteristics of rebel governance, elaborating on its definitions, patterns and symbolic strategies, and how these relate to civilian compliance and resistance. The critique that the theory assumes it is always the rebels that rule is taken into consideration by clarifying the difference between direct and indirect rule as conceptualised by Arjona (2016). Finally, the academic literature about legitimacy is reviewed. A distinction is made between pragmatic and symbolic legitimacy, in order to determine what varieties of rebel governance practices can be seen as legitimate, under what circumstances, and by whom.

1.1 REBEL GOVERNANCE

1.1.1 DEFINITIONS AND PATTERNS

A relatively large part of rebel groups or other forms of non-state armed groups engage, to a certain extent, in governance over the civilians in the areas they control. This can vary from informal taxation and regulation to the creation of institutions, such as courts. As for any other field, examining the parameters of rebel governance is instrumental in understanding which structures and actions to include in the subject area. According to Kasfir, the broadest definition of rebel governance is "organising civilians for a public purpose" (2015, 21) by rebel movements, in which three conditions are primary: territorial control, a resident population, and violence or the threat thereof. The use of violence indicates both the ability of power and the capacity to establish and enforce norms (Arjona 2016, 185). Arjona stresses that rebel governance does not imply the absence of other sources of authority, as "war zones can exhibit a complicated structure of authority where state officials, religious figures, ethnic leaders, and other actors play important roles even when combatants are the de facto rulers" (2016, 48).

The parameters of rebel governance are clear, as an occupying force governing civilians in the case of an interstate war is not considered rebel governance, while the opposition of internal rebels against foreign occupants governing civilians does qualify as such, as well as externally supported rebels. Rebel governance ends whenever the rebels lose the war or negotiate a settlement with the state. Here, rebels are considered to be "consciously coordinated groups whose members engage in protracted violence with the intention of gaining undisputed political control over all or a portion of a pre-existing state's territory" (Kasfir 2015, 24). Civilians are only considered rebels when they are included in the planning and/or carrying out of operations, rather than being supportive of the rebels.

Often, the government arrangements that rebels implement are fragile, fluid, and vulnerable to the dynamics of the civil war. Kasfir argues that in order for there to be 'governance', the presence of one of the following three activities is sufficient: "rebel encouragement of civilian participation, provision of civilian administration, or organisation of civilians for significant material gain" (ibid.). Without exception, they are set up first and foremost to fulfil the needs and interests of the rebel group, rather than those of the population. This, however, does not mean that civilians cannot benefit from the rebel governance structures, as there are examples of rebels providing security, justice or public goods. As a consequence of the civil war setting in which the rebels operate, coercion is one of the most significant sources of governance. Interestingly, Kasfir (2015, 22) invalidates the Maoist classic

assumption[3] that rebels must gain popular support in order to win in the case of a protracted violent conflict, as many rebel groups have prevailed despite their maltreatment of civilians. At the same time, seeking popular support does not equal rebel governance.

The variation among rebel governance structures is significant: where some focus on regulation of participation, others provide services; and where some rule through ad hoc procedures, others implement formal rules. This political angle immediately points out the difference between rebels and criminal gangs (Huang 2012), as rebels hold territory with the main purpose of overthrowing the state, or reforming it. Arjona claims that armed groups intervene in civilian life through 1) security and the use of violence, 2) taxation, 3) dispute institutions, 4) economic activities and labour, 5) private behaviour and social interaction, 6) political participation and the capture of democracy, and 7) the provision of public goods. Not all rebel organisations implement all of these measures, or at least not during the entire period of their rule. The variation in the organisation of such non-state armed groups is diverse as the result of multiple factors: the strength and nature of pre-existing governance systems, the way in which civilians accept or comply with different forms of authority, the level of competition between different actors striving for power, the expectations of the dominant group, and the sources of financing their practices (Arjona 2014; Kalyvas 2006; Sanchez de la Sierra 2014; Snyder & Bhavnani 2005; Weinstein 2007).

1.1.2 SYMBOLIC STRATEGIES

The high level of divergence between rebel governance structures inevitably leads to different political and economic outcomes, as well as regarding the relationship between the rebels and their subjects. It is argued that "organizations that favour corrupt, rent seeking and destructive behaviour will perpetuate dysfunctional economic, social and political relations" (Sánchez & Palau 2006 in Justino 2009, 322). Organisations that protect property rights, enforce norms of conduct and impose sanctions for undesirable behaviour may create the conditions necessary for the establishment of an inclusive society. In some cases, norms and organisations that emerge from violent conflict may produce dysfunctional social, economic and political processes that will perpetuate the conflict itself. In other cases, these forms of institutional transformation may establish the seeds of accountability and legitimacy that may have been lacking in society at the onset of the conflict (Justino 2009, 322–323).
The inclusion of the role of symbolic display by rebel groups in this discussion is important, as their manipulation of the public domain through symbolic strategies serves both "instrumental and normative purposes by entrenching and legitimizing the insurgent political authority" (Mampilly 2015,

[3] "The richest source of power to wage war lies in the masses of the people" (Tse-Tung 1965, 186).

76). This indicates that the processes and strategies that rebels use in order to rule are highly significant for the outcome and duration of their rule. These strategies go beyond the provision of public goods and include the adoption and manipulation of cultural symbols (Kaufman 2001), in order to stimulate an emotional response, condition certain actions or express the character of the organisation (Brown 1994, 862–863). Symbolic strategies can roughly be divided into two categories: referential symbols such as parades and "other symbolic allusions to the military [and bureaucratic] prowess" (Mampilly 2015, 79) and condensation symbols, including the use of flags, anthems and mottos – often reinforced through media outlets (ibid.). These symbolic expressions of power give meaning to the actions of the rebels as well as shape the relationship between them and the targeted civilian population for they can both limit the necessity of violence and increase rebel legitimacy through identification (Mampilly 2015), for example when rebels outsource their actions and mechanisms to local supporters.

Where analyses of the rebel-civilian relationship are usually focussed on rebel governance mechanics such as violence, recruitment and (resource) extraction, Mampilly argues that another exceedingly important symbolic strategy is 'rebel diplomacy'. Here, rebel diplomacy can either be used as an extension of the rebel's fighting tactics[4] or as a tool to compromise and reach an enduring agreement (Coggins 2015, 106–108). It is symbolic in the sense that through diplomacy, the rebels "engage in aesthetic activities to mimic the performance of […] symbolic sovereignty: the use of symbolic processes to bolster sovereign claims" (Mampilly 2015, 77). While diplomacy is often seen as a trait of states, rebels are, in theory, able to engage in diplomacy. This cannot be done, however, without the external support of other states or politically relevant groups. Often, third parties are reluctant to insist on the participation of rebel groups in formal diplomacy, unless the rebel group has "decisively defeated its home state in war and has secured functional independence" (Coggins 2015, 104).

1.2 DIRECT VERSUS INDIRECT RULE

Further study into the theory of rebel governance has raised the question to what extent it is actually the rebels that rule in settings where 'rebel governance' can be identified. Theoretically, rebel governance is often approached as a homogenous phenomenon, while in practice, the channels through which rebels implement their rule differ significantly. These methods can vary from permanent deployment of rebels in the locality, to leaning on local militias or establishing (social) bodies within the community that report to the rebels. Arjona responds to this lack of differentiation by conceptualising the distinction between direct and indirect rule by non-state armed groups and questioning why they "use violence and against whom, what kinds of alliances they seek with local

[4] The time that it takes to negotiate with the incumbent state can allow the rebels to re-arm or gain territory.

actors, and what roles community structure and social divisions play in these processes" (2016, 179) in order to derive implications about civilian-combatant interaction. These questions are important, because the role of alliances in the context of rebel governance is often overseen.

According to Arjona, there is a difference between what she calls 'rebelocracy' and 'aliocracy', of which the latter resembles a minimal government, while rebelocracy is closer to a comprehensive government – going beyond security provision and taxation. She states that the legitimacy and effectiveness of already existing – state or non-state – institutions within the given community determine what type of social order is established by rebels. In the case of legitimate and effective institutions, aliocracy is opted for to avoid civilian resistance, while rebelocracy is aimed to be established when the institutions lack either legitimacy or effectiveness (ibid., 181). The creation of such a rebelocracy often entails a "mix of violence, ideological appeals, promises, and public and private goods […] to gain sympathies and access to networks" (ibid., 184). As it is common for communities in which rebelocracy is viable to be divided, rebels target the part of the community that favours change. This can be done through alliance-building with key figures – such as elites, political parties, unions, organisations, ethnic or social minorities –, the infiltration of or collusion with pre-existing organisations in order to permeate the community.

