



# **NAVAL POSTGRADUATE SCHOOL**

**MONTEREY, CALIFORNIA**

## **THESIS**

**THE SHADOW EMIRATE: THE TALIBAN'S RETURN TO  
POWER**

by

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June 2013

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**THE SHADOW EMIRATE: THE TALIBAN'S RETURN TO POWER**

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Submitted in partial fulfillment of the  
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## **ABSTRACT**

The Afghan Taliban have been steadily making inroads in Afghanistan since their removal from power in 2001 and this thesis will look at how their usage of the shadow government system and their penchant to provide justice to the local Afghan is legitimizing their presence and setting them up to take over power in 2014. Additionally, a comparison between the Taliban and Hezbollah will be conducted to determine if there are indeed indicators of the Afghan group transitioning to a political party, participating in the government, or a takeover of power. Hezbollah is used as an example of a successful transition to a political party. An understanding of what the Taliban may do post-2014 is important for the US and international community's military drawdown and subsequent withdrawal from the region.

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## **LIST OF ACRONYMS AND ABBREVIATIONS**

|       |                                                   |
|-------|---------------------------------------------------|
| ANP   | Afghan National Police                            |
| EASO  | European Asylum Support Office                    |
| GIRoA | Government of the Islamic Republic of Afghanistan |
| HQN   | Haqqani Network                                   |
| IHO   | Islamic Health Organization                       |
| ISI   | Inter-Services Intelligence Agency                |
| NGO   | Non-Governmental Organization                     |
| QST   | Quetta Shura Taliban                              |
| USIP  | United States Institute for Peace                 |

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# I. INTRODUCTION

## A. MAJOR RESEARCH QUESTION

Since their removal from power in 2001, the Taliban have been steadily making inroads and re-establishing their presence throughout Afghanistan. In concert with targeted violence, coercive tactics, and implementation of shadow government systems, the political-military organization is cementing their role as a viable alternative to Government of the Islamic Republic of Afghanistan (GIROA).<sup>1</sup> A hierarchical leadership structure with centralized and decentralized elements outlined in the latest version of their code of conduct, the *Layha*, highlights the Islamic Emirate's rudimentary approach to governance and attempt at legitimization. This is unlike their previous attempt at running the government from 1996–2001, which, as Thomas Barfield notes in his book *Afghanistan: A Cultural and Political History*, was “a two track government” with an Inner and Central *shura* that was “poorly adapted to ruling a country or running a bureaucracy.”<sup>2</sup> Even after some modifications Barfield concludes that the “Taliban proved unwilling to make the transition from a social movement to a government.”<sup>3</sup> Now the Taliban are expertly exploiting certain sectors of the government that GIROA and coalition forces are negligent and deficient in; specifically, security and justice where they have made the most impact in legitimizing their movement.<sup>4</sup> Much of the group's evolution is not a new concept

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1. Giles Dorransoro, “Waiting for the Taliban in Afghanistan,” The Carnegie Papers, Carnegie Endowment for International Peace, Accessed November 2, 2012, <https://www.carnegieendowment.org>, 1–4, 6; Jeffery Dressler and Carl Forsberg, “The Quetta Shura Taliban in Southern Afghanistan: Organizations, Operations, and Shadow Governance,” Institute for the Study of War: Military Analysis and Education for Civilian Leaders, Backgrounder (December 2009), <http://www.understandingwar.org>, 5.

2. Thomas Barfield, *Afghanistan: A Cultural and Political History* (Princeton: Princeton University Press, 2010), 261.

3. Barfield, *Afghanistan*, 261.

4. Antonio Giustozzi, “CIWAG Case Study on Irregular Warfare and Armed Groups: Taliban Networks in Afghanistan,” United States Naval War College (2012), <http://www.usnwc.edu>, 15, 21, 31; Kara Jensen, “Obstacles to Accessing the State Justice System in Rural Afghanistan,” *Indiana Journal of Global Legal Studies* 18, no. 2 (Summer 2011), 930.

and reminiscent of other terror organizations that have transitioned to legitimate political parties, for example, Hezbollah. What are the similarities between the two organizations and what are the implications of such transitions? Additionally, with a withdrawal date set in late 2014, the U.S. and coalition forces are expected to pull out majority of their forces from the country leaving GIROA to fend for themselves, is the governance model the Islamic Emirate has set up viable enough to make a power grab?

## **B. IMPORTANCE**

In less than two years, the U.S. and NATO forces will reduce their presence in Afghanistan to a stripped down training and counterterrorism missions.<sup>5</sup> The international community has to prepare for any eventuality that develops post-withdrawal and one real possible reality is the return of the Taliban to power in Kabul. How plausible is this and how will it affect the ongoing stabilization missions? Since their removal from power in 2001, the Taliban have been regrouping and making headway all over the country and not just in a military capacity. Taliban shadow governments started sprouting up in southern Afghanistan as early as 2003 and have made their way into all 34 provinces.<sup>6</sup> The complexity of the governance structure varies around the country but with similar intentions; to provide the local population with a viable alternative to the Karzai regime. This thesis will analyze different aspects of the Taliban shadow governance; what they do and do not do as well as the implications these governments have on the future of Afghanistan. The employment of the shadow governance apparatus is reminiscent of the rise of Hezbollah in Lebanon so this thesis will also examine the similarities between the Islamic Emirate and other successful political-military organizations.<sup>7</sup>

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5. Dan Lamothe, "Dunford Leaves Afghan Withdrawal Plan Fuzzy," Army Times, Published November 2012, <http://www.armytimes.com>.

6. Sean Maloney, "A Violent Impediment: The Evolution of Insurgent Operations in Kandahar Province 2003–2007," *Small Wars and Insurgencies* 19, no. 2 (June 2008), 204.

7. Dorronsoro, "Waiting for the Taliban in Afghanistan," 18; Anisseh van Engeland and Rachael M. Rudolph, *From Terrorism to Politics* (Aldershot, England: Ashgate, 2009), 38–9.

The perceived weakness and incompetence of Hamid Karzai's regime highlights the fragility of a government established with little consideration for its own country's history or cultural and social norms.<sup>8</sup> Whether the current government can stand alone without serious international assistance will be put to the test in the next couple of years as the coalition fully transitions security over to Afghan forces. The inability of GIRoA to meet the basic needs of Afghans is already an issue that will arguably become more endemic with the 2014 withdrawal. The Taliban are capitalizing on the central government's deficiencies specifically in the south, east, and other areas out of the government's reach.<sup>9</sup> In Helmand and Kandahar the shadow governments are more pronounced and complex than elsewhere in the country, but there are shadow governors for each of the 34 provinces. In addition, they have made an attempt to provide services to the local population and have had success with a readily accessible, swift, uncorrupt form of justice — a vital commodity for common Afghans and critical component of their organization's legitimization.<sup>10</sup> Other countries have experienced attempts at parallel governments some successful like Hezbollah in Lebanon and others not so like the FARC in Columbia.<sup>11</sup> Since the concept is not new it is critical to understand the dynamics of these governance systems and how they conflict and impact our current and future counterterrorism missions in Afghanistan.<sup>12</sup>

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8. Mark Sedra, "Shedding light on the Complexities of the Afghan War," *Central Asian Survey* 30, no. 3–4(2011), 584.

9. Dorronsoro, "Waiting for the Taliban in Afghanistan," 4.

10. Antonio Giustozzi, "The Taliban's Adaptation 2002–11: a Case of Evolution?," *Clodynamics* 3, no. 1 (2012): 118; Jensen, "Obstacles to Accessing the State Justice System in Rural Afghanistan," 930; Ben Farmer, "Life Under the Taliban," *The Telegraph* (2010), <http://www.telegraph.co.uk/news>.

11. Engeland and Rudolph, *From Terrorism to Politics*, 7.

12. Thomas H. Johnson and M. Chris Mason, "Refighting the Last War: Afghanistan and the Vietnam Template," *Military Review*, (November-December 2009), 4, 8; Barbara J. Stapleton, "Beating the Retreat: Prospects for the Transition Process in Afghanistan," *Afghan Analysts Network*, May 2012, <http://aan-afghanistan.com>, 3.

This thesis will examine the Taliban's shadow governance system. If the Taliban return to power in Kabul, the international community has to determine how they will interact with the group. The U.S. has already asserted its focus is on "our efforts on disrupting, dismantling and defeating al Qaeda."<sup>13</sup> So, a reevaluation of the country's current policy is necessary to mitigate the possibility of Afghanistan returning to a status as an international pariah and reestablishing itself as a safe haven for global jihadists. Alienating any political entity, even the Taliban that emerges in Kabul could be detrimental to stability in the region. There have been many missteps along the way that have set the possibility of the return of the Taliban in motion, but it is time now to critically evaluate the future.

### **C. PROBLEMS AND HYPOTHESES**

The Afghan Taliban, as an adapting organization, has shown their versatility and resilience through its adoption of shadow governments. Recent literature highlights their evolution from the time of their original inception with less scholarly material on the role or importance of their shadow governments.<sup>14</sup> They are more prominent and sophisticated in southern and eastern regions of Afghanistan otherwise known as the Pashtun belt, but the Taliban are installing elements of these governments all around the country. There are questions that need to be answered to understand the movement more fully and whether or not it will be a political force to reckon with after the major withdrawal of international troops in 2014. Therefore, this thesis will address three issues associated with the Taliban's usage of shadow governments including the leadership layout and interactions, the importance of the justice system, the possibility of imitating other similar political-military organizations, and how they compare to the country's past power struggles.

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13. Foreign Policy, The White House, accessed November 19, 2012, <http://www.whitehouse.gov>.

14. Giustozzi, "The Taliban's Adaptation 2002–11: a Case of Evolution?," 105–123; Thomas Johnson, "Taliban Adaptations and Innovations," *Small Wars and Insurgencies* 24, no. 1 (2013): 3-27, <http://www.tandfonline.com>.

First, the Taliban's leadership and shadow governance structure and how it works needs to be laid out and examined. Understanding the dynamics of the movement's political aspect is crucial to unlocking their mystique. If the group's goal is to overthrow the Karzai regime, do they offer a better solution? Some would argue that they do because they represent a nationalistic and homegrown organization. Research and information regarding the Taliban's leadership structure and shadow government are speculative in nature making it hard to get a complete picture of the ground truth. This thesis will attempt to clarify and critically analyze the Taliban's government structure.<sup>15</sup>

Second, arguably the most effective aspect of their shadow governance system is their justice system. A combination of Shari'a and customary law, Taliban justice is swift, easily accessible, and relatively fair making it increasingly popular with the local population. Since their legal system is the most successful aspect of their governance system; it begs the question whether Taliban justice is enough to build and sustain the Islamic Emirate's legitimacy in the eyes of the population and enable them to control the country. There is mention that the Taliban provide other public services to the public but little detail exists regarding the specifics; at least on the unclassified level. Local support or better yet not alienating the rural population is crucial for regime legitimacy in Afghanistan and the Taliban understand this better than most.<sup>16</sup>

Third, shadow governance or parallel governments are not new phenomena and can be found in a variety of settings. The idea is that they usurp power and legitimacy from the ruling regime by providing much needed services to the people, thus making the government irrelevant. Some would argue that the Taliban are succeeding in this arena, but is it coincidence or are they taking

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15. Thomas H. Johnson and Matthew C. Dupee, "Analysing the New Taliban Code of Conduct (Layeha): an Assessment of Changing Perspectives and Strategies of the Afghan Taliban," *Central Asian Survey* 31, no. 1 (2012): 77–91.  
<http://dx.doi.org/10.1080/02634937.2012.647844>.