As mentioned above, Arjona claims that armed groups intervene in civilian life through multiple different measures. The social contract that comprises these measures offer predictability and therefore a sense of order. Here, rebels use the advantage of 'the economies of smallness' (Arjona 2016, 79), as small communities are easier to manage than large territories. In order to minimise the costs of these forms of intervention, combatants often use indirect forms of rule, rather than requiring permanent deployment of rebels in the community. Arjona identified that in most cases of rebelocracy she encountered, community members had been appointed as direct contacts or allies for the rebels, providing the capacity to rule indirectly by relying on local contacts. In these cases, it was essential that there was clear precedent on the rules. The reasons behind civilian compliance to the rebelocracy can vary from acting out of fear, spontaneous or ideological support, economic or political safety, to the aim to gain status. As mentioned before, symbolic strategies can play an essential part in civil compliance. This cooperation is, however, always relative, as civilians can also express disagreement, make demands or sabotage the rebels. Arjona (2016, 211) states that in order to ensure the stability and the longevity of the new social order, space for small acts of resistance should be present to some

extent. Interestingly, she also argues that, even though civilians can have different reasons to comply with the armed group, many of these reasons disappear as soon as the group loses power.[5]

1.3 LEGITIMACY

In order to value the success of governance efforts by a rebel group, legitimacy through civilian compliance or collaboration is usually seen as a key element (Kalyvas 2006). Legitimacy can be defined as the "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" (Suchman 1995, 574). The debate about legitimacy most often occurs in situations where it is either compromised or where there is a lack of it. In general, the dominant approach to the concept of legitimacy in these discussions is state-centric. It is argued, however, that there is a variety of non-state actors, such as rebels and militias, that engage in legitimation processes in societies experiencing violent conflict. Although some scholars argue that the concept of legitimacy should be rejected in the study of rebel governance, because it is considered too fluid and hard to measure (Márquez 2016), this subsection argues that the incorporation of legitimacy is essential in order to understand the relationship between rebels and civilians. It aims to move beyond the problematic binary approach of state versus non-state legitimacy, as some form of collusion between the state and non-state is rather common. States often use the very existence of non-state armed groups as claim for the legitimate monopoly on the use of force within their territory (Schneckener 2017, 810). How, then, do these rebels legitimise themselves and their – often coercive – actions? To what extent can they be perceived as legitimate actors – and whose perception of legitimacy is considered?

One of the first theoretical conceptualisations of legitimacy is by Weber (1947, 215), in which he focusses on three ideal-typical principles that form the basis of one's legitimacy: rationality, tradition, and charisma. Today, this sociological focus on legitimacy competes with many other perspectives, in which the distinction between normative and descriptive approaches is dominant. Here, normative approaches focus on the norms that justify claims of power (relations), while descriptive perspectives highlight the beliefs that affirm these claims (Duyvesteyn 2017, 671). The actions that confirm these beliefs – such as pledging allegiance and paying taxes – are essential, as they are the justifications of the beliefs and operationalise the concept of legitimacy (Beetham 1991, 11). It is further argued that legitimacy is multi-dimensional, as there are three elements the concept revolves around in order for power to be considered legitimate. First, it complies with pre-existing formal and informal rules;

[5] This is also stressed by Kalyvas (2006), who states that civilian cooperation is pragmatic and as fluid as territorial control.

second, these rules are to be justified by shared beliefs within the community; and third, actions of the subordinate confirm consent to the dominant power (ibid., 16).

In addition to the concept of legitimacy being multi-dimensional, Duyvesteyn (2017) argues that it is relational, dynamic and context-dependent. She makes a distinction between legitimacy as a concept and legitimation as a process in the context of disorder. The concept refers to the "interactive relationship between a social/political actor and his/her supposed constituents" and "evolving claims, progressive acceptance and increased action demonstrating allegiance to the emergent social order" (Duyvesteyn 2017, 674). It is fundamental for the subordinates to make use of the provision of services and to participate in the actions in order for the legitimacy claim to be existing and valid (ibid.; Weber 1947). Since legitimacy is also context-dependent, it is challenging to determine to what extent there are universal characteristics to both the concept and the process. In terms of the process of legitimation, Duyvesteyn highlights the importance of taking both rational interests and belief systems into consideration. The strategic process is bound to specific context, time and space and could be defined as "an action or series of actions – speech, writing, ritual, [symbolic] display – whereby people justify to themselves or others the actions they are taking and the identities they are expressing or claiming" (Barker 2003, 163–164). This also means that there might be social and geographic variation, or variation over time in the norms, beliefs and actions that relate to legitimation. Legitimacy is thus fluid and in a constant state of contestation (Mampilly 2011, 56).

In the discussion about legitimation, it is interesting to consider the mechanisms of state legitimacy - encompassing social order, good government and democracy – and question to what extent these are relevant to violent non-state actors. In the context of rebels, social order can be achieved to a certain extent as "coercion can lead to security which can result in order" (Duyvesteyn 2017, 679), while good governance and democracy are problematic as a result of both limited capacities and limited funds. Schlichte and Schneckener (2015), however, argue that – just as is the case for regular political actors – there is an inherent need for rebels to legitimise their authority in order to stay in power. This is further asserted by both Dahl (1991, 52) and Wrong (1979, 86), of whom the latter claims that "every stable political order strives to convert coercive into legitimate authority". The reasoning behind this is that ruling purely through coercion is expensive and will ultimately lead to the exhaustion of power. However, this transition into legitimate authority is considered less obvious for rebels than it is for formal states, as coercion is often an important initial source of power for rebel movements.

Some scholars (Arjona 2014; Arjona et al. 2015; Kasfir et al. 2017) argue that rather than the use of coercion, the provision of a social contract is an important method for rebels to attain legitimacy. This

social contract is often implemented through the provision of public services and goods to the subordinate people, in a way that the state is unwilling or unable to provide. In the literature, this form of legitimacy is referred to as pragmatic (Terpstra 2020), performance-centred (Schlichte & Schneckener 2015) or delivery-based legitimacy (Giustozzi 2009). In addition to the provision of basic services, it entails sources and mechanisms that are linked to the performance and behaviour of the rebels, such as leader or group charisma, respect or credibility through sacrifice and martyrdom, personal or patrimonial loyalty, and the use of formal procedures (Schlichte & Schneckener 2015, 418). The second type of legitimacy that can be distinguished is a symbolic (ibid., 417) or moral form of legitimacy (Terpstra 2020, 5; Worrall 2017, 715). This refers to "narratives of goodness, compatibility with existing norms and moral codes" (Worrall 2017, 715), "communal myth-symbol complexes, belief systems, traditions and cultures"; "socio-economic and political aspirations of a local community (be it a clan, ethnic group, social class, or the majority of the population)"; and "outside threats and established enemy images" (Schlichte & Schneckener 2015, 417). The distinction between these two types of rebel legitimacy deals with the problematic assumption which implicates that rebel groups that are reluctant or incapable of arranging a pragmatic contract cannot be (seen as) legitimate, as these groups can still have a level of moral legitimacy among their constituents.

CONCLUSION

The academic literature on rebel movements has shown that in multiple cases of the presence of these non-state armed groups, rebels have demonstrated a capacity and willingness to engage in some level of governance in the territories they control. Whereas the threat or use of violence and coercion are common denominators in all cases, the governance structures they implement differ significantly. In order to understand why rebels govern and how they shape their relationship with their subordinates, the concept of legitimacy is important to include in the research. In order to determine what rebel governance structures can be called legitimate and to what extent, a distinction between pragmatic and symbolic legitimacy is made. The importance of this differentiation is demonstrated in chapter 3, where it is argued that the Taliban mainly held a level of symbolic legitimacy during the IEA, while the parallel administration enjoyed both symbolic and pragmatic legitimacy.

2. AFGHANISTAN: THE STRUGGLE FOR POWER

The oversimplified view on the Taliban is often that of a radical Islamist or terrorist movement, while in practice, the organisation has been able to build elaborate networks based on tribal kinship in order to solidify a critical rural base of support (Johnson & Mason 2007). Despite the dominant assumption in media and politics that the Taliban – as 'terrorists' – are unreliable and undesirable as rulers, a shift in the approach towards the group as an actor to be taken more serious is discernible. As mentioned in the introduction of this thesis, the United States have even gone as far as negotiating and signing an agreement with the Taliban, bypassing the Afghan government. This chapter aims to examine how the Taliban became such a politically relevant actor by gaining social and political foothold in Afghanistan after the withdrawal of the Soviet Union in 1989. The objective is to analyse how the Taliban developed and manifested itself after the regime change in 2001. It is argued that the societal dynamics since this regime change have solidified the political and social ground for Taliban rule. This account provides the contextual basis for the analysis of rebel governance structures by the Taliban in the following chapter.

2.1 POLITICAL FRAGMENTATION AFTER SOVIET WITHDRAWAL

In 1989, the Soviet Union withdrew its last troops from Afghanistan, ending almost ten years of occupation and foreign involvement. The Soviet War in Afghanistan had been started in 1979 by Brezhnev in an attempt to support the pro-communist regime in Kabul in its fight against the mujahideen[6] rebellion. However, it soon became a costly stalemate for the Soviet Union as they proved unable to quell the insurgency, that benefitted from the foreign support coming from Iran, Pakistan, China and the United States. The war costed an estimated one million civilians their lives, in addition to some 90.000 mujahideen, 18.000 Afghan and 14.500 Soviet troops (Taylor 2014), and left a few million civilians internally displaced or seeking refuge outside of Afghanistan. In 1985 Gorbachev took the decision to withdraw the Soviet Union's soldiers (Steele 2013) and it is commonly accepted that the Afghan Civil War that followed, paved the way for the Taliban's IEA in 1996.

In 1988, the Afghan resistance was comprised of what was called the Peshawar Seven[7] – the seven most prominent, and predominantly Sunni Muslim, Pakistani-based mujahideen parties – and eight predominantly Shia Muslim Iranian-based parties. This members of this coalition were the public face

[6] Mujahideen translates to 'those engaged in struggle' and grammatically corresponds to the concept of jihadists.
[7] *Hezb-i-Islami Khalis* led by Mohammad Yunus Khalis, *Hezb-i-Islami Gulbuddin* led by Gulbuddin Hekmatyar, *Jamiaat-i-Islami* led by Burhanuddin Rabbani, *Ittehad-i-Islami* led by Abdul Rasul Sayyaf, *Mahaz-e-Milli Islam* led by Pir Sayyid Ahmad Gailani, *Jabha-e-Nijat-Milli* led by Sibghatullah Mojaddedi, and *Harakat-i-Inqilab-i-Islami* led by Mohammad Nabi Mohammadi). All these groups were of Pashtun ethnicity, except for the Tajik *Jamiaat-i-Islami* (East 1995).

of Afghan resistance, advertised their cause internationally, opened schools and training centres based on party ideology, recruited both fighters and new members, eventually expanding its influence over Afghan society. Despite their linguistic, religious and ethnic differences, they connected over their urban education; strong relationship with specific religious, ethnic-tribal, and linguistic groups within their region; and their political activity (Nojumi 2002, 85). The executive division was made up of loosely organised armed cadres, led by local leaders that were often unaware of the party's political agenda (Nojumi 2002, 88–89). While these factions shared the goal of ending the Soviet occupation, they had no shared vision, political ideology or central organisation (Nojumi 2002, 83). Barth endorses this by highlighting that the roots of the mujahideen factions lie in a "clear and demanding conception of individual honour and self-respect as a necessary basis for personal identity and value […], desire to live by one's own local, highly diverse traditions and standards [and] an Islamic conviction" (1987, 187). The high level of internal fragmentation eventually prevented the mujahideen from creating an united front against President Najibullah's regime.

Lacking the necessary central organisation, some prominent internal mujahideen forces started their own military operations against the regime in cooperation with local commanders (Nojumi 2002, 96). In April 1992, these efforts led to mujahideen forces taking control of Kabul, and six of the Peshawar Seven reaching an agreement regarding an interim government,[8] overthrowing the regime and establishing the Islamic State of Afghanistan. Hekmatyar did not recognise the interim government – and especially resisted the appointment of Ahmad Shah Massoud as Defence Minister – and his opposition forces were soon joined by the Shia *Hezb-e-Wahdat*, leading to large scale fighting along ethnic lines in Kabul.[9] The civil war intensified tremendously, with forces forming alliances and breaking them, attempting ceasefires and negotiations, which failed. The mujahideen leaders that had attempted to establish a new national government lost their credibility as a result of the continuation of violence and mobilisation without any clear direction, after the perceived victory after the Soviet withdrawal (Nojumi 2002).

It was only in September 1994 that the Taliban, a group of armed religious students, was founded by the Pashtun *mullah* Mohammad Omar in Kandahar. His aim was to liberate the Afghan people from the warlords that had failed to install Islamic law after toppling the Soviet 'puppet regime' and were now allowing or supporting atrocities being carried out by local armed groups. They enjoyed the

[8] Peshawar Accords of 26 April 1992, not including the *Hezb-i-Islami* of Hekmatyar.

[9] Hekmatyar was mainly supported by Pashtuns, Massoud by non-Pashtuns, Dostam by Uzbeks, and *Hezb-e-Wahdat* by Hazaras. Eventually, two groups could be identified: "government forces dominated by the *Shura-e-Nazar* (Supervisory Council) led by Massoud and Rabbani; and the *Shura-e-Hamahangi* (Coordinated Council) comprised of Hekmatyar, Dostam, and *Hezb-e-Wahdat*" (Nojumi 2002, 113).

support of local communities and businesses for their actions to establish peace, restore local justice and form a national assembly. Within days, the group was able to seize an arms depot, disarm local armed groups between Kandahar and the Pakistan border, and annex the Kandahar military base and administration (Nojumi 2002, 118). The lack of a nationally accepted and clear leadership enabled the rapid and aggressive rise of the Taliban. The majority of its members were refuged students from the *madrasas* in Baluchistan, just across the Pakistan border, who mainly originated from the rural areas of Kandahar, Helmand, Zabul, Farah, Nimruz and Ghazni. These students had largely grown up in the madrasas, away from their families, where Islamic Law, Quranic Studies and Arabic were part of the curriculum and military training by mujahideen groups was common. In addition, local *mullah*s and religious students fulfilled the task of judiciary regarding local mujahideen groups, elevating their relevance in politics and the power struggle among the mujahideen[10] (Nojumi 2002, 123–127).

In order to prevent a mass conflict with four armed fronts,[11] the Taliban proclaimed their ambitions were not to seek political control, but to ensure peace and security in order for the Afghan people to be able to form a national Islamic government. However, the Taliban expanded their territorial control in their way to Kabul. By March 1995, they announced their objective to establish an Islamic government in Afghanistan, negating their earlier proclaimed intentions. After the fall of Herat in early September 1995 – allegedly with the support of the Pakistani Inter–Services Intelligence (ISI) – the Taliban were able to focus all their manpower towards seizing Kabul. After some heavy initial resistance by Massoud in 1995, he withdrew his forces from the capital on 26 September 1996.

The Taliban attacked Kabul on 27 September with Pakistani military support and Saudi financial support, facing little opposition. They executed President Najibullah – who was under UN protection – and installed the IEA, which lasted until 2001. The state formation was based on the Islamic principle of *khilafah*, led by the *khalifah* that rules in accordance to their radical interpretation of *Shari'a*. In practice, the IEA comprised not all of the Afghan territory, as the Northern Alliance (NA) in the northeast still continued as the Islamic State of Afghanistan under international recognition. The IEA and its Taliban government were only formally recognised by Pakistan, Saudi Arabia and UAE (Nojumi 2002).

[10] Some ex-mujahideen commanders and personnel became part of the Taliban armed forces, which granted them privileges after having lost international financial support after the Soviet withdrawal. These ex-mujahideen in their turn provided local support and battle experience for the Taliban.

[11] Ismail Khan's forces in the northwest, Ahmed Shah Massoud's forces in the northeast, Haji Abdul Qadir's *Nangarhar Shura* in the east, and Dostam's forces and Shia factions in the north (Nojumi 2002, 134).