16. Jensen, "Obstacles to Accessing the State Justice System in Rural Afghanistan," 929–950; Giustozzi, "Taliban Networks in Afghanistan," 15, 23, 28.

pages out of other successful terrorist turned political organizations playbooks.<sup>17</sup> As suggested above, one group that the Taliban exhibit a similar pattern to is Hezbollah in Lebanon; especially, when looking at their initial and later phases of development into a political party.<sup>18</sup> Additionally, there have been alleged criminal links between the two organizations through drug and arms dealings.<sup>19</sup> But are these commonalities besides the criminal element able to help explain the development of the Taliban's political depth and will it be enough to make them a viable alternative after coalition withdrawal?

This thesis will address the problems and issues stated above regarding the Taliban's shadow governance. The Islamic Emirate is proving to be a robust organization with lasting power. It will be critical in the coming years to better understand what they bring to the table and how it will affect future operations in the region.

#### **D. METHODS AND SOURCES**

This project will use contemporary information for detailed analysis and to explain Taliban shadow governments. Additionally, this thesis will address the implication and viability of these government systems for future possible takeover of Kabul. Thus an examination of the current governance structure will be reviewed to include what institutions are in place, if any, their purposes, and how they interact. In addition, there will be a discussion on the goals for the implementation of the shadow governments. A critical component of the Taliban's shadow government is the justice system which requires its own analysis to show how it legitimizes the organization in the eyes of the local population. Much of what the Taliban have been able to accomplish or publish regarding their shadow governance is reminiscent of Hezbollah. Therefore, a brief comparison will be conducted to show similarities between the two organizations. After a complete

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17. Giustozzi, "Taliban Networks in Afghanistan," 32.

18. Engeland and Rudolph, *From Terrorism to Politics*, 38-9, 181.

19. Richard Esposito, "Taliban, Hezbollah Agents Nabbed in Drugs, Arms Stings: Feds," ABC News online, <http://abcnews.go.com>.

study of the current situation and understanding the higher implications regarding the Taliban's shadow governance will help determine policies for the international community's 2014 withdrawal from Afghanistan.

## **E. THESIS OVERVIEW**

Chapter I will be an introductory chapter containing a revised version of this thesis proposal, which will set the stage for the paper. Chapter II will be a literature review including relevant sources concerning the topic. Chapter III will examine the Taliban shadow governance structure to include explaining the institutions in place such as the justice system and its importance, their composition and purpose, their interactions at different levels, and their goals. Chapter IV will explain Hezbollah and how they transitioned from a militant group to a successful political organization. Chapter V will analyze the approaches and commonalities between the Taliban and Hezbollah while addressing the implications shadow governments and transitioning to a legitimate political party have on the ruling regime. Chapter VI will conclude the paper with a summary of the results, policy implications, and any follow-on research.

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## II. LITERATURE REVIEW

There is an abundance of literature regarding the Taliban's rise to power in 1994 through their fall in 2001. Information on the Taliban's current state of affairs is available but less scrutinized when compared to the earlier period. The level of detail available in unclassified material on the shadow governments is finite and usually found in journalistic news articles and other secondary sources. This thesis will attempt to piece together the big picture regarding Taliban shadow government structures by analyzing the most current literature on the subject and focus on whether there are commonalities with Hezbollah. In order to compare the two groups, an examination of Hezbollah will also be conducted on available data, past and present. The Taliban and Hezbollah pose challenges to the legitimacy of the ruling regimes in their respective countries. Organizations such as these undermine the central governments and weaken their ability to adequately govern the population. Each group uses different elements to rally the support of the population. Hezbollah, however, has become the example of a terrorist group that has arguably made a successful transition to a political organization. Therefore, understanding how violent extremist organizations transition and their implications are important in predicting their potential potency.

A general consensus among experts is that the Taliban are adapting their political and leadership structure to their operational advantage. The shadow governance systems are becoming an integral part of the Taliban's political-military construct with the justice system at the forefront.<sup>20</sup> Much of the information on the leadership and shadow governance structure is derived from the group's latest version of their code of conduct, the *Layha*, which has been analyzed by a handful of experts. Thomas H. Johnson and Matthew Dupee examine the 2010 code and the differences seen between the three iterations of the code of conduct that have been distributed by the Taliban over the years.

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20. Giustozzi, "Taliban Networks in Afghanistan," 32.

They pay particular attention to piecing together the leadership and governance structure as specified in the *Layha*.<sup>21</sup> Their assessment provides a possible outline for the group's structure and chain of command, which they believe shows weaknesses due to their inherent fractional nature.<sup>22</sup> Kate Clark, writing for the Afghanistan Analysts Network, examines the 2010 document in its entirety, which includes analysis of the organizational structure of the group. Her assessment is similar to Johnson and Dupee's but the terminology explaining the elements of the structure varies between the two documents. Clark also includes a translated version of the code of conduct as an appendix to her analysis.<sup>23</sup> Lastly, an article found on a Taliban website, *Al-Sumud* magazine, in 2010 also outlines the organization's structure based on the latest *Layha*. All convey similar messages about the governance structure but due to differing interpretations of the original document terminology varies. These sources provide the most comprehensive information on how the Taliban's shadow governance is structured.

A paper written by students at the Naval Postgraduate School entitled, "The Taliban: An Organizational Analysis," published in *Military Review* also provides some background information of the Taliban, a basic structure of their organization, and how they are seen as legitimate. The authors assess how the group interacts and communicates from the individual foot soldier to the Supreme Leader, Mullah Omar. Although a bit dated, the material provides a good stepping off point to analyze the group's dynamic and determine if and how they have evolved since 2008.<sup>24</sup>

There are also numerous news articles that help fill the gap on the growth of the Taliban shadow governance and how they provide an alternative to

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21. Johnson and Dupee, "Analysing the New Taliban Code of Conduct (Layeha)," 77–91.

22. *Ibid.*, 87.

23. Kate Clark, "The Layha—Calling the Taleban into Account," Afghanistan Analyst Network (2011), <http://aan-afghanistan.com>, 12.

24. Shahid Afshar, Chris Samples, and Thomas Wood, "The Taliban: An Organizational Analysis," *Military Review* (May-June 2008): 58–73, <http://oai.dtic.mil/>.

President Hamid Karzai's regime. An article written for the Washington Post in 2009, shows that the Taliban were perceived to be prepping for a return to power through the implementation of the shadow governors. The article also notes the effectiveness of the justice system and how locals seek it out vice the government courts. Although there is not much information on other public services provided by the Taliban, this article offers insight into their common practice of collecting taxes from the local population.<sup>25</sup> Another article, in the New York Times published in 2011, highlights the Taliban's "rudimentary civilian administration" and tax collection as a means to control rural Afghanistan where the central government is lacking.<sup>26</sup> Additionally, the piece shows the level of sophistication the Taliban are willing to go to ensure the population abides by their laws by issuing receipts for the taxes collected.

Understanding the Taliban's leadership structure requires some analysis of the Quetta *Shura* Taliban (QST), the main leadership element of the group. Jeffrey Dressler and Carl Forsberg address the influence of the QST and the "proliferation of Taliban shadow governance systems" in their short work for the Institute for the Study of War.<sup>27</sup> The Tribal Analysis Center also analyses the Quetta *Shura* and the dynamics that make it work including how the group consolidates power and the flaws inherent in the organization.<sup>28</sup>

Antonio Giustozzi has produced numerous works on Afghanistan and some specifically examining the Taliban. In his book, *Koran, Kalashnikov, and Laptop*, Giustozzi provides an overview of the resurgence of the Taliban or "neo-Taliban" post 2002 including analysis on the group's organization. His main argument is that the Taliban would not have been able to come back in force if

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25. Griff Witte, "Taliban Shadow Officials Offer Concrete Alternative; Many Afghans Prefer Decisive Rule to Disarray of Karzai Government," The Washington Post, published December 8, 2009, <http://www.washingtonpost.com>.

26. C.J. Chivers, "In Eastern Afghanistan, at War with the Taliban's Shadow Rule," The New York Times, published February 7, 2011, <http://www.nytimes.com>.

27. Dressler and Forsberg, "The Quetta Shura Taliban in Southern Afghanistan," 7.

28. Tribal Analysis Center, "The Quetta Shura: A Tribal Analysis," Tribal Analysis Center: Cultural and Geographic Research (2009), <http://www.tribalanalysiscenter.com>.

there had been better governance in place to counter them.<sup>29</sup> While some of his material is a bit outdated — the book was published in 2008 — it still holds relevance. Chapter three highlights the group's organization and command structure. The establishment of shadow governments is addressed in chapter four; as the author states, "the attempt to project an image of authority stronger than Kabul's."<sup>30</sup> He also notes that the judicial system makes up the crux of their governance. Giustozzi also has newer material out on the Taliban; three articles of interest are "The Taliban's Adaptation 2002–11: a Case of Evolution?," "Taliban Networks in Afghanistan," and "Hearts, Minds, and the Barrel of a Gun." The first article highlights the adaptability and flexibility of the organization from their old ways to post 2002 and on. He calls into question the ability of the group to centralize and consolidate their command and control, which is crucial for maintaining a cohesive organization. Also he highlights the need for the group to be flexible and presents an example of Mullah Omar allowing local commanders leeway on imposing social edicts to counter local resistance regarding the group's extreme ideology and hence maintain much needed local support.<sup>31</sup> The second piece is an overview of more recent (within the last few years) activities, strategies, and vulnerabilities of the group. The author notes briefly how serious the Taliban have become about "investing significant resources" into their shadow governance systems specifically the justice program. It purports that the Taliban are seeking not only military victory but political legitimacy from the Afghan people.<sup>32</sup> The third article is Giustozzi's latest work and specifically addresses the shadow governance, its relevance, and legitimizing factors. He proposes that the Taliban are using the justice system, dispute resolution, education, and non-governmental organizations as a means to validate the organization, but questions the "appreciable effect" they have on the local

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29. Antonio Giustozzi, *Koran, Kalashnikov and Laptop: The Neo-Taliban Insurgency in Afghanistan* (New York: Columbia University Press, 2008), 7.

30. Giustozzi, *Koran, Kalashnikov and Laptop*, 112.

31. Giustozzi, "The Taliban's Adaptation 2002–11: a Case of Evolution?," 115, 118.

32. Giustozzi, "Taliban Networks in Afghanistan," 32.

population.<sup>33</sup> Ultimately, Giustozzi concludes that the use of coercion is “a key component of the Taliban’s campaign to out-govern Kabul; they are able to achieve only limited objectives in terms of establishing a shadow governance system.”<sup>34</sup>

A main component of the Taliban shadow government system that may very well be the linchpin that holds everything together is their justice system. Most Afghans seek out informal means of adjudicating justice and simply bypass the formal state system because it is simpler, less corrupt, and it is what they know. Kara Jensen proposes in her journal article that without a “functioning state judicial system” the Taliban have been filling the void with their courts.<sup>35</sup> Noah Coburn agrees with that sentiment in his piece for the United States Institute for Peace (USIP) that the Taliban are taking advantage of the chaos seen by the rural population in obtaining adequate dispute resolution.<sup>36</sup> These experts realize in Afghanistan to have legitimacy in the eyes of the locals there needs to be readily able fair, swift justice system and the Taliban are offering just that. Additionally, they recognize that GIRoA is unable to meet the basic needs of its constituents. It does not help the situation that the formal justice system provided by GIRoA is at odds with the traditional system and Islamic law. An International Crisis Group’s report goes into further detail regarding this critical aspect stating that “justice is at the core of peace in Afghanistan.”<sup>37</sup>

As compared to the earlier Taliban (1996–2001), the neo-Taliban are employing a more sophisticated model of governance. As suggested above, much of the group’s recent activities are reminiscent of another terrorist turned

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33. Antonio Giustozzi, “Hearts, Minds, and the Barrel of a Gun: The Taliban’s Shadow Government,” *Prism* 3, no. 2 (2012): 78, <http://www.ndu.edu>.

34. Giustozzi, “Hearts, Minds, and the Barrel of a Gun,” 80.

35. Jensen, “Obstacles to Accessing the State Justice System in Rural Afghanistan,” 930.

36. Noah Coburn, “The Politics of Dispute Resolution and Continued Instability in Afghanistan,” United States Institute of Peace, Special Report 285 (2011), <http://www.usip.org>, 2–3.