2.2 TOPPLING THE ISLAMIC EMIRATE OF AFGHANISTAN

The Taliban's IEA was thus confronted with resistance right from the start. The most prominent opposition was the defensive war as conducted by the NA, also known as the United Islamic Front for the Salvation of Afghanistan, that included the political leaders of the Islamic State of Afghanistan such as Rabbani and Massoud, and was supported by Dostam's forces. The Taliban aimed to seize Mazar-e-Sharif in order to destroy Dostam's forces and cut off Massoud's supply line (Nojumi 2002, 158). If succeeded, the Taliban could have been able to bring northern Afghanistan under their control. During the next few months both sides were supported by external forces, leading to heavy fighting and unstable territorial control for both. In late May 1997 the Taliban faced a strong popular uprising in Mazar-e-Sharif, supported by Massoud's forces and low-ranking Uzbek officers. The Taliban's defeat both resulted in a high number of casualties[12] as in a shift in the military and political position of the Taliban (Nojumi 2002, 162). The NA aimed to use its victory for its claim to be the rightful government of Afghanistan. However, because of internal power struggles and personal interests, the NA was unable to put these plans into practice. As a result, many areas under their control suffered from misconduct by local armed forces. Taliban leaders eventually used these conflicts to advance further north, reclaiming control over Mazar-e-Sharif by August 1998. Taking revenge for the 1997 defeat, the Taliban launched an attack on non-Pashtun civilians, killing thousands. According to reports, the Taliban carried out around a dozen of such civilian-targeted mass killings between 1996-2001,[13] displaced thousands of civilians, as well as denying around 160.000 civilians food supplied by the UN.
One of the largest supporter of these expansionist activities by the Taliban was Pakistan. According to the U.S. Department of State, the Pakistani ISI was "supplying the Taliban forces with munitions, fuel, and food […] using a private sector transportation company to funnel supplies into Afghanistan" (1996a, no. 15). In addition, the U.S. Department of State estimated that up to 40% of the Taliban fighters were Pakistani, not including the Pakistani soldiers from the Pashtun Frontier Corps and Punjabi army that assisted the Taliban in combat and training respectively (1996b, no. 17).

From December 1998, NA leader Massoud and *Hezb-i-Islami Khalis* leader Abdul Haq attempted to unite the different warring factions, surpassing both the ethnic and north-south divide in the "grand Pashtun-Tajik alliance" (Coll 2004, 558). They included the Hazaras and Uzbeks in their bid to establish a *loya jirga*.[14] Massoud was appointed the military commander of the united anti-Taliban forces bye the members of this newly formed Islamic Front for Liberation of Afghanistan (Nojumi 2002, 170).

[12] An estimated 600 Taliban fighters were killed in Mazar-e-Sharif, with thousands more fleeing. Many of them were captured, systematically killed and buried in mass graves (Rashid 2002, 59).
[13] These include the massacres in Mazar-e-Sharif in 1997/1998, the destruction of livelihood in Shomali Valley in 1999, as well as the massacres in Bamyan in 1999, the Robatak Pass in 2000, and Yakaolang in 2001.
[14] Pashtunwali traditional assembly that takes decisions by consensus, in Arabic called *shura*.

Personified by Massoud, the alliance addressed the threat of the Taliban and Al Qaeda to the European Parliament in April 2001, asking for humanitarian assistance and calling a halt to the Pakistani military support (Coll, 2018). On 9 September 2001, Massoud was killed. Two days later, the 9/11 attacks on U.S. soil took place, something Massoud allegedly had warned the European Parliament about in his speech in April (Williams 2013). Whereas the United States had applauded the rise of the Taliban in 1994[15], the 9/11 attacks and the Taliban's affiliation with Osama Bin Laden were the direct motivation for launching Operation Enduring Freedom (OEF), both supported by the unanimously adopted UNSC Resolution 1368 and Resolution 1373.[16] In addition, the NATO considered the attacks covered by Article 5 of the Washington Treaty and thus eligible for collective self-defence (NATO 2001). After the disengagement of the UAE and Saudi Arabia in late September, Pakistan remained the only political ally of the Taliban.

The US-led coalition first attacked Taliban and Al Qaeda bases on 7 October 2001, meaning to remove the Taliban from power and to prevent it from acting as a safe haven for training for and planning terrorist activities. The coalition cooperated with the NA, providing air support and ground troops. As a result, most of the Taliban fighters fled to Pakistan, and in December 2001 the Taliban gave up Kandahar, which was their last stronghold (Coll 2018). After the fall of the Taliban, Hamid Karzai was chosen as the chairman of the Afghan Interim Authority at the UN conference in Germany as the first step towards regime change. After six months, the AIA was replaced at a *loya jirga* by the Afghan Transitional Administration, presided by Karzai (Gall & Dao 2002). This interim government served a term of two years, after which Karzai became the first chosen President of the Islamic Republic of Afghanistan in 2004, a function he held until September 2014.[17]

2.3 RESURGENCE OF THE TALIBAN

After the Taliban had been removed from power as a result of OEF and its allies, the movement's leadership went underground. In November 2001 the U.S. had permitted the withdrawal of Pakistani citizens from Kunduz by the Pakistani Air Force. This turned out to be a massive strategic miscalculation, as a large number of senior Taliban and Al Qaeda members were extracted during this operation (Johnson 2007, 95). Initially, the Taliban leadership had hoped to consolidate their position through formal political inclusion, but it was soon clear that the U.S. opposed negotiations with

[15] The Taliban was believed to serve the strategic interest of the U.S. by disarming local armed groups, restoring law and order, uniting the country and helping form a nationally and internationally recognised government (Nojumi 2002, 198).
[16] Both subjected "Threats to international peace and security caused by terrorist acts", http://unscr.com/en/resolutions/1368 and http://unscr.com/en/resolutions/1373.
[17] Encyclopaedia Britannica. 2019. *Hamid Karzai. President of Afghanistan* (eds.). https://www.britannica.com/biography/Hamid-Karzai.

'terrorists' (Hersh 2002; Ruttig 2010). The Taliban thus became a guerrilla movement, hiding out in the Afghan –Pakistani border region.[18] This period of regrouping, rearming and refunding that took place in this area is often referred to as 'Talibanisation'[19] (Wang 2010).

From 2003 onwards, the Taliban entered into a phase of resurgence (Ruttig 2010, 19). In most areas of Afghanistan, a gradual re-emergence of the movement was visible, deteriorating the security situation heavily in especially the south and east of Afghanistan (Johnson 2007, 96). This coincided with a widespread decrease of trust in the AIA, especially among Pashtuns who suffered grave human rights violations since the expulsion of the Taliban (ibid., 97). The Taliban was vocal about their aim to initiate a guerrilla war against the U.S. and its allied forces in Afghanistan (Baldauf & Tohid 2003), and called upon their supporters to oppose the new Afghan government as well as the international allies endorsing it (Strick van Linschoten & Kuehn 2018, 226). With the establishment of the *rahbari shura*[20] in the Pakistani city of Quetta in 2003, Afghanistan was divided into regions that were assigned to the *shura's* members, in line with the Taliban's structure of command. The aim hereof was for the commanders to manage contact with their supporters in these regions, in order to eventually create a shadow government (ibid., 227). The Taliban made significant progress in reclaiming territorial control and by 2006, they had consolidated their presence in most areas of Afghanistan and created some level of parallel governance structures (Ruttig 2010, 19). Throughout the years, the Taliban regained a firmer grip on its territory and expanded their sub-national administration within it (Terpstra 2020). The next chapter analyses what type of governance they became involved in and to what extent these can be considered to be legitimate.

CONCLUSION

According to official reports to the U.S. Congress, by July 2019 only 53.8% of the Afghan territory was under full government control, whereas 33.9% was contested and the remainder of 12.3% under direct control of the Taliban (SIGAR 2019). Expatiating on these numbers, further research has shown that by the beginning of 2020 the Taliban's control had increased to 18.8%, while state control had dropped to only 33.4% of all districts, leaving the rest contested (Roggio & Gutowski 2020). This struggle for power over the last two decades has gone hand in hand with a large amount of violence and a high number of (civilian) casualties. As the war in Afghanistan has often been described as a costly stalemate by both scholars and media, a political agreement seemed the only option for ending the war.

[18] Especially the Federally Administered Tribal Areas (FATA), Waziristan and Baluchistan (Johnson 2007, 96).
[19] This term is later also applied to areas as Karachi, Lahore, Bangladesh, Iraq, Malaysia, Somalia and Gaza (Schanzer 2009).
[20] Taliban's leadership council, sometimes referred to as Quetta *shura*.

Efforts for negotiations with the Taliban have been on and off since the beginning of the war, advocated by multiple different governments (Bezhan 2019). With the signing of the 2020 agreement between the U.S. and the Taliban, a turning point in the conflict may have been reached. However, as mentioned in the introduction of this thesis, there is a lot of criticism on the contents of the agreement, as well as on the exclusion of the formal government of Afghanistan. The actions of both parties in the coming months will show whether it is to be the first step to a viable solution between two political actors in order to end this protracted conflict, or whether the power vacuum that is associated with the withdrawal of external actors provides new opportunities for Taliban governance (Kasfir et al. 2017, 274).

3. STRATEGIES AND LEGITIMATION OF TALIBAN RULE

The Taliban have had a dynamic history with their struggle for power in Afghanistan. As the previous chapter has indicated, some of its members started as mujahideen fighters to be later split off into a separate insurgency movement. This was followed by the establishment of the IEA, its expulsion, and resurgence of the Taliban (Terpstra 2020) – characterised by a large amount of violence and the creation of a shadow government. This parallel administration was made up of different rebel governance structures, such as the appointment of governors, the establishment of a shadow judiciary and the performance of rebel diplomacy. Despite the often simplistic portrayal of the Taliban's ideology and actions, their policies should not be thought of as being static. As other groups, the Taliban have been subjected to organisational challenges, the decrease and increase of power, and the interaction with other actors (Strick van Linschoten & Kuehn 2018, 1). As the movement gained more territorial control it became increasingly involved in governance, with an emphasis on security and justice provision – nullifying the theoretical assumption that civil war and state weakness lead to the absence of governance (Duyvesteyn et al. 2015; Mampilly 2007; Terpstra 2020).

This chapter questions what rebel governance structures can be identified during different phases since the establishment of the IEA in 1996, as implemented by the Taliban. It is analysed how rebel governance has developed itself over time in Afghanistan and how this relates to the legitimacy of the Taliban. The chapter sets out whether specific governance efforts are considered more or less legitimate than others, to what extent and by whom.

3.1 REBEL GOVERNANCE STRUCTURES

The post-Soviet withdrawal insurgency period shaped the opportunity structures for the Taliban and their coming into power. This subsection focuses on the governance provision by the insurgency movement from the moment they established the IEA. The logic behind this, is that this was a critical turning point in the organisational structure of the Taliban, as well as a clear starting point for commencing the analysis. Nonetheless, it should be noted that depending on the definition and parameters applied to the theoretical framework, some scholars argue that the Taliban stopped being a rebel movement with the establishment of the IEA and thus did not engage in rebel governance during that period. However, it has been decided that this phase is essential for providing a comprehensive analysis of the Taliban's governance efforts in this thesis. It is argued that the rebel governance structures that were implemented during the IEA were both less extensive and less legitimate than the strategies that were adopted after the regime change of 2001, as the Taliban were largely dependent on a strong coercive presence and outsourcing power to *mullahs* during the IEA.

3.1.1 PHASE ONE: THE ISLAMIC EMIRATE OF AFGHANISTAN

According to Ruttig (2010, 19), from a diplomatic point of view, the 'state phase' during which the Taliban ruled over the majority of the Afghan territory through the IEA can be divided in two sub-phases that somewhat overlap: the 'early state phase' and the 'isolated state phase'. The first sub-phase is characterised by efforts from the Taliban to engage in international diplomacy regarding the establishment of oil and gas pipelines through Afghanistan. Despite initial positive feedback from the UN,[21] these efforts led to nothing as the Taliban government was hardly recognised internationally. The second sub-phase was symbolised by international sanctions by the UN and air strikes by the US, leading up to the terrorist attacks on 9 September 2001 (ibid.).

Despite the lack of international recognition and endorsement, the Taliban were highly motivated to install a coherent governance system, consisting of a two-tier structure: the Kandahar-based political-military Supreme Council and the Kabul-based executive, administrative Council of Ministers. Whereas the latter was an effort to embrace a formal state structure, the former strongly reflected the insurgent origin of the IEA (Ibrahimi 2017, 947). The Council of Ministers main tasks included the enforcement of *Shari'a*,[22] the implementation of domestic and foreign policies, as well as the management of the country's defence. In theory, this meant that this institution was the main governmental body. In practice, the military Supreme Council intervened in all affairs and had the upper hand in all decision-making (ibid., 953). In addition, the IEA's most prominent security force corresponded more with a tribal militia, than a regular state army (ibid., 958). This structure clearly shows the tension between the Taliban's political and military projects. In addition, it highlights the reliance on military coercion, a strategy that was further implemented in the establishment of their other rebel governance structures.

The enforcement of a strict and coercive interpretation of *Shari'a* was one of the main drivers of the Taliban regime. In order to do so, a religious police was invoked. This law enforcement department in fact controlled the civilian population, as they were responsible for the correct application of Islamic law in both the public and private sphere (Terpstra 2020, 11; Yassari & Saboory 2010, 292). In addition to the establishment of the religious police, the position of *mullahs* was also strengthened by the Taliban. They became the unofficial local informants for the regime and the religious taxes that were their traditional source of income were increased (Ruttig 2010, 12). The clergy had also gotten an important role in the religious courts that the Taliban had established for dispute settlement. These

[21] "The advance of the Taliban positively influences the peace process", UN Special Representative Santos (Ruttig 2010, 19).
[22] The implementation of *Shari'a* or 'Islamic law' by the Taliban was heavily contested. *Shari'a* was already part of the Afghan constitution, but the Taliban enforced a very different and much stricter interpretation of it.

clerics had often already performed similar functions in the pre-Taliban mujahideen courts and enjoyed a high level of legitimacy.[23] These courts also helped to further materialise the religious ideology of the Taliban (Strick van Linschoten 2016, 121).

As a result of the civil war and the state collapse following the Soviet withdrawal, the IEA's formal economy was too weak to manage the regime's costs, and the Taliban were predominantly dependent on illegal sources of income. This mainly included revenues from opium trade, as well as financial support from the Pakistanis and Al Qaeda (Chouvy 2010, 52). As a result of these economic problems, the provision of basic services was almost entirely done by international non-governmental organisations (NGO). According to Ibrahimi (2017, 961), however, the IEA was still quite effective in the provision of order and security, especially compared to the chaotic situation in the years after the Soviet withdrawal. Despite the fact that the security forces were not well-organised, they provided security and through coercion and severe law enforcement. With the regime change in 2001, the "quasi-government with a state-like structure, ministries, sub-national administration, [and] a security apparatus" (Ruttig 2010, 21) was compelled to reorganise as a guerrilla movement. It is to be questioned, though, whether the Taliban could have maintained that strategy if they had not been ousted in 2001, as a result of its "shortage of resources to cover the cost of war, their poorly developed armed and law enforcement forces, the IEA's unfamiliarity with modern ways of warfare and control, and the quickly changing nature of war in Afghanistan" (ibid.). The IEA can thus be characterised as being heavily dependent on coercive strategies, combined with power outsourcing to established *mullahs*. In addition, the central administration at the time was relatively weak, and their local presence was limited.

3.1.2 PHASE TWO: THE PARALLEL ADMINISTRATION

The first evidence of the Taliban's attempts at creating a shadow government in Afghanistan since the leadership had gone into hiding was the presence of shadow provincial military commanders and governors around 2003–2004. Quickly, military and civilian commissions were established at district level in order to provide counsel to these officers (Jackson 2018, 7). While it took some time for these components to all function as planned, the Taliban managed to control territory – at least to some extent – in all provinces of Afghanistan and to establish a parallel administration with functioning "provincial and district governors, judges, police, intelligence commanders and even a system of taxation" (Ruttig 2010, 21). Of these governance structures, the establishment of the judiciary was the most fundamental element and with that, the judges were the first fully functional service providers

[23] The courts' judgements and issued *fatwas* were widely accepted (Strick van Linschoten 2016).

of the parallel government as of 2006 (Giustozzi et al. 2012). At first, the power base was thus primarily based on the use of coercion and in addition, the Taliban engaged in justice provision based on *Shari'a*.

In the beginning of the resurgence, attacks on schools, hospitals and NGOs were both very common and lethal. These outbursts of violence deprived the civilian population from access to basic services. When the Taliban's territorial control became more stable and media coverage emphasised the violent and volatile nature of the movement, they altered their strategy (Jackson 2018, 8). In 2006, the *Layeha* was published: a code of conduct for the Taliban fighters, consisting of thirty rules prescribing discipline and military behaviour, as a sign of accountability. Throughout the years, as the Taliban became more organised and influential, the *Layeha* was adapted twice. These renewed versions included rules on governance structures, as well as on the role of officials (Johnson & Dupree 2012). In addition to the manifestos being 'rule books', they were also used to communicate the Taliban's policies and ideology to a wider audience (Jackson 2018; Johnson & Dupree 2012). As the movement's influence increased, the capability to provide governance became a necessity in order to ensure the support of the population. This clearly coincides with the theoretical assumption that there is an inherent need for rebels to legitimise their authority in order to stay in power (Schlichte & Schneckener 2015). Interestingly, Jackson argues that the Taliban did not seem to have a set-out plan for conducting governance, but rather they gradually recognised that "unbridled violence would ultimately hurt their quest for popular support" (2018, 9) and adjusted their policies and structures accordingly.