37. International Crisis Group, “Reforming Afghanistan’s Broken Judiciary,” ICG Asia Report, no. 195 (2010), <http://www.crisisgroup.org>, 1–2, i.

political-military organization, Hezbollah. The group's success at transitioning to a political party and its legitimizing factor stems from the social services they provided first to the Shi'a population which was expanded to the Lebanese population writ large. In the same fashion, the Taliban are following suit, but using different legitimizing elements; security and justice, both of which the Afghan population require. Are the Taliban emulating the Shi'a group or is it just coincidence and a natural evolution for a nationalist movement? As for an actual link between the two groups, an article on ABCNews online by Richard Esposito connects the two groups through an alleged arms and drugs ring.<sup>38</sup> There is a gap of research specifically on this particular aspect, but aside from possible criminal connection other similarities can be drawn between the two organizations. The book *From Terrorism to Politics* shows how Hezbollah legitimized itself to become the dominating political party in Lebanon by meeting several factors including: "political will, ideology and programme, organization and leadership structure, policies, and internal recognition by the masses."<sup>39</sup> They started out as a radical ideologically based group that resisted an external threat, Israel, through violence but have marginalized their message to increase their support base. This book also highlights Hezbollah's usage of the media to sway the population in its favor. As well as the political and social vacuum it filled during and after Lebanon's civil war; specifically, in three main areas; social work, education, and health.<sup>40</sup> Although evidence of the Taliban's ability to provide these types of social services is limited; but some intent is present in the 2010 code of conduct, the *Layha*. Eli Berman's book, *Radical, Religious, and Violent: The New Economics of Terrorism*, highlights similar sentiments regarding the origins of the groups which he submits is based upon an "aspect of the ' Hamas Model': a radical religious social service provider with political

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38. Esposito, "Taliban, Hezbollah Agents Nabbed in Drugs, Arms Stings: Feds."

39. Engeland and Rudolph, *From Terrorism to Politics*, 181.

40. Ibid., 37, 38.

aspirations” as well as the use of violence to resist opposition forces.<sup>41</sup> Hezbollah’s robust social work network is the legitimizing factor to the Taliban’s justice system and security apparatus. Additionally, both organizations have used other techniques to bolster their political reputation. In Joseph Alagha’s paper, “*Jihad* through ‘music’: The Taliban and Hezbollah,” analyzes how both groups use music in some form to mobilize the masses for their cause toward jihad.<sup>42</sup> Along the same lines, information operations are important for both groups with each having respective websites, media outlets, and periodicals. Ahmad Nizar Hamzeh describes in his book, *In the Path of Hizbullah*, Hezbollah’s Information Unit, its importance in getting the organization’s message out, and the robust nature of their media outlets.<sup>43</sup> Similarly the Taliban have a cultural and information affairs committee and have shown increasingly savvy media skills through the use of websites and print materials. As part an appendix to her article analyzing the *Layha*, Kate Clark translated the *Layha* into English, which stresses the importance of the having one media representative for the group.<sup>44</sup> Mariam Mufti in a literature review, “Religion and Militancy in Pakistan and Afghanistan,” describes how the Taliban have taken to media technologies to spread their word and how this conflicts with the old Taliban’s stance.<sup>45</sup> Lastly, Jane’s indicates that as one of the central committees of the Taliban shadow governance is in fact the “Information and cultural Affairs,” which deals with the propaganda of the group.<sup>46</sup>

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41. Eli Berman, *Radical, Religious, and Violent: The New Economics of Terrorism* (Cambridge, Massachusetts: The MIT Press, 2009), 132.

42. Joseph Alagha, “Jihad through ‘music’: The Taliban and Hizbullah,” *Performing Islam* 1, no. 2 (2012): 263, doi: 10.1386/pi.1.2.263\_1.

43. Ahmad Nizar Hamzeh, *In the Path of Hizbullah* (Syracuse: Syracuse University Press, 2004), 58–9.

44. Kate Clark, “The Layha: Calling the Taleban to Account—Appendix 1. The Taleban Codes of Conduct in English,” *Afghanistan Analysts Network Thematic Report 6*, (2011): 8, <http://aan-afghanistan.com>.

45. Mariam Mufti, “Religion and Militancy in Pakistan and Afghanistan: A Literature Review,” *Center for Strategic and International Studies* (2012): 59, <http://csis.org/>.

46. IHS Jane’s, “Taliban,” *Jane’s World Insurgency and Terrorism*, updated January 18, 2013, <http://janes.ihs.com.libproxy.nps.edu>.

Before a comparison can be made between the two organizations a foundation needs to be built regarding the background and history of Hezbollah and how their social work was important to legitimizing the group. Literature on Hezbollah is much more readily available due simply to being around longer and being more accessible than the Taliban. A book that succinctly describes the group's early years and transition to politics is *Hezbollah: A Short History* by Augustus Norton. Norton gives the reader insight into the fundamentalist ideology that Hezbollah was founded upon and has not rescinded.<sup>47</sup> But he also shows how the group was able to soften their message allowing them to expand their constituency base and increase their legitimacy.<sup>48</sup> Hala Jaber also provides details in *Hezbollah: Born with a Vengeance* on Hezbollah's history to include the manifesto released in the 1985, the group's organizational structure, and services they provide the population. Jaber shows that "Hezbollah's welfare system has undoubtedly brought about an increase in support for the group and won it better standing in society."<sup>49</sup> Interestingly, the author notes that the group expects those who use their services to "adhere to an Islamic way of life."<sup>50</sup> Judith Harik in *Hezbollah: The Changing Face of Terrorism* explains how the group transitioned from a radical group to a formidable political organization and argues they used a third party, Syria, to help transition, which highlights the need for outside resources to accomplish their goal.<sup>51</sup> The author also examines the uniqueness of Hezbollah's structure and how it filled the gap for what the government could not provide the people; which is an important aspect for any parallel government to succeed.<sup>52</sup> *Hizbu'llah: Politics and Religion* by Amal

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47 Augustus Richard Norton, *Hezbollah: A Short History* (Princeton: Princeton University Press, 2007), 35–7.

48. Norton, *Hezbollah*, 45.

49. Hala Jaber, *Hezbollah: Born with a Vengeance* (New York: Columbia University Press, 1997), 160.

50. *Ibid.*

51. Judith Palmer Harik, *Hezbollah: The Changing Face of Terrorism* (London: I.B. Taurus, 2007), 47.

52, *Ibid.*, 82.

Saad-Ghoryeb also explains the reasons for the existence or *raison d'être* of the group with one being the importance of identifying itself as seeking to rid oppressors; in their case Israel. Saad-Ghorayeb also shows how Hezbollah reconciled their beliefs to participant in government and how they felt it was a call to duty to curb corruption and improve other's lives.<sup>53</sup> An important examination of Hezbollah comes from one of its founding members and past Deputy Secretary Generals, Naim Qassem, in his work *Hizbullah: A Story from Within*. Qassem provides a unique perspective on the group's history, structure, social work, and transition to the political arena.<sup>54</sup>

Literature on the Taliban shadow governance system is limited to journalistic news articles and other secondary sources. This thesis will analyze all available information on their parallel government to provide a clearer picture of the Islamic Emirate's current state of affairs as well as how they are trying to legitimize themselves. A brief analysis on Hezbollah and their key legitimizing factors will also be conducted. The literature on Hezbollah is much more vast to include secondary sources written by an ex-member and Deputy Secretary General. Finally, a comparison between the two organizations with regard to the commonalties that exist and the implications on transitioning from a militant group to a political party will be performed using the material gained from these sources. The next chapter is on the Taliban's shadow government otherwise called the Islamic Emirate. The discussion will examine the command structure and its legitimizing features.

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53, Amal Saad-Ghorayeb, *Hizbu'llah: Politics and Religion* (London: Pluto Press, 2002), 17.

54, Naim Qassem, *Hizbullah: The Story from Within* (London: SAQI, 2005), 21, 34, 50, 60, 62, 83, 98, 187.

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### III. THE ISLAMIC EMIRATE'S SHADOWY PAST, PRESENT, AND FUTURE

#### A. INTRODUCTION

This chapter will examine the Afghan Taliban shadow governance structure. There will an explanation of the institutions in place with emphasis on the justice system, their composition and purpose, their interactions at different levels, and their goals. Shadow government systems typically choose a social mechanism that is lacking in society. Therefore, this chapter focuses heavily on the justice system because this is the main legitimizing function of the Taliban's shadow government. The Taliban are exploiting traditional dispute mechanisms for that have existed for a long time in the country.

The Islamic Emirate ruled Afghanistan from 1996–2001 and employed a different type of governance structure than what is being utilized by the group today; one that was crafted around a “collective political leadership which was consultative and consensus-building, that was not dominated by one individual.”<sup>55</sup> Interestingly, Mullah Mohammad Omar, as he is now, was the overall leader of the government otherwise known as the Amir-ul-Momineen or the “Commander of the Faithful.”<sup>56</sup> The Taliban were looking to return Afghanistan the era of the Islamic caliphate.<sup>57</sup> Thomas Barfield best describes their governance structure in his book, *Afghanistan: A Cultural and Political History*, as “a two track government” with an Inner and Central *shura* that was “poorly adapted to ruling a country or running a bureaucracy.”<sup>58</sup> Since this two track system proved less than successful, they dissolved the Central *shura* and

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55. Ahmed Rashid, *Taliban: Militant Islam, Oil and Fundamentalism in Central Asia* (New Haven: Yale University, 2000), 95.

56. Barfield, *Afghanistan: A Cultural and Political History*, 261.

57. Ikram Miyundi, “The Islamic Emirate of Afghanistan and Its Successful Administrative Policy,” translated from *The Islamic Emirate of Afghanistan: Al-Somood Magazine Issue*, no. 55 (2010), Islam Policy website. <http://www.islampolicy.com>.

58. Barfield, *Afghanistan: A Cultural and Political History*, 261.

placed these individuals in the ministry offices in Kabul while the Inner *shura* and Mullah Omar resided and ruled from Kandahar. Even after these modifications Barfield concludes that the “Taliban proved unwilling to make the transition from a social movement to a government.”<sup>59</sup> The government eventually became highly centralized. Additionally, the pre-2001 Taliban overemphasized the military and less the political state functions so the “ministers would frequently be away from their desks fighting at various frontlines.”<sup>60</sup> Also military commanders doubled as governors who reported directly to Omar vice going through Kabul highlighting a crucial disconnect between the government in Kabul and the one in Kandahar since all the decision-makers were in the South. Moreover, the glue that kept the Taliban government relevant was its foundation in religion, which they claimed “had the potential to transcend all ethnic, political, and regional barriers.”<sup>61</sup> In the end, this was not enough to keep them in power.

Since their removal from power in 2001, the Taliban have been making progress around the country establishing a military presence and installing a shadow government despite sustaining serious military setbacks.<sup>62</sup> Not surprisingly they have proclaimed over the years that the Islamic Emirate of Afghanistan is the only true and legitimate government of Afghanistan and not the current regime in Kabul.<sup>63</sup> The resilience and innovation of the current Taliban movement is important to understand as it foreshadows the possibility of what is to come for the fragile, land-locked nation. The Taliban’s knack of tapping into the local populace and exploiting the weaknesses of the current regime is critical to the success of the faction. One way the Taliban have been particularly successful is at providing Afghans with quick, fair justice; something they clamor

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59. Barfield, *Afghanistan*, 261.