The adaptation of their governance policies included the adoption of education structures, healthcare, justice provision, taxation and revenue generation, and the provision of telecommunications and utilities. Whereas most of these adopted institutions had existed as a hybrid of former NGO and state-facilitated institutions, they now operated in accordance with Taliban rule. In the majority of cases, provincial and district-level authorities struck formal deals with the local Taliban, laying out the terms of their cooperation and compliance (Jackson 2018). While there was still resistance from the formal government as well as from some local communities, most of these arrangements were the result of direct coercion and the display of referential symbolic strategies that emphasised the coercive and political power of the Taliban (Mampilly 2015, 79). Of these governance structures provided by the Taliban, justice provision through dispute resolution in Taliban courts is the most important non-military form of their rebel-civilian engagement. The role of these courts is crucial, as even civilians from government-controlled areas tend to use them – not because of their preference for Taliban rule, but because of their effectiveness and use of widely accepted values as a base for their verdicts (Jackson 2018, 19; Terpstra 2020, 16–17). This indicates that besides coerced and lucrative compliance, normative compliance to the Taliban rule became visible.

As is the case in most rebel governance situations, there are variations among different regions. These variations are the result of "the degree of territorial control, and a level of localised interpretation and bargaining" (Jackson 2018, 11). Despite these regional varieties, there is a common denominator in the shape of a complex structure of insurgent administration behind each of these rebel governance structures. Beneath the senior leadership – consisting of the *Amir al Mu'menin*, its deputies and the *rahbari shura* – a large decentralised framework is in place. As a result of the regime change of 2001, the senior leadership still resides in Pakistan, where the Quetta power base is responsible for the south, southwest, west and northwest of Afghanistan, and the Peshawar division is in charge of the remaining regions (Jackson & Weigand 2019, 144). The organisational framework consists of a sub-national shadow commission per governance sector, that appoints a provincial shadow representative, who is often supported by 'educated men', such as clerics. Further down the hierarchy are district focal points, aided by so-called civilian commissions and monitors at the local level (figure 2). While negotiations and decision-making procedures are often portrayed to be carried out through a *shura*, every province has ad hoc contacts that serve their Taliban counterparts (Jackson 2018). According to Jackson and Weigand (2019, 144), this structure has come increasingly effective since 2006, as a result of the clear chain of command and despite the regional varieties.

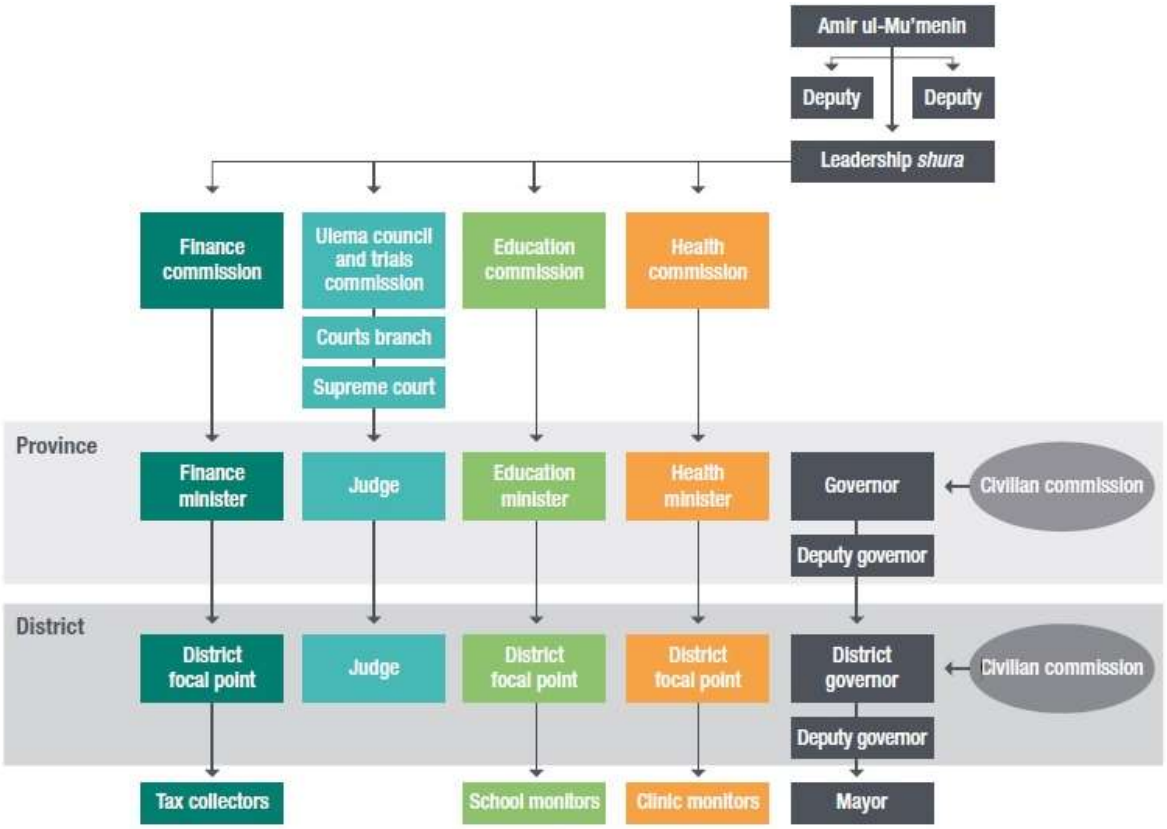

Figure 2. Indicative sketch of Taliban subnational service delivery structures (Jackson 2018, 12).

All these governance structures are funded by the collection of taxes – consisting of *zakat* and *osh* –, even collecting on the bills of state electricity companies, taxes on narcotics (sometimes also referred to as *oshr*) and other illicit economic activities such as smuggling. Where the Taliban had banned opium trade during the IEA, they are now believed to benefit significantly from its yields. It is often debated whether the Taliban are indeed profiting from these activities, but as they control a large amount of smuggling routes, it can be assumed that they take a significant cut (Jackson 2018, 21–24; Jackson & Weigand 2019, 144).

In an attempt to gain additional funds, propagate their political relevance on the local level and broaden their claim on legitimacy to the international field, the Taliban had signed agreements with over twenty-five international organisations – such as the WHO and UNICEF – and NGOs by 2011. In practice, however, the access of these organisations to the different districts was very uncertain, as they were subjected to the military concerns of local fighters (Jackson 2018, 8). The same issue is at hand with the peace negotiations and the signing of the deal between the U.S. and the Taliban. While the Taliban seems to make a serious effort to implement a more diplomatic strategy,[24] the implementation of the arrangements agreed upon is certainly arbitrary. Within days after signing the agreement, both parties accused each other of violating the terms, crippling the brief optimism about this 'turning point' in the Afghan conflict (Mashal 2020).

3.2 LEGITIMATION PROCESSES

In order to be able to evaluate whether the aforementioned rebel governance structures can be considered legitimate, this subsection makes a distinction between pragmatic and symbolic legitimacy. It is determined whether certain governance structures are legitimate or not by detecting to what extent the structures "claim overlap with pre-existing formal and informal rules in society", whether "these rules can be justified by beliefs that are shared in a community" and to what extent "these are confirmed in practices demonstrating compliance" (Beetham 1991, 15–16 in Duyvesteyn 2017, 671–672). As discussed in the first chapter, rebels can be considered legitimate without meeting all three criteria, as they can have a level of pragmatic legitimacy without enjoying symbolic legitimacy.

In addition, rather than just focussing on the legitimacy of the governance structures implemented by the Taliban, the roles of the formal Afghan state and of external actors and influences are also taken into account, as these also influence the legitimacy of the rebel group. Next to these two types of legitimacy, the Taliban have also acquired a certain level of external legitimacy in recent years as they are included in international negotiations, peace efforts and eventually the signing of a bilateral

[24] Rebel diplomacy, as conceptualised by Coggins (2015).

agreement. Even though the majority of the international community is sceptic and largely unwilling to legitimise the rebel movement, they acknowledged the important role of the Taliban in Afghan society and significance to include them into the future of the Afghan state.

3.2.1 LEGITIMACY OF THE ISLAMIC EMIRATE OF AFGHANISTAN

In the beginning of the first phase of rebel rule, the Taliban were applauded for the restoration of order and security after the civil war that had followed the withdrawal of the Soviet regime (Barfield 2004). The provision of security provided the rebel group with a level of pragmatic legitimacy, as other actors – in this case the interim government of the Peshawar Seven – were unwilling or unable to provide this service. Weigand argues that this type of legitimacy in the immediate aftermath of a civil war is mainly a result of the people's urgency to have "any rule of law – regardless of its ideological sources" (2017, 376). Initially, the local population thus complied with the Taliban rule, as they considered the measures necessary to regain security and order in the war-torn country.