60. Clark, “The Layha—Calling the Taleban into Account,” 14.

61. Barfield, *Afghanistan*, 261, 263.

62. Giustozzi, “Hearts, Minds, and the Barrel of a Gun,” 79.

63. Tufail Ahmad, “The Realignment of Jihadist Groups in Pakistan-Afghanistan Region—The Formation of Shura Muraqba in Parallel to U.S.—Taliban Talks,” *The Middle East Media Research Institute, Inquiry and Analysis Series Report*, no. 807 (2012), <http://www.memri.org>.

for and the Government of the Islamic Republic of Afghanistan (GIROA) is simply unable to provide them. Until about 2006–2007 timeframe there was little evidence of the organization investing much in the shadow government system, but by 2008 it became increasingly important to the campaign and by 2010 the Taliban were appointing deputy governors at the district level.<sup>64</sup> The Islamic Emirate has sprung up in areas where GIROA is unable to control and is capitalizing on the weak governance and institutions in place. As of 2009, an estimated 33 of 34 provinces had a Taliban shadow government; while in 2005 there were reportedly only 11.<sup>65</sup> In some instances, the Taliban have figured out how to out govern GIROA and make them virtually irrelevant.<sup>66</sup> The Taliban's ability to properly utilize and proliferate their shadow governance system, in particular their justice system, is a sign that the organization is adapting and going to vie for power in Kabul post the 2014 international community withdrawal from Afghanistan.

## **B. THE ISLAMIC EMIRATE OF AFGHANISTAN**

### **1. The Purpose of the Taliban Shadow Government**

The shadow government serves a few purposes for the Taliban or the Islamic Emirate of Afghanistan. Primarily it acts as a platform to legitimize the Taliban as the proper government in the eyes of the local population and international community while rendering the central government invalid.<sup>67</sup> Since their removal from power, the Taliban have seen themselves as the rightful government of Afghanistan and are validated by the acquiescence of the areas they control and secure.<sup>68</sup> The importance of a functioning bureaucracy was not an immediate concern for the group. An article from Al- Sumud, a Taliban

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64. Giustozzi, "Taliban Networks in Afghanistan," 32.

65. Farmer, "Life Under the Taliban."

66. David Kilcullen, *Counterinsurgency* (New York: Oxford University, 2010), 149.

67. Dressler and Forsberg, "The Quetta Shura Taliban in Southern Afghanistan," 8; Ahmad, "The Realignment of Jihadist Groups in Pakistan-Afghanistan Region."

68. Dressler and Forsberg, "The Quetta Shura Taliban in Southern Afghanistan," 1.

propaganda magazine, claims that the development of such government structures was the next step in developing a successful Islamic government.<sup>69</sup> The requirement for enhancing the political aspect of their movement; however, was not started until 2006, but seen as a way to address the needs and grievances of the people.<sup>70</sup> By investing in and building up their own bureaucracy the Taliban can systematically enforce their power in the region to set them up to take over the country later. A political hierarchy and defined command structure is not only intended for dealing with the local population but it also creates cohesion and obedience among the members of the organization. Ultimately, the Taliban's goal with the Islamic Emirate of Afghanistan and the jihad is to remove any foreign influence from the country including the Karzai government and again attempt to return the country to a caliphate. The group claimed that it does not want any part of the current regime so negotiations are futile, because they want to control the whole country. But the Taliban, as of late, has made contradictory claims that they only want to share power.<sup>71</sup>

## **2. Composition of the Shadow Government System**

The purported organizational structure of the Islamic Emirate of Afghanistan is outlined in their latest version of their code of conduct or *Layha*, which came out in 2010. The *Layha* describes the leadership structure as top-down and highly centralized with sworn allegiance to the supreme leader who is "the axis around which matters pivot."<sup>72</sup> Arguably the need to tightly control their members is due to the fear of "fragmentation and maintaining control" of the

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69. Miyundi, "The Islamic Emirate of Afghanistan and Its Successful Administrative Policy."

70. Giustozzi, "Taliban Networks in Afghanistan," 32; Michael Semple, "The Revival of the Afghan Taliban 2001–2011," *Orient II* (2012): 63, <http://www.hks.harvard.edu>.

71. Miyundi, "The Islamic Emirate of Afghanistan and Its Successful Administrative Policy;" Ahmad, "The Realignment of Jihadist Groups in Pakistan-Afghanistan Region;" Dressler and Forsberg, "The Quetta Shura Taliban in Southern Afghanistan," 5; Kenneth Katzman, "Afghanistan: Post-Taliban Governance, Security, and U.S. Policy," Congressional Research Service, September 21, 2012, <http://www.fas.org>, 14.

72. Miyundi, "The Islamic Emirate of Afghanistan and Its Successful Administrative Policy;" Johnson, "Taliban Adaptations and Innovations," 9-10.

organization.<sup>73</sup> Obedience of those in the Emirate is stressed as a matter of religious duty, which is unsurprising given the religious nature of the movement.<sup>74</sup> On a quick glance, the *Layha* gives the impression that the Taliban have it together with a sophisticated, organized political organization, but this is not necessarily the case and this chapter will show otherwise. The *Layha* does provide a guide as to how the shadow governance is hypothetically supposed to work and look.

The highest position is the Supreme Leader or the Amir-ul-Momineen (“head of the pious people”), which is still held by Mullah Mohammad Omar.<sup>75</sup> Similar to an autocrat, he technically has the final say on any issue, decree, ruling, and other matter relating to the Emirate. Omar allegedly, due to his advancing age, has trusted deputies that actually run the day-to-day operations of the organization as well as lead the high *shura* council and main committees.<sup>76</sup> In addition, there has been little known about Omar as of late aside from the Eid messages released on his behalf, but he has become a figurehead for the group as well as a rallying and recruiting tool.<sup>77</sup> Omar is more of a myth at this point than the actual leader of the Taliban.<sup>78</sup> He was known for donning the cloak of Prophet Mohammad in 1996 and giving rousing sermons on the radio, but even then Omar’s identity was kept a close hold among Taliban leadership. There has not been a photograph of Omar for more than a decade

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73. Clark, “The Layha—Calling the Taleban into Account,” 12.

74. Ibid., 12.

75. “Taliban,” Jane’s World Insurgency and Terrorism, Jane’s Information Group, <https://janes.ihs.com.libproxy.nps.edu> (3 December 2012); Dressler and Forsberg, “The Quetta Shura Taliban in Southern Afghanistan,” 2; Ahmad, “The Realignment of Jihadist Groups in Pakistan.”

76. Ron Moreau, “Taliban Dirty Dozen: Afghan and Pakistani Insurgents to Watch,” The Daily Beast, published April 16, 2012, <http://www.the-dailybeast.com/newsweek>.

77. Dressler and Forsberg, “The Quetta Shura Taliban in Southern Afghanistan,” 2.

78. Mujib Mashal, “The Myth of Mullah Omar,” Al Jazeera Online, June 6, 2012, <http://www.aljazeera.com>.

and the one available is disputed as to its authenticity. Still today all that is known of him is through disseminated printed messages and recordings.<sup>79</sup>

Under the Supreme leader and his deputies is a leadership council known as the high *shura* council, "*Rahbari Shura*," or most notably as the Quetta *Shura* which is based in Quetta, Pakistan.<sup>80</sup> Similar to a presidential cabinet, the Quetta *Shura* is made up of high-ranking Taliban members who advise the Supreme Leader or deputies on all matters and activities that are happening in Afghanistan. The exact number of members is unknown but reportedly between 10 and 12 and upwards of 18 members.<sup>81</sup> In addition, the *shura* monitors the main committees, which are the Emirate's equivalency to ministries with plus or minus 10 of them and include: Military Affairs, Preaching and Guidance or Ulema Council (religious affairs), Ministry of Culture and Information, Political Affairs, Education, Finance, Prisoners and Orphans or Refugees, Health, Foreign establishments (dealing with NGOs and foreign business opportunities), Interior Affairs, and Repatriation Committee.<sup>82</sup> Again there is no definitive listing of which committees are being currently used by the Taliban leadership, but the four core ones are Political Affairs, Military Affairs, Financial Affairs, and Information and Cultural Affairs.<sup>83</sup> Individuals selected for any of these high level positions must be "trustworthy and loyal" as well as pious with some also having multiple duties to include also being a part of the leadership council.<sup>84</sup>

In addition to the committees, there are four regional military councils, *shuras* or commissions that fall under the purview of the High *Shura* which are also located in and operate from Pakistan. The regional military commissions

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79 Mashaal, "The Myth of Mullah Omar."

80. "Taliban," Jane's World Insurgency and Terrorism; Bill Roggio, "The Afghan Taliban's Top Leaders," The Long War Journal, <http://www.longwarjournal.org>.

81. "Taliban," Jane's World Insurgency and Terrorism.

82. Roggio, "The Afghan Taliban's Top Leaders;" Miyundi, "The Islamic Emirate of Afghanistan and Its Successful Administrative Policy."

83. "Taliban," Jane's World Insurgency and Terrorism.

84. Miyundi, "The Islamic Emirate of Afghanistan and Its Successful Administrative Policy."

break up Afghanistan into four zones for ease of control and oversight of the organization's military operations, which are theoretically defined as the following: Quetta which covers southern and western Afghanistan, Peshawar oversees eastern and northeastern Afghanistan, Miramshah, which is located in North Waziristan, controls southeastern Afghanistan and is allegedly under direction of the Haqqani network, and Gerdi Jangal, a refugee camp based in Baluchistan, controls Helmand and Nimroz.<sup>85</sup> The actual layout of their areas of influence within Afghanistan is speculative at best. These commissions are made up of military commanders who plan, coordinate, oversee, and supervise the military activities in their respective regions.<sup>86</sup> They are also supposed to take direction from the upper echelons of the Emirate leadership as to the course of the military campaigns in country. Additionally, they provide a feedback mechanism to the leadership by collecting reports from the field or provincial leaders on what is and is not working in the battlefield and identifying promising fighters for praise and promotion.<sup>87</sup> As per the *Layha* the military commissions are to meet as necessary to carry out and further the war plans but it is understood that not all members may be able to attend.<sup>88</sup> What is unknown is how much each of these commissions work together and how regularly they interact or if they are completely autonomous. Giustozzi argues in "Negotiating with the Taliban," that these *shuras* operate autonomously with little to no connection between other networks.<sup>89</sup> In any event, the regional military commissions are the conduit for information and military direction from the Quetta *Shura* to the local level.

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85. Roggio, "The Afghan Taliban's Top Leaders."

86. Roggio, "The Afghan Taliban's Top Leaders;" Clark, "The Layha—Calling the Taleban into Account," 13.

87. Ibid.

88. Niaz Shah, "The Islamic Emirate of Afghanistan: A Layeha [Rules and Regulations] for Mujahidin," *Studies in Conflict and Terrorism* 35, no. 6 (2012): 464.

89 Antonio Giustozzi, "Negotiating with the Taliban: Issues and Prospects," A Century Foundation Report, published June 20, 2010: 9, <http://tcf.org/>.

The next echelon of leadership in the Emirate is at the provincial level with the appointment of a shadow governor by the Supreme Leader to oversee the affairs of that particular province and manage the war effort. Each governor, a military commander is required to appoint a deputy whose sole purpose is to deal directly with the people and the political side of the house requiring him to have some civil service experience.<sup>90</sup> Also at this level the governor is required per the *Layha* to set up a Shari'a court by selecting a judge and an ulema council.<sup>91</sup> Final approval of his selections is made by the higher leadership council (Quetta *Shura*) and supreme leader. The removal of the governor is also decided by the Quetta *Shura* and rotation of this position is done to ensure the governor does not build up a local powerbase.<sup>92</sup> There is also a provincial commission made up of five members, which is a scaled down version of the main committees that address and monitor issues in the province such as finances, fighting, dispute resolution or legal issues. An important function of the commission is its redress capability where they take on complaints about their fighters from the local population and adjudicate them. It is recommended in the code of conduct that at least three members of the provincial committee reside within the province.<sup>93</sup>

If the Islamic Emirate can operate openly in a region then at the district level a governor is appointed. He is also required to appoint a deputy, if possible, to deal solely with the local population. Similar to the provincial level there is theoretically a commission that has similar functions to resolve and deal with issues within the district and village levels to include a legal and dispute resolution element.<sup>94</sup> The *Layha* dictates that most of the members of the district commission should reside in the area or able to easily engage in activities for the

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90. Johnson and DuPee, "Analysing the New Taliban Code of Conduct (Layeha)," 85.