In order to also construct a level of symbolic legitimacy, the Taliban attempted to drew further on the people's frustration with the civil war of the years preceding the establishment of the IEA. The mujahideen's fragmented struggle for power had led to an anarchical situation in which violence and looting were omnipresent. However, it soon became clear that the Taliban's policies were more conservative than expected and they were met with significant resistance. Especially in the modern urban areas under their control – such as Kabul and Mazar-e-Sharif – the new social and religious policies were much stricter than the existing norms and were considered a clear break with Afghan political tradition (Barfield 2004, 288).

Symbolic legitimacy of the Taliban was therefore practically absent during the entire first phase of their rebel governance strategies. It can be argued that the only level of symbolic legitimacy was held by the *mullahs* that had an important role in the Taliban's courts. While dispute settlements fall under the category of justice provision and may be argued to be pragmatic, the *mullahs* were in fact not Taliban rebels but rather local appointees that provided an indirect form of rebel rule. As they had performed similar functions in the pre-Taliban era, their role fit the description of symbolic legitimacy through "narratives of goodness, compatibility with existing norms and moral codes" (Worrall 2017, 715), and "communal myth-symbol complexes, belief systems, traditions and cultures" (Schlichte & Schneckener 2015, 417). In addition to these setbacks in obtaining symbolic legitimacy, the Taliban failed to move past their favouritism of ethnic Pashtuns (Terpstra 2020, 13). As Barfield argues, there was also no clear joint enemy the Taliban could derive their legitimacy from and many "Afghans saw its regime as too dominated by Pakistan and Al Qaeda Arabs" (Barfield 2010, 262).

The IEA was eventually also met with great international resistance. The rules that were adopted by the Taliban, especially the harsh treatment of women under their rule, did not correspond with international norms. The capture of Mazar-e-Sharif in 1998 – as referred to in chapter two – further deteriorated the situation. In addition to thousands of civilians being killed, the killing of eight Iranian diplomates in this siege also led to great tension and a confrontation with Iran (Rubin 1999, 79). The harbouring of Al Qaeda turned the IEA truly into a 'pariah state' (Jackson & Weigand 2019, 143) as it eventually led to the expulsion of the Saudi's diplomatic representation in the country, as well as missile attacks and the foreign intervention led by the U.S. (Jackson & Weigand 2019; Rubin 1999). Taliban rule during the IEA was thus not necessarily based on any local or international symbolic legitimacy, but rather on a limited level of pragmatic legitimacy through coercion and intimidation, combined with indirect rule through the use of *mullahs*.

3.2.2 LEGITIMACY OF THE PARALLEL ADMINISTRATION

After the regime change in 2001 and the Taliban's renewed efforts to become involved in governance in Afghanistan, it was only obvious for them to emphasise the revival of its judiciary structures, as these were the most successful non-security structures during the IEA (Giustozzi & Baczko 2014). This proved to be a well-considered policy, as even civilians from outside the Taliban-held territories started using these institutions, affirming their legitimacy. It is indeed argued that these justice provision structures are the key source of legitimacy for the Taliban since the regime change (Weigand 2017, 376). Building from this achievement, the Taliban expanded their service provision through new institutions, as mentioned earlier in this chapter. The establishment of these new structures and the use thereof by their constituents ensured the intensification of the rebel-civilian relationship (Jackson 2018), furthering the "informal social contract that can render an insurgent government a legitimate authority, thereby bolstering its position in its competition with the incumbent state" (Mampilly 2011, 52) and strengthening the Taliban's pragmatic legitimacy.

In contrast to the IEA period, the resurgence phase allowed the Taliban to also establish a level of symbolic legitimacy. After the regime change of 2001, it was much easier for the Taliban to integrate the joint external enemy narrative into their strategy. By framing this enemy as a national concern and comparing it to the Soviet forces in the 1980's, they were able to adopt a more nationalistic ideology that at the same time allowed them to move away from their Pashtun-centred image (Johnson & Steele 2013). Ruttig (2009, 2) even argues that the Taliban's newly adopted strategy to appeal to the population's religious beliefs, cultural attachments and feelings of nationalism have strengthened their position as being a viable alternative for the incumbent government. Especially the focus on the religious beliefs is interesting, as the Taliban have managed to frame their adherence to *Shari'a* as a

dogma to convince their constituents to oppose the formal government, as they are a threat to (the Taliban's interpretation of) Islam. Of course, there is also a lot of criticism on this frame, as still many civilians see the Taliban as not representing the true Islam and being extremists (Johnson & Steele 2013, 24; Terpstra 2020, 17).

Another strategy the Taliban applied to obtain local symbolic legitimacy included the use of the *shabnamah* or 'night letters': 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" (Johnson 2007, 318) meant to increase the support from the Afghan people. These messages are an alternative to intimidation and mainly meant to spread the Taliban's narratives (Johnson 2007, 339). Osman even states that the Taliban seem to have understood the importance of "organisational symbols and their political meaning" (2017). Another example of this advanced self-awareness and the political 'branding' of the Taliban is the use of their *shahadah* inscribed flag wherever there is a level of Taliban presence (ibid.). The use of this flag and the *shabnamah* are the most visible examples of condensation symbols (Mampilly 2015) and symbolic strategies the Taliban has adopted.

This awareness of the importance of portraying the Taliban as a political entity also serves the purpose of projecting their legitimacy to the international community. Through depicting themselves as a political actor, they aim to demonstrate the restoration of sovereignty as the legitimate rulers of Afghanistan as their goal, rather than seeking territorial control (Osman 2017). In accordance with Coggins' assumption that rebels almost always combine violent and non-violent tactics in order to boost legitimacy (2015, 105–109), the Taliban have increasingly aimed to improve their external legitimacy. This is not surprising, as "civil wars are typically fought with the explicit goal of joining the community of states" (ibid., 105) and rebels therefore tend to adopt state-like strategies. As mentioned in the introduction of this thesis, the most effective strategy to increase their external legitimacy thus far has been to engage in rebel diplomacy. Despite the critiques of the international community and local people in Afghanistan, engaging in talks and signing a deal with the U.S. without the inclusion of the formal government, has granted the Taliban a sense of endorsement and thereby external legitimacy.

CONCLUSION

As shown in this chapter, the shift from coercion to establishing more governance structures has become increasingly important in order to gain legitimacy, as the Taliban had to show that they have more to offer than violent resistance against foreign occupation and the dysfunctional 'puppet'

government. It is interesting to be able to conclude that the more formal arrangement of Taliban rule through the IEA should be considered to be far less legitimate than the parallel administration after the regime change of 2001. The reason is that the IEA only had a limited level of pragmatic legitimacy through the restoration of order after the Soviet withdrawal and basically no symbolic legitimacy as their policies were clashing with the existing set of norms and values – especially in urban areas under their control. The only symbolic legitimacy that could be traced back to the Taliban was through the use of indirect rule, by having *mullahs* engage in justice provision according to their interpretation of Islamic law. In contrast, the parallel administration of the Taliban maintains levels of both pragmatic and symbolic legitimacy, through the expansion of their governance structures at the detriment of the formal state. As argued by Jackson and Weigand, the Taliban use their parallel administration to keep their constituents at least slightly satisfied in order to boost their legitimacy. In combination with coercion, this has allowed them to secure at least minimal compliance of the civilians in their territory (2019, 146). In addition to these local perceptions of legitimacy, the international community seems to be forced to acknowledge the legitimacy of the Taliban to a certain extent. As they have been included in the agreement with the U.S. instead of the formal Afghan government, they are expected to be playing an essential role in Afghanistan's political future.

CONCLUSION

"The Taliban are no longer a shadowy insurgency; they are now a full-fledged parallel political order."

- Jackson & Weigand 2019, 143

This thesis has shown that rebel governance has been integral to Afghan society, as the formal state structurally failed to establish a strong state apparatus able to provide security and basic services to its population. Throughout Afghanistan's political history, the struggle for power has been intense and fragmented, creating an arena of power fragmentation in which the Taliban eventually turned out to be the strongest and most unified. The legitimacy of this rebel movement has been the subject of debate and has clearly shifted over time during the different phases of Taliban rule. The objective of this final chapter is to conclude the thesis regarding rebel governance structures and legitimation processes as implemented by the Taliban. It will provide an answer to the sub-questions posed in the preceding chapters, in order to present a comprehensive answer to the larger research question. In addition, suggestions for further research will be briefly discussed.

The first chapter questioned what types of rebel governance and legitimation processes could be identified in the literature, and how these relate to the conceptualisation of direct versus indirect governance. The review of different academic articles and contending narratives that have defined rebel governance show that the organisation of "civilians for a public purpose" (Kasfir 2015, 21) by rebels in a set territory, with a resident population and (the threat of) violence is most comprehensive. The execution hereof varies over time and place, as well as among rebel groups. Rebel governance structures ranges from the provision of security and justice, to the regulation of all aspects of civilian life – often to the detriment of the state (Arjona 2016). In addition to these pragmatic rebel governance structures, symbolic strategies should be taken into account, as these serve "instrumental and normative purposes by entrenching and legitimizing the insurgent political authority" (Mampilly 2015, 76) and influence the outcome of rebel governance efforts.