91. Shah, "The Islamic Emirate of Afghanistan: A Layeha for Mujahidin," 463.

92. "Taliban," Jane's World Insurgency and Terrorism.

93. Shah, "The Islamic Emirate of Afghanistan: A Layeha for Mujahidin," 463; Johnson and DuPee, "Analysing the New Taliban Code of Conduct (Layeha)," 85.

94. Ibid., 85.

Emirate where they live. As of 2010 there were about 180 shadow district governors reportedly in office.<sup>95</sup>

Both the provincial and district leaders are military commanders first and political actors second. An interesting ancillary role of these leaders is as the keepers of the organization's moral compass and purveyors of obedience for those under them in the chain of command. They are required to implement the articles of the *Layha* and not allow 'bad people' or criminals into the organization or the fight.<sup>96</sup> There are multiple layers to ensure proper conduct of Taliban fighters, but actually disciplining them is not an easy task and can affect readiness.<sup>97</sup> Interestingly, part VII, article 49 of the code of conduct states that the provincial commissions are also required "once a month they teach obedience, piety and ethics to the Mujahidin of related provinces and oversee their demeanor."<sup>98</sup> Another way to keep order within the ranks and a means to monopolize the use of violence; only the provincial governor, a judge, or higher council can issue a death sentence in legal matters.<sup>99</sup> If there are any issues that cannot be resolved by a lower commission it is expected to be brought to the next higher level of command to be adjudicated. Final authority for anything within the Emirate belongs to the Supreme Leader or his deputies for decision.<sup>100</sup>

The lowest level of command is the group leader or "faithful leaders" who report to the district governors and are in charge of the fighters.<sup>101</sup> These leaders are at the village level and their primary responsibility as per the *Layha* is in

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95. Shah, "The Islamic Emirate of Afghanistan: A Layeha for Mujahidin," 463; Giustozzi, "Hearts, Minds, and the Barrel of a Gun," 72.

96. Clark, "The Layha—Calling the Taleban into Account," 13, 17.

97. Ibid., 18.

98. Shah, "The Islamic Emirate of Afghanistan: A Layeha for Mujahidin," 465.

99. Clark, "The Layha—Calling the Taleban into Account," 13; "Taliban," Jane's World Insurgency and Terrorism.

100. Shah, "The Islamic Emirate of Afghanistan: A Layeha for Mujahidin," 463; Clark, "The Layha—Calling the Taleban into Account," 13.

101. Miyundi, "The Islamic Emirate of Afghanistan and Its Successful Administrative Policy,"

“educating their men in jihad, religion, and morals.”<sup>102</sup> Initially group leaders are supposed to be appointed by the Emirate, but if one should be killed or martyred then they can choose among themselves for a replacement. If consensus cannot be reached then the decision is taken up to the next higher command for decision. Group leaders are not allowed to ask fighters from other groups to join theirs.<sup>103</sup> This highlights another way to ensure no one within the lower echelons becomes too strong or develops a power base. Much of the organization’s success and ability to retain followers, however, depends on leaders with charisma and bravado, which at times is at odds with the upper echelon leadership.<sup>104</sup> The fighters make up the very bottom of the chain of command and are supposed to obey their commander and swear allegiance to the Supreme Leader.<sup>105</sup> The movement appeals to disaffected youth and marginalized tribes much as it did the first go around in the 1990s for monetary, empowerment, and ideological reasons.<sup>106</sup> These fighters provide the first line of interaction with the local population. But as per the *Layha* they are not to interfere in dispute resolution among the population, which is supposed to be dealt with at a higher level of leadership. Also the fighters are not supposed to seek out monetary advances for personal gain through bribes or illegally detain individuals for personal gain, but there is evidence to the contrary on all the above actions.

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### **3. The Reality of the Shadow Governments**

By design the *Layha* describes the Taliban as having a very centralized organizational structure and that nothing should be done that is not approved or

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102. Clark, “The Layha—Calling the Taleban into Account,” 13.

103. Shah, “The Islamic Emirate of Afghanistan: A Layeha for Mujahidin,” 465.

104. Semple, “The Revival of the Afghan Taliban 2001–2011,” 60.

105. Clark, “The Layha—Calling the Taleban into Account,” 12.

106. Semple, “The Revival of the Afghan Taliban 2001–2011,” 63–4.

107. Clark, “The Layha—Calling the Taleban into Account,” 11; Giustozzi, “Taliban Networks in Afghanistan,” 20; “Taliban,” Jane’s World Insurgency and Terrorism.

ordained by the Supreme leader, his deputy, or the High *Shura* council.<sup>108</sup> Not surprisingly the Islamic Emirate is not tied to their words or doctrine. Antonio Giustozzi notes that “there is a trade-off between the Taliban’s resilience and efficiency, particularly insofar as their resilience is obtained through decentralization.”<sup>109</sup> The organization can best be described as a “network of franchises” with each region having its own distinct flavor.<sup>110</sup> So as much as the top Taliban leadership would like to control all aspects of their movement, but because of the environment they are operating in, they cannot. The lower echelon leaders operate more autonomously than how the *Layha* depicts.<sup>111</sup> Flexibility in the organization is seen in the lack of upholding the strict social edicts of the Islamic Emirate’s past such as banning music, growing beards, or children attending schools. Mullah Omar has put out that if there is community pushback then the local commanders do not have to enforce the edicts giving his local leaders the ability to rule as they see fit.<sup>112</sup> Although there is a limit to the liberties leaders can take, if a shadow governor or senior member is disobeying or not performing to the standard of the Emirate then they can be removed or relieved from their position by the Supreme Leader. It was reported that Omar in 2007 removed Mullah Bakht Mohammad (alias Mullah Mansour Dadullah), a popular military commander, for not obeying orders.<sup>113</sup>

The actual influence of the regional military commissions on planning military operations and getting local fighters to execute them is relatively unknown. There are many reports and speculation that Pakistan via their Inter-Services Intelligence agency (ISI), their equivalent to the CIA, is aiding the

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108. “Taliban,” Jane’s World Insurgency and Terrorism.

109. Giustozzi, “Taliban Networks in Afghanistan,” 15.

110. Afshar, Samples, and Wood, “The Taliban: An Organizational Analysis,” 65; Giustozzi, “Taliban Networks in Afghanistan,” 20–1.

111. “Taliban,” Jane’s World Insurgency and Terrorism.

112. Giustozzi, “Taliban Networks in Afghanistan,” 28.

113. “Taliban,” Jane’s World Insurgency and Terrorism; Giustozzi, “Taliban Networks in Afghanistan,” 28; Semple, “The Revival of the Afghan Taliban 2001–2011,” 60.

Emirate in this department. The complexity of some of the more recent attacks calls into question the actual ability of the Taliban to plan such attacks due to their lack of resources and knowledge of tactics, which brings into doubt the actual military potency of the organization.<sup>114</sup>

#### **4. Directives, Delegations, and Dealings**

The connections and communication flow within the Islamic Emirate is not readily evident. The *Layha* paints a picture of a highly centralized command and control where information is pushed down to the foot soldier. Obedience and piety is expected and considered compulsory among the members of the organization.<sup>115</sup> There are no strong links between the upper and lower echelon commands but through the usage of couriers, cellular phones, and basic two-way radios the Islamic Emirate maintains control.<sup>116</sup> Although the *Layha* would have it appear that the arrangement between the levels of government is more formal since it is necessary “for disseminating to Mujahedin and putting into action this *Layeha* and other decrees and rules of the Islamic Emirate.”<sup>117</sup> Whether or not it was their original intent to publish the *Layha* as purposefully vague inadvertently allows for flexibility in enacting it. The intended audience for the code of conduct is arguably its members, the Afghan population, and international community. Most of the individuals involved in the organization, not to mention most of the population, are illiterate making it hard to believe that their code of conduct is being adhered to or is even known.<sup>118</sup> Senior analyst Kate Clark quotes a notable Afghan researcher in her work for the Afghanistan Analysts Network that

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114. Quentin Sommerville, “Camp Bastion Assault: Details Emerge of Taliban Attack,” BBC News Asia, published September 24, 2012, <http://www.bbc.co.uk>; Bill Roggio, “Pakistan’s ISI Supports Taliban, Al Qaeda in Nuristan, Says Afghan Parliament,” Long War Journal Blog, <http://www.longwarjournal.org>.

115. Miyundi, “The Islamic Emirate of Afghanistan and Its Successful Administrative Policy.”

116. Afshar, Samples, and Wood, “The Taliban: An Organizational Analysis,” 67.

117. Shah, “The Islamic Emirate of Afghanistan: A Layeha for Mujahidin,” 469.

118. Clark, “The Layha—Calling the Taleban into Account,” 16; Central Intelligence Agency, “The World FactBook: Afghanistan,” Central Intelligence Agency, <https://www.cia.gov>.

“the further you get from Quetta leadership, the more colorless the grade of obedience becomes. It is different from when the Taleban were in power.”<sup>119</sup> Violations of the code of conduct are common place.<sup>120</sup> Similarly, differences exist among the various regions’ leadership styles, how they implement decrees, and interact with the Quetta *Shura*.<sup>121</sup>

In the local communities, the Taliban first send out political agents and mullahs to assess, exploit, and co-opt them. If the community has been discriminated against by the central government or holds any grievances against them makes for a more willing convert.<sup>122</sup> In some cases, local elders see cooperating with the Taliban as way to get back at GIRoA, but more often than not they cannot control the Taliban once they come into their village and the group ends up getting the upper hand. The Islamic Emirate also looks for and exploits the “loose cannons” within a community as an easy way to infiltrate an area.<sup>123</sup> Much like their earlier effort in the 1990s, the Taliban are exploiting the religious aspect of their movement through the “projection of their identity as true believers.”<sup>124</sup> Although cruel and archaic people still seek them out for the governance, order, and justice they provide because it is “more in touch with local realities.”<sup>125</sup>

## **5. Legitimizing Elements of the Shadow Government**

The Islamic Emirate attempts to legitimize the government through various commissions (finance and education) and minimal services they provide the local

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119. Clark, “The Layha—Calling the Taleban into Account,” 15–6.

120. Clark, “The Layha—Calling the Taleban into Account,” 16.

121. Giustozzi, “Taliban Networks in Afghanistan,” 20–1.

122. European Asylum Support Office, “EASO Country of Origin Information Report: Afghanistan Taliban Strategies—Recruitment,” European Asylum Support Office (July 2012): 19. <http://ec.europa.eu>.

123. Giustozzi, “Taliban Networks in Afghanistan,” 23.

124. Semple, “The Revival of the Afghan Taliban 2001–2011,” 60.

125. Sedra, “Shedding Light on the Complexities of the Afghan War,” 588.

population. Specifically to validate their rule the Taliban use coercion and violence, tax collections, security (in the form of roadblocks and checkpoints), dispute resolution, education reform as well as allowing non-governmental organizations (NGOs), and most importantly, providing justice through their legal system, which will be outlined after this section.<sup>126</sup> The extent of how much legitimization is seen through these methods varies and is questionable at best.<sup>127</sup>

Hypothetically each level of the Taliban shadow government has a finance committee that monitors tax and *zakat* (religious tithing) collection. Taliban taxes are collected from all walks of life in rural Afghanistan. In some areas, the Taliban are going to great lengths to show they are the only game in town by providing taxpayers with handwritten receipts.<sup>128</sup> *Zakat* is mandatory Islamic tithing that is one of the pillars of Islam and since the Taliban claim to be a religious authority they feel entitled to collect it as part of establishing the caliphate in Afghanistan.<sup>129</sup> This money helps fund the fighting and running the administration so a certain amount of the tax revenues are intended to be sent back to the Quetta *Shura* in Pakistan. The money however, is not always making it back up the chain of command. Taxes validate a government's rule over its people, because they traditionally fund social services like effective police and military forces, healthcare, or infrastructure like roads, however, the Islamic Emirate are not a traditional power base.<sup>130</sup>

Security is another service the Taliban are providing rural Afghans, which is a critical component of their overall strategy. One form is through the usage of

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126. Giustozzi, "Hearts, Minds, and the Barrel of a Gun," 73, 75, 76–80; Berman, *Radical, Religious, and Violent*, 133.

127. Giustozzi, "Hearts, Minds, and the Barrel of a Gun," 79.

128. Chivers, "In Eastern Afghanistan, at War with the Taliban's Shadowy Rule."

129. Dressler and Forsberg, 8.

130. Chivers, "In Eastern Afghanistan, at War with the Taliban's Shadowy Rule;" Anad Gopal, "Serious Leadership Rifts Emerge in Afghan Taliban," Combatting Terrorism Center at West Point, posted November 28, 2012, <http://www.ctc.usma.edu>.

roadblocks and checkpoints, which are popping up around the country and even in Bamiyan (a notably anti-Taliban region).<sup>131</sup> If the Taliban control the roads then they can procure tolls and limit the mobility of the population. It shows that government forces are unable to maintain control and security of areas in their purview and some of these areas like Bamiyan are not remote locales where GIRoA has not existed. The Afghan National Police (ANP) has a bad reputation and lack credibility among the public for being corrupt. To make matters worse the ANP are also being targeted by the Taliban.<sup>132</sup> The Taliban are creating power vacuums they fill by this targeting campaign, which is causing defections and other malfeasance that further hurt the credibility of the police force. An area is stable under the Taliban because the local population is too scared to act against them and they are left with no other viable choice for security. If there is a benefit from Taliban's form of security is that through the use of extreme violence it deters people from committing crimes, but the bigger downside is that people are unwilling to rise up against group.<sup>133</sup>

The usage of coercive violence is another method the Taliban use to gain legitimacy. Aside from the justice system, this may be the other main method to get the population behind them. In essence, the Taliban are establishing "a local monopoly of violence—a precondition for any system of governance to function."<sup>134</sup> At times the violence seems indiscriminate, but it serves certain purposes and is directed towards certain citizens and typically those align with the Karzai government or coalition forces. In the end, it causes the local population to fall in line with the group because they do not want the same to happen to them. Ultimately, the Taliban's use of violence is successful in keeping

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131. Yaroslav Trofimov, "Fear Trails a Test of Afghan Pullout," Wall Street Journal, published October 23, 2012, <http://www.wsj.com>.

132. "Taliban," Jane's World Insurgency and Terrorism.

133. News Wires, "Taliban Target Afghan Police in Deadly Attack," France 24 International News, published April 21, 2011, <http://www.france24.com>; "Taliban," Jane's World Insurgency and Terrorism.

134. Giustozzi, "Hearts, Minds, and the Barrel of a Gun," 80.

them in power and subverting the population. Part of the reason their justice system is so successful is that rulings are upheld by brutal force or the threat thereof, which is unlike the government's legal system.<sup>135</sup>

In the past, the Taliban banned schools because they were considered un-Islamic unless they were madrassas or religious schools. During their reign in 1996–2001, girls could not attend school and until recently they have maintained that position by reportedly closing and burning girls' schools as well as attacking and poisoning female students and teachers.<sup>136</sup> Antonio Giustozzi argues in his latest piece entitled, "Hearts, Minds, and the Barrel of a Gun," that the Taliban are reversing their strict stance against education as the local population has voiced opposition to the closing of their schools as seen through popular uprisings, most notably in Ghazni, but have occurred around the country.<sup>137</sup> To counter the opposition the Taliban has co-opted state schools, created private schools, and offer educational opportunities at madrassas to appease the people. They have even opened some girls' schools. In all cases, the Taliban control the curriculum, the teachers, and textbooks at the schools.<sup>138</sup> Back in 2007 the group claimed to be investing \$1 million in new religious schools. Although there is no concrete evidence that this money actually went to Taliban education reform or schools.<sup>139</sup>

The Taliban justice system has been the crown jewel of their social services. The creation of Shari'a courts in each province by the shadow

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135. Ibid., 75.

136. Dexter Filkins, "Afghan Girls, Scarred by Acid, Defy Terror, Embracing School," The New York Times, published January 13, 2009, <http://www.nytimes.com>; James Palmer, "Taliban Kill Afghan Students, Burn Schools," Washington Post, published May 28, 2009, <http://www.washingtontimes.com>; Rahim Faiez and Heidi Voght, "Taliban Poisoned School Girls, Say Afghanistan Officials," Huffington Post, published June 6, 2012, <http://www.huffingtonpost.com>.

137. Giustozzi, "Hearts, Minds, and the Barrel of a Gun," 75; Habib Khan Totakhil, "Taliban Targeted by Local Uprisings," The Wall Street Journal, published September 20, 2012, <http://online.wsj.com>.

138. Giustozzi, "Hearts, Minds, and the Barrel of a Gun," 75–7.

139. Ibid.; Reuters, AP, "Taliban Says it will Open Afghan Schools," RadioFreeEurope RadioLiberty, published January 21, 2007, <http://www.rferl.org>.

governors is stipulated in the latest version of the *Layha*.<sup>140</sup> The justice system has its own hierarchy within the Taliban shadow governance as well as a system of oversights to ensure fairness. Afghans crave swift, fair dispute resolution and legal dispensation, which GIRoA is unable to provide them. Most importantly Afghans do not have to pay bribes to the Taliban for legal dispensation, which are standard for the government's legal process.<sup>141</sup> So people are seeking out the static and mobile courts run by the Taliban; even though the brand of justice is more archaic people are still flocking to them. As Michael Shurkin stipulates, "the provision of justice counts among Afghans' expectations of the state."<sup>142</sup> The following subsections will go into further detail of this crucial service to the public that gives the state or whoever provides it legitimacy.<sup>143</sup>

### **C. AFGHAN JUSTICE IS LOCAL GOVERNANCE**

Disputes in Afghanistan drive local stability—they do not have roots insurgency but can cause or aid an insurgency and in this case provide legitimacy.<sup>144</sup> The Taliban's ability to fill a much needed void, adequate dispute resolution, and for the local populace highlights the deficiencies of the U.S.-coalition mission as well as the inability of GIRoA to meet the basic needs of its constituents and extend its reach to rural areas.<sup>145</sup> Leading causes for disputes stem from land and water issues, which are prevalent problems in the South, but the importance of justice spans both civil and criminal realms.<sup>146</sup> There are

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140. Clark, "The Layha—Calling the Taleban into Account," 8.

141. Frank Ledwidge, "Justice and Counterinsurgency in Afghanistan: A Missing Link," *The RUSI Journal* 154, no. 1 (2009): 7; Noah Coburn and John Dempsey, "Informal Dispute Resolution in Afghanistan," United States Institute of Peace, Special Report 247 (August 2010): 2.

142. Michael R. Shurkin, "Subnational Government in Afghanistan," RAND National Defense Research Institute (2011), <http://www.rand.org>, 9.

143. Shurkin, "Subnational Government in Afghanistan," 9.

144. Coburn, "The Politics of Dispute Resolution and Continued Instability in Afghanistan," 2–3.

145. Shurkin, "Subnational Government in Afghanistan," 9–10.

146. Johnson, "Taliban Adaptations and Innovations," 9–10.

currently three justice systems at play in Afghanistan: formal, local, and Shari'a, which are at odds with each other; the last two are used by the Taliban in gaining traction around the country.<sup>147</sup> As a part of the Taliban's overall campaign to undermine GIRoA and U.S.-coalition efforts to unify the country under one central justice system, the Taliban justice system is the central vehicle to win over and coerce the local population and reestablish themselves as the legitimate power players in the country.

### **1. Three Justice Systems**

Presently in Afghanistan there are three justice systems at play. There is the formal government justice system provided by GIRoA with courthouses, judges, formal legal codes, and lawyers. The second system is the most common; the informal system otherwise known as the traditional or customary justice system, which consists of mostly unwritten tribal codes administered through the usage of trusted elders at forums known as *jirgas* and *shuras*.<sup>148</sup> Lastly, there is the Islamic system or Shari'a, a universally accepted set of religious laws, which is currently being employed by the Taliban.<sup>149</sup> Their system consists of mullah-ran courts imposing the group's interpretation and implementation of Shari'a law on the populace. The need for legitimate dispute resolution among the general public is vital after thirty-plus years of conflict and recent influx of returning refugees.<sup>150</sup> A credible justice system offers a legitimacy factor for the organization that can successfully implement and enforce their laws.

GIRoA's justice system is modeled after most western-style justice systems with a court system that includes local up to supreme courts. There are

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147. Ledwidge, "Justice and Counterinsurgency in Afghanistan: A Missing Link," 7.

148. Shurkin, "Subnational Government in Afghanistan," 9–10.

149. The American Institute of Afghanistan Studies, "Rule of Law in Afghanistan: Conference Report," June 2011, <http://www.bu.edu>, 1.

150. Angela Cardenas and Kevin O'Loughlin, "Afghanistan Makes Progress by Addressing Land Issues," Impact Blog, USAID, February 2, 2012, <http://www.blog.usaid.gov>.

judges, lawyers, and *huquqs* (mediators) who mediate, prosecute, and defend cases. The formal legal system has thousands of laws on the books and to further complicate things, GIRoA's system is based on a multi-layered framework that tries to incorporate state or secular, Islamic, and customary laws into one. Needless to say there is little harmony among the three types of law, which is due in part to the differences between adjudication, retribution, and restitution that are embedded in each of these systems. More often than not the formal systems cannot be reconciled with the traditional system or Islamic law.<sup>151</sup> It comes as no surprise then that there is confusion among those administering justice and those seeking justice.<sup>152</sup> Another challenge to the credibility of the system is the lack of accessibility of courts and inadequate numbers of qualified justice personnel, both of which are supposed to be in all districts and provincial areas to meet the population's legal needs, but in most cases many remote areas are lacking any government oversight.<sup>153</sup> Moreover, the court system is considered corrupt with justice seekers having to pay numerous bribes to justice officials or police officers.<sup>154</sup> The sentiments among Afghans is that whoever "pays the most will win" making GIRoA's justice system less desirable and more difficult for the poor rural Afghan to seek out. <sup>155</sup> Another reason GIRoA's system is underutilized is due to the lack of security. Outside of provincial centers the Taliban are targeting individuals that work for GIRoA, coalition forces, or Afghans just seeking their assistance. Similarly, due to an inability to police and secure the population, the central government does not have the ability to provide locals protection to use their services or even the authority to back-up verdicts. Not helping matters is the public's adverse assessment of the police force, which is

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151. International Crisis Group, "Reforming Afghanistan's Broken Judiciary," 1–2.

152. Ibid., i, 1–2.

153. Shurkin, "Subnational Government in Afghanistan," 9.

154. Dan Murphy, "Dent in Afghanistan War Strategy: Why Kandahar Locals Turn to the Taliban," The Christian Science Monitor, July 6, 2010, <http://www.csmonitor.com>; Shurkin, "Subnational Government in Afghanistan," 9–10.

155. Farmer, "Life Under the Taliban."

that they are corrupt and cannot be trusted.<sup>156</sup> Consequently, GIRoA is failing to provide a necessary and basic government service to its constituents making it more desirable to use local methods.