Whereas it is generally assumed in rebel governance theory that it is the rebels that govern, Arjona (2016) argues that it is more often a combination of direct governance by rebels and indirect governance by local appointees. Building relationships with civilians in order to perform indirect rule is crucial and largely overseen in theoretic discussions. These relationships with civilians are also key in determining and valuing the legitimacy of certain rebel groups. Here, a distinction is made between pragmatic and symbolic legitimacy. The former relates to the delivery-based governance structures,

where the presence of the latter indicates the use of narratives that are compatible with existing norms, moral codes, belief systems and traditions.

The second chapter examined what the political dynamics in the history of Afghanistan since the withdrawal of the Soviet Union have meant for the political and social power base of the Taliban. In the post-Soviet era, the political fragmentation that followed the power struggle by the mujahideen factions, paved the way for the Taliban to fill the power vacuum that had arisen. They expressed the notion that they would ensure peace and security in order for the Afghan people to establish a national Islamic government. Instead, the Taliban seized the capital and established the IEA (Nojumi 2002). The resistance they soon faced led to the toppling of their regime by the joint efforts of the NA and the OEF, followed by the instalment of a new government for the Islamic Republic of Afghanistan. The weak political and military structure of the Afghan state, the Pakistani support of the resurgence and the discontent with the new regime, provided new opportunities for the Taliban to develop a shadow state within the Afghan territory. The governance structures they established eventually awarded them social and political foothold as a full-fledged parallel administration (Jackson & Weigand 2019).

The third chapter analysed what rebel governance structures the Taliban has implemented and to what extent these can be seen as legitimate. Throughout the first phase, here identified as the period ranging from the establishment of the IEA in 1996 until the ousting of the Taliban regime in 2001, the implemented rebel governance structures were largely limited to security provision, justice provision and taxation. This strategy provided a sense of pragmatic legitimacy, as the Taliban were initially celebrated for the restoration of order. However, their social and religious policies clashed with existing norms – especially in more urban areas – and were not considered to be legitimate by the population. As a result, the Taliban's main source of governance was the use of coercion and providing justice through the deployment of *mullahs*, classified as indirect rule.

The second phase of governance, ranging from the resurgence of the Taliban in Afghanistan until the present day, is characterised by a more dynamic and broader endeavour of implementing governance. This phase comprises structures varying from security and justice provision, to the establishment of more specific institutions such as schools, hospitals and utility services. In addition to these delivery-based structures, symbolic strategies were applied to not only gain pragmatic, but also symbolic legitimacy. This combination of pragmatic and symbolic legitimacy has secured the social and political foothold of the Taliban in Afghanistan, largely to the detriment of the formal state structure. Efforts to expand their legitimacy from the local to the international level has led to the adoption of rebel legitimacy as a governance strategy, mimicking formal state practices. Their engagement in

international politics through diplomacy and the signing of an agreement with the US, granted the Taliban a level of external legitimacy that transcends earlier attempts and strengthens their position in the international arena as a legitimate political actor.

ANSWERING THE RESEARCH QUESTION

The answers to the questions posed in the subsections of this thesis serve the purpose of presenting an answer to the research question raised in the introduction: "How has the legitimacy of the Taliban's rebel governance structures changed over time since the establishment of the Islamic Emirate of Afghanistan in 1996?".

It can be concluded that the legitimacy of the rebel governance structures of the Taliban has changed from minimal pragmatic and even less symbolic legitimacy during the IEA from 1996 until 2001 to a combination of pragmatic, symbolic and a level of external legitimacy from their resurgence onwards. The adjudgment of these levels of legitimacy were gradual, as the Taliban expanded their governance structures from security and justice provision to the regulation of civilian life on essentially all aspects. This combination of service-based governance structures – consisting of the provision of security and justice, education and healthcare, and the provision of telecommunications and utilities – and the symbolic governance strategies – consisting of the *Layeha*, use of nationalistic and religious narratives, and the performance of rebel diplomacy – during the resurgence period since the regime change in 2001 has facilitated the Taliban's need for legitimation best. The primary function of these governance structures was to provide security, justice and basic services to the population of the warn-torn state. This objective contributes greatly to the public order and provided at least minimal satisfaction of popular demands, explaining the systemic role of the Taliban's rebel governance structures. The gradual expansion of these structures provided the Taliban with all three types of legitimacy that were conceptualised in this thesis: pragmatic legitimacy through service-based structures, symbolic legitimacy through the adoption of symbolic strategies and structures, and external legitimacy through the accomplishment of engaging in diplomacy in the international political sphere.

The resurgence period from the regime change onwards can therefore be deemed a more successful and legitimate governance period for the Taliban, than the phase in which they governed the IEA. This is the most interesting conclusion of this thesis, as the IEA can be classified as a more formal governance structure than the parallel administration. However, this more formal structure did not ensure a greater sense of local or international legitimacy, as the IEA was mainly dependent on coercion and did not provide elaborate governance structures to be used by the population. It is to be considered that rebel governance in fact always starts with the provision of security and the funding

of these activities through coercion, taxation and other (illicit) revenues, before it may or may not be expanded to the provision of more services. As the Taliban were ousted out of power, this thesis does not necessarily conclude that the IEA did not have the potential to further develop their governance structures at that time. In addition, it should be noted that the funding of the Taliban's governance structures is still largely done through arbitrary taxation and revenues from illicit economic activities. Whereas this – as well as the reliance on coercion and intimidation – makes the Taliban an illegitimate actor from a Western perspective as well as the viewpoint of the majority of the international community, this is not necessarily the case from a theoretical perspective, for these financial sources and coercion are traits inherent to rebel governance.

However, an important theoretical observation of this thesis is that rebel governance – in addition to having common traits – should be subdivided into direct versus indirect rebel governance. As demonstrated in chapter three of this research, the Taliban have made widespread use of indirect governance strategies throughout their rule. During the IEA, these indirect strategies mainly consisted of the use of *mullahs* and their legitimacy for the provision of justice. This use of local appointees, classified as indirect governance by Arjona (2016) was further increased during the development of the parallel administration. As argued by Jackson and Weigand, "in most areas under their control, the Taliban are local people" (2019, 145) and the use of local people is therefore a particularly important element of Taliban rule. This is further demonstrated by the widespread use of civilian commissions and civilian counterparts in their insurgent administration (Jackson 2018). Their rebel governance strategies should therefore be characterised as governance dominated by indirect forms of rule, where the rebel movement has become increasingly intertwined with its subordinates.

SUGGESTIONS FOR FURTHER RESEARCH

The most important empirical implication that can be drawn from this conclusion is that the presence of foreign troops with the aim of implementing counterinsurgency strategies in so-called weak states, such as Afghanistan, may in fact strengthen the opportunities for rebel to establish governance structures and acquire legitimacy. From a theoretical perspective this is interesting, as it underlines the more recent assumption that the absence of the formal state does not necessarily lead to a lack of governance and anarchy. In war-torn and post-conflict societies, governance remains a contentious issue. Therefore, the study of non-state governance structures – such as rebel governance – and their legitimacy vis-à-vis the generally more accepted formal state structures are worthwhile of more research in the future. As the research underlying this thesis is conducted through literature review rather than field work, the addition of field research data is assumed to be valuable in acquiring a

broader and more comprehensive understanding of the strategies underlying the incorporation of certain rebel governance structures and their legitimacy.

Suggestions for further research include the development of a more distinct theorisation of the difference between direct rebel governance versus indirect rebel governance, in order to get a more comprehensive understanding of what factors shape these strategies and what they mean for the legitimation processes that are implemented by the rebels. Regarding the theoretical and empirical assumptions about legitimacy, it would be interesting to further research the strategies underlying the acquisition of legitimacy. This includes questioning whether legitimation strategies are fully intentional, unintentional or somewhere in between; whether legitimacy can be manipulated or demanded by rebel groups; and whether the loss of one actor means the gain of legitimacy for another.[25]

As a concluding remark it should be noted that a lot of academic sources regarding rebel governance and legitimacy are still of Western origin and may thus be based on a Western ethnocentric perspective. The inclusion of raw field date may nuance a Western bias, benefitting the understanding of the Taliban and other rebel groups.

[25] This is particularly interesting considering situations in which rebels join the incumbent government, such as Hamas and Hezbollah (Podder 2017).

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