The informal or customary justice system is predominantly utilized throughout Afghanistan to resolve disputes and is prevalent outside urban areas.<sup>157</sup> This system of arbitration and mediation has been around for a very long time and is what most Afghans know and are used to. A strong centralized Afghan government and associated institutions have never trumped rural institutions and more importantly, “informal self-governance has been the norm rather than the exception.”<sup>158</sup> The procedures and laws that make up customary justice are unwritten and a combination of tribal code (which for some is some form of Pashtunwali) and Shari’a; although the former is usually in conflict with the latter.<sup>159</sup> An example to highlight the incongruity of tribal code and Islamic law is the usage of *baad*, which in Pashtunwali is the transfer of women to restore balance between families’ disputes usually stemming from murder.<sup>160</sup> The forum for mediation is through the usage of a *shura* or *jirga*. Of note, the *shura* has a more religious connotation and decision of its members lacks enforcing ability while *jirgas* are a mechanism for conflict resolution where the decisions are final and have enforcing ability. Village elders primarily make up the body of both groups. The traditional system is restorative rather than retributive and there is no option for appeal due to the impartial and consensual nature of the decisions.<sup>161</sup> An example of restorative punishment would be for

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156. Shurkin, “Subnational Government in Afghanistan,” 4; Jerome Starkey, “Afghans Turn to Taliban Justice as the Insurgents Set up Shadow Government,” The London Times, December 30, 2009, <http://www.lexisnexis.com>.

157. United States Institute of Peace, “Establishing the Rule of Law in Afghanistan,” United States Institute of Peace Special Report 117, (March 2004), <http://dspace.cigilibrary.org>, 8.

158. The American Institute of Afghanistan Studies, “Rule of Law in Afghanistan,” 6.

159. International Crisis Group, “Reforming Afghanistan’s Broken Judiciary,” 3.

160. Paul Watson, “Mockery of Justice,” The Toronto Star, 2012, <http://www.rogerannis.com>.

161. Shurkin, “Subnational Government in Afghanistan,” 12; Jensen, “Obstacles to assessing the State Justice System in Rural Afghanistan,” 934.

the offending family to pay blood money to a murder victim's family to restore justice and balance. *Jirgas* and *shuras* seek to get to the bottom of and understand the underlying issue causing the dispute; unlike GIRoA's system, which uses a western approach to justice and only addresses the facts presented in a given case.<sup>162</sup> Typically, informal justice is more economical, efficient, and effective as compared to the formal system. Rural Afghanistan has had its own way of dealing with judicial type practices with its own means of resolution, which may not agree with how the state handles the same situation or the punishments doled out.<sup>163</sup> The state and coalition forces have seen the importance of this system and are trying to incorporate it into the formal system with limited success. The Taliban, however, also see the importance of traditional justice through *jirgas* and are trying to change the dynamics of this system to their advantage by killing off elders that do not conform to their ideals.<sup>164</sup>

Islamic law or Shari'a is considered universally accepted by all Muslims due to the divine nature of the laws. Shari'a means the "path to follow" and is "holistic or eclectic in its approach to guide the individual in most daily matters."<sup>165</sup> The Taliban are once again using this as part of their battle cry and narrative to unify the masses behind their movement, which is ideologically based. Interestingly, the implementation of Shari'a is largely left up to the interpretation of Islamic scholars, which in the case of the Taliban many senior leaders and commanders claim to be.<sup>166</sup> The legal codes are based on the group's interpretation of Shari'a, which is more tribal code than religious while being deemed harsh and brutal.<sup>167</sup> An example that highlights the brutality of the

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162. Jensen, "Obstacles to assessing the State Justice System in Rural Afghanistan," 934.

163. Ibid., 942–3.

164. International Crisis Group, "Reforming Afghanistan's Broken Judiciary," 13.

165. Denis J. Wiechman, Jerry D. Kendall, and Mohammad K. Azarian, "Shariah Islamic Law," Published April 7, 2005, <http://www.islamawareness.net>.

166. Colin Freeze, "Taliban Religious Courts Extend their Reach into Remote Regions," *The Globe and Mail*, June 8, 2009, <http://www.theglobeandmail.com>.

167. Tom A. Peter, "One More Hurdle in Afghanistan: Justice," *USA Today*, March 7, 2012, <http://usatoday30.usatoday.com>.

Taliban system is the usage of archaic punishments such as stoning for adultery and cutting off hands for theft. They have in some cases created power vacuums by killing elders, judges, police officers, or anyone who does not abide by their laws.<sup>168</sup> Compared to the state system, the Taliban provide Afghans quick, free justice, which is drawing them to their courts. Verdicts go uncontested because they are considered fair by most participants and fear reprisal by the Taliban if they do not concede, which keeps all parties compliant. Since the roots are in a local movement, the Taliban has reach to areas the government does not have access to.<sup>169</sup>

## **2. Taliban Justice**

The Taliban is capitalizing on the weak governance and institutions currently in place while providing the population with an alternate solution.<sup>170</sup> There are reportedly Taliban shadow governments in 33 out of 34 provinces with the key component being the justice system.<sup>171</sup> In the most recent version (May 2010) of the *Layha*, their code of conduct, section 6, article 38 stipulates the establishment of Shari'a courts, mobile or static.<sup>172</sup> Instituting the justice system is part of legitimizing their power and forcing local buy-in as was seen in Arghandab in 2007 where the Taliban chose as "safe haven" for future missions into Kandahar.<sup>173</sup> The court system is most prevalent and organized in Southern Afghanistan but can be found throughout the country, even as far north as Kunduz.

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168. Stefanie Nijssen, "The Taliban's Shadow Government in Afghanistan," Civil Military Fusion Centre, 2011, <https://www.cimicweb.org>, 4.

169. Peter, "One More Hurdle in Afghanistan: Justice."

170. Coburn and Dempsey, "Informal Dispute Resolution in Afghanistan," 3.

171. Farmer, "Life Under the Taliban."

172. Clark, "The Layha—Calling the Taleban into Account," 8.

173. Carl Forsberg, "The Taliban's Campaign for Kandahar," Institute for the Study of War, Afghanistan Report 3, (2009): 6, <http://www.understandingwar.org>.

As the structure of the Taliban shadow government and justice system evolve they are becoming more hierarchical. The local court system is the most basic level and is made up of static and roving or mobile courts. Depending on the security situation, the extent of Taliban influence in an area, and the amount of resistance from local customs in that province and district determines whether they can operate their justice system overtly or must do it in a clandestine manner.<sup>174</sup> Essentially, where the Taliban have a significant presence, like Kandahar, which is considered to have the most complex court system, static courts exist. Where security is not in the Taliban's favor, mobile courts are employed and hearings occur wherever possible, but with a preference on public spaces such as gardens, homes, public buildings, mosques, and so on. Mobility allows the courts to thrive because it brings justice to the people while avoiding raids and airstrikes.<sup>175</sup>

Taliban judges play an important role in the justice system as they are the face of the movement and the foundation of the system. Typically educated in Pakistan, they are expected to be removed from local rivalries and are typically not from the area they are dispatched to allow for unbiased convictions and not building power bases.<sup>176</sup> Giustozzi states in "Hearts, Minds, and the Barrel of a Gun," that the judges are "usually rotated over varying periods of 1 to 2 years."<sup>177</sup> He also notes that at the district level depending on the Taliban control and size of the district that there can be 4 to 7 judges. Additionally, there are chief judges who are in charge of other judges in a jurisdiction.<sup>178</sup> Not only are there mullah-appointed judges but, the Taliban try to co-opt elders and local

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174 Farmer, "Life Under the Taliban."

175. Ibid.

176. Giustozzi, "Hearts, Minds, and the Barrel of a Gun," 74; Coburn, "The Politics of Dispute Resolution and Continued Instability in Afghanistan," 5.

177. Ibid., 74.

178. Ibid., 74

mullahs under their system and they too have to use the Taliban's code to resolve cases.<sup>179</sup>

The next level of the court system is the judicial committee, which is similar to a supreme court and is staffed by "relatively prominent ulama and mullahs."<sup>180</sup> The responsibility of this commission is to ensure operation of the Shari'a courts and deal with issues that cannot be resolved at the district or village levels, which includes intra-group and local issues. There are judicial committees in each region and is part of a larger provincial committee with links back to the Pakistan *shuras*.<sup>181</sup>

There is protocol on summoning a court hearing with the Taliban. To request a hearing; one has to be affiliated with the Taliban, know someone within the group, be vouched for by a group member, or travel to Pakistan.<sup>182</sup> Conversely, the Taliban also serves subpoenas and warrants to villagers for their attendance and testimony in cases.<sup>183</sup> Night letters are the commonly used form of communications to summon individuals to court. Not everyone seeks the Taliban for their justice; sometimes people are brought against their will for a hearing. Kidnappings are a common method to bring to court those individuals or spies deemed in non-compliance with Taliban laws.<sup>184</sup> Typically these people are suspected of working for GIRoA, Afghan Army or Police, or the coalition forces. In these particular cases, verdicts can one of two ways; acquittal or death.<sup>185</sup>

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179. Coburn, "The Politics of Dispute Resolution and Continued Instability in Afghanistan," 5.

180. Antonio Giustozzi and Christoph Reuter, "The Insurgents of the Afghan North," Afghanistan Analysts Network, 2011, 18, <http://www.aan-afghanistan.org>.

181. *Ibid.*, 18.

182. Sami Yousafzai and Ron Moeau, "Taliban Justice," The Daily Beast—Newsweek Online, published April 15, 2013, <http://www.thedailybeast.com>.

183. Forsberg, "The Taliban's Campaign for Kandahar," 34.

184. Shehzad Qazi, "The 'Neo-Taliban' and Counterinsurgency in Afghanistan," Third World Quarterly 31, no. 3 (2010): 491–2, doi: 10.1080/01436597.2010.488484.

185. Soara Sarhaddi Nelson, "Taliban Courts Filling Vacuum in Afghanistan," NPR, published December 16, 2008, <http://www.npr.org>.

Punishments or *hudud* (“limits”) are found in Shari’a and are deemed unchallengeable for certain offenses such as stealing, robbery, adultery, etc., meaning there is no leeway on how to commune such crimes because it would be deemed unIslamic.<sup>186</sup> Under this guise the violence doled out by the Taliban is considered justified because they are following God’s word. Ultimately their brutality is used to force people to use their courts or to comply with the verdicts.<sup>187</sup> Due to their interpretation of Shari’a that is mixed with tribal code, in their case Pashtunwali, the punishments are perceived by outsiders as barbaric and include beheading, stoning, chopping off hands, lashings, firing squad, and so on.<sup>188</sup> Not everyone concurs with the sentences the Taliban metes out but there is still a large part of the population that does. An example highlighting conformity or complicity came in 2010 when the Taliban stoned an unmarried couple at the request of their families. It should be noted that this does not legitimize the cruel act but shows the “contiguity between the Taliban ethos and local views in many areas.”<sup>189</sup> If anything it further highlights the deep seated link between the local population and the opposition group and that the Taliban’s system is more effective and consistent with village norms and morays while keeping the central government ineffective and irrelevant.<sup>190</sup>

### **3. Attraction to the Taliban System**

From a Western perspective it seems strange that anyone would willingly choose the Taliban to perform a vital civic function such as the resolution of local disputes, yet this is exactly what is occurring across large rural portions of Afghanistan. Indeed there are many who use the Taliban justice system because of coercion or out of fear of reprisal for engaging with government officials, and

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186. Wiechman, Kendall, and Azarian, “Shariah Islamic Law.”

187. Murphy, “Dent in Afghanistan War Strategy.”

188. Miles Amore, “Afghans Flock to Judge Dread and his Butcher Boys: The Taliban’s Brutal Justice is Swift, Free—and increasingly Popular,” *The Sunday Times*, published January 23, 2011, <http://www.lexisnexus.com>.

189. Giustozzi and Reuter, “The Insurgents of the Afghan North,” 19.

190. Peter, “One More Hurdle in Afghanistan,” 2012.

there are those who are genuinely sympathetic to their cause, but these factors aside, the Taliban remain able to attract willing participants for a few simple reasons. First, Taliban decisions are expedient. The reported timeframe can be in minutes to up to a month depending on the complexity of the case.<sup>191</sup> This timeliness has very practical benefits to rural villagers whose tribal dynamics rely on community harmony. Further, in villages where GIRoA officials are absent, it is often impractical for one to travel great distance to seek out an authority figure. An out of work Afghan who lives close to Kabul and its government court contends, “the Taliban courts don’t disturb people and tell them to wait for a long time before hearing a case, or demand bribes.”<sup>192</sup> In this light, it becomes clear that even the Taliban’s strict form of justice is often preferred by many to no justice at all.

The gentleman from Kabul also hits on several other factors why locals choose the Taliban courts—there is no fee involved and they will come to you. Unlike GIRoA’s formal system of justice where corruption and bribes are commonplace, the Taliban are content to offer their services in exchange for political power they garner with each ruling. While GIRoA courts are scarce to nonexistent in the countryside, the Taliban system remains easily accessible. Even if residents choose to travel to formal district courts to petition their case, and wait for a judgment, the verdict is often unenforceable because it did not come from a local authority with purview or influence over the area. A final point illustrating the attraction to the Taliban courts, and a bit unforeseen, is that those who have engaged in the Taliban system reported a higher customer satisfaction rating. Surprisingly, even the majority of losers were satisfied with the ruling and restitution subsequently imposed.<sup>193</sup>

The Taliban’s brand of justice has been able to flourish because of a demand for traditional style dispute resolution that the central government of

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191. Watson, “Mockery of Justice.”

192. Peter, “One More Hurdle in Afghanistan: Justice.”

193. Yousafzai and Moeau, “Taliban Justice.”

Afghanistan is unable to deliver in its current form. The sheer diversity of Afghanistan's population, ranging from tribal to cosmopolitan, render a central, one-size fits all type of justice inadequate. To continue to drive along the path of a top-down, western style western judicial system will ensure a persistent and central role for non-state actors in the lives of the rural population.

#### **D. CONCLUSION**

As compared to their previous experience running a government, the Taliban have developed a more sophisticated model of governance. The Taliban have the makings of a legitimate political organization, but they are facing impediments to complete consolidation. Will the Taliban be able to maintain control over all of the elements that claim allegiance to Mullah Omar? Giustozzi best summarizes the group in that the "Taliban are neither particularly efficient nor capable nor sophisticated as an insurgent movement, but have been able to match their limited human resources in management and educational terms with appropriate strategy and tactics."<sup>194</sup> It all goes back to the resilience of the movement and their ability to adapt their structure to changes that they may not have wanted to make; especially moving away from a centralized to decentralized command and control. GIRoA and coalition forces have been unable to stop the shadow government, which only finds new ways of operating around threats like employing mobile courts. The next step for the Islamic Emirate is to further develop their social services they provide the local population. The more the group can make President's Karzai regime irrelevant, the easier it will be for the Taliban to take over the country.<sup>195</sup> The next chapter will be a discussion on Hezbollah and understanding its legitimizing factors that aided in its transition from a terrorist group to political organization.

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194. Giustozzi, "Taliban Networks in Afghanistan," 15.

195. Dorronsoro, "Waiting for the Taliban in Afghanistan," 6, 18; Giustozzi, "Taliban Networks in Afghanistan," 31.

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## **IV. HEZBOLLAH—“THE PARTY OF GOD”**

### **A. INTRODUCTION**

This chapter will provide a background on the Lebanese religious-militant group turned political organization, Hezbollah. History on how the group was founded and its composition will be examined. How Hezbollah transitioned and the reality of the Lebanese violent extremist organization turned political party will also be discussed. There will also be some discourse on the legitimizing elements of the organization, and what Hezbollah has used to solidify and expand its power base. In Hezbollah's case, their social work plays an integral role in its legitimization therefore a subsection of this chapter will be devoted to analysis on this particular aspect.

Hezbollah exemplifies the militant group turned political party; although, to this day they have not fully transitioned and still retain a significant military element. The group has essentially been co-opted into the government, but not without reservations from group members since this was not their original intention. The group emerged after a series of historic events over a few decades that brought about the islamization and awareness of the Lebanese Shiites, which “coalesced” groups into action.<sup>196</sup> Notably in Lebanon, the Shi'as were the most disadvantaged, underrepresented, and economically disenfranchised group where the government did little to help them.<sup>197</sup> The events that played out as being crucial to the founding of Hezbollah were the Shiite Islamic revival of the 1960s, the fundamental ideations resulting from the 1979 Iranian Revolution, and the Israeli invasion of southern Lebanon in 1982. Additionally, there was a split within the preeminent Shi'a group in 1982, Amal, over differences in beliefs and interests causing more religious members to defect to the fledgling Shi'a resistance organization, Hezbollah. The leader of

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196. Saad-Ghorayeb, *Hizbu'llah: Politics and Religion*, 10-1.

197. Hamzeh, *In the Path of Hizbullah*, 13-4.

Amal decided to co-opt with the Lebanese government, which, at the time, was looked upon as unislamic and a move not favored by the more radical members of the party.<sup>198</sup> Notwithstanding, Hezbollah would not have gotten off the ground without the monetary, material, and military support from Iran.<sup>199</sup> Up until Hezbollah made their official appearance in 1985 with the release of their manifesto called the 'Open Letter' they operated underground. Their manifesto outlined the group's ideology and objectives, which was fundamentally religiously driven and sought to establish an Islamic state. Additionally, in this manifesto they cited that they would "never participate in any government's institutions, so long as the 'current decaying sectarian system' exists."<sup>200</sup> Moreover, the Party considered themselves a resistance force and protectors of the "oppressed," which at their onset were the Shi'a and Lebanese population living under siege due to the Israeli invasion in the South.<sup>201</sup> During those early days, Hezbollah used a simple *shura*-style leadership council made up of three individuals who made decisions on all matters for the group to include military, political, and social. Over the years the group has morphed its ideological stance and developed a more complex leadership structure to match its growth and popularity.<sup>202</sup>

Part of the reason Hezbollah has had to transform its fundamental outlook, develop institutions, and expand its leadership hierarchy was that the group quickly started filling the functions of the ruling regime initially in Southern Lebanon, areas overlooked by the government, which quickly built a following

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198. Joseph E. Alagha, *The Shifts in Hizbullah's Ideology: Religious Ideology, Political Ideology and Political Program* (Amsterdam: Amsterdam University Press, 2006), ebrary Reader e-book, <http://www.ebrary.com/corp>, 32.

199. Alagha, *The Shifts in Hizbullah's Ideology*, 34–5.

200. Jaber, *Hezbollah: Born with a Vengeance*, 61.

201. Saad-Ghorayeb, *Hizbu'llah*, 21.

202. Jaber, *Hezbollah*, 52; Augustus Richard Norton, "The Role of Hezbollah in Lebanese Domestic Politics," *The International Spectator* 42, no. 4 (December 2007): 477, doi: 10.1080/03932720701722852.

and support base.<sup>203</sup> In particular, Hezbollah took an interest in providing social programs from the onset, which they felt was also a part of their religious duty or *tenet*.<sup>204</sup> A second order effect of Hezbollah's social work made it a legitimizing factor for their organization and increased their popularity outside of Shi'a circles. Consequently, the group has softened its stance as a trade-off to build up its constituency base and by 1992 entered into the national elections winning eight seats in parliament. By 2009 the group held ten seats in parliament and two cabinet positions, the Ministries of Agriculture and Administrative Reform.<sup>205</sup> Even as Hezbollah continues to increase its political power base and legitimize itself as a political party versus a violent extremist organization; the group refuses to give up its militant wing, which ultimately undermines the central government's monopoly of violence. Successful as the transition has been thus far, until the group can relinquish their military arm Hezbollah remain only a step above an armed group.<sup>206</sup>

## **B. MILITANT GROUP TO POLITICAL PARTY**

### **1. Organization and Composition**

Hezbollah's leadership structure within their organization is based on a *shura*-style or council type governance structure. The organization has transformed its leadership structure over the years making it more complex. Originally, in 1983 the group's leadership consisted of a three-man *shura* or otherwise called the leadership council that made all of the decisions for the group to include political, military, and social. Hezbollah has kept the *shura* structure but has increased its size and at one point included nine members but was later reduced to seven. They have also incorporated a figure head or Secretary General who is the overall leader of the organization. The *shura*

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203. Jaber, Hezbollah, 156–7.

204. Hamzeh, In the Path of Hizbullah, 42.

205. Casey L. Addis and Christopher M. Blanchard, "Hezbollah: Background and Issues for Congress," Congressional Research Service, R41446, January 3, 2011, <http://www.fas.org>, 9.

206. Addis and Blanchard, "Hezbollah: Background and Issues for Congress," 9.

members were originally elected to one-year posts to the council, but those positions have been bumped up to two year terms. From within in that group they elect the Secretary General whose term is three years. Later they also created a Deputy Secretary General position. Currently, Hassan Nasrallah is the Secretary General and he has held the post since 1993. The “Commander of the Faithful” in Hezbollah’s case are the infallible Shi’a Imams and since none are known to be alive then their human religious representative falls under the theologian jurisdiction of Ayatollah Khamenei of Iran. He is considered “the Imam’s secondary...who carries out the Imam’s doctrinal and jurisprudence function as required.”<sup>207</sup> Therefore, not only does the group receive ideological guidance from Iran but also funding and arms.

Underneath the leadership council are five boards or council assemblies, which include Jihad, Political, Executive, Parliamentary, and Judicial. The head of each board is an individual from the aforementioned leadership *shura*. The purpose of these councils is to help develop strategic ideas and plans for the group under each of the specialty areas.<sup>208</sup> The jihad or military apparatus is not as well defined as the rest of the organization and is split into two arms; the military or resistance and security. The leadership *shura* controls the military through the use of regional and sector commanders.<sup>209</sup> The political council oversees the domestic political scene. The executive board manages the political party and social service aspects. The parliamentary council supervises the group’s activities in Parliament and deals with their constituency base. The judicial assembly deals with *shari’a* rulings and mediation for Hezbollah members and others.<sup>210</sup>

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207. Qassem, Hizbullah: The Story from Within, 52.

208. Qassem, Hizbullah, 63.

209. Hamzeh, In the Path of Hizbullah, 70–1.

210. Addis and Blanchard, “Hezbollah: Background and Issues for Congress,” 10-1.

## **2. Birth of Hezbollah–A militant group**

Unlike Afghanistan where the country has never been colonized, Lebanon is a post-colonial state with a complicated confessional power-sharing governance system. It is based on the 1943 National Pact where the top government positions; Presidency, Premiership, and Speaker of the Parliament, as well as parliament seats, were divvied up based on sectarian demographics from the 1932 census.<sup>211</sup> At that time the Shi'as were considered the third largest group so they were given the Speaker of Parliament position and were at a significant disadvantage to the Christian population, but the Muslims arguably were the fastest growing group.<sup>212</sup> Much of Lebanon's civil war from 1975-1990 stems from the unfairness of the quota system used to determine the country's leaders and representative government. The Taif Accords of 1989 addressed the main issue of power distribution and brought relatively equal representation between the Christians and Muslims, but it is still a confessional-style government.<sup>213</sup> Needless to say this governance style has resulted in weak government institutions, the incapacity to truly support its people, and protect them from outside threats.<sup>214</sup> Civil groups have developed over the years to address these problems. Events spanning over three decades starting in the 1960s played a role in increasing Shi'a awareness, a group of people who were routinely marginalized. Most importantly, those events precipitated the birth of Hezbollah. The incident that tipped the scales was the invasion and occupation of Southern Lebanon by Israel in 1982.

Initially, the predominant Shi'a group was Amal. A conflict over interests and beliefs caused some of the members to break away as they were more

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211. Bryan R. Early, "Larger than a Party, yet Smaller than a State": Locating Hezbollah's Place within Lebanon's State and Society," *World Affairs* 168, no. 3 (Winter 2006): 116, <http://www.jstor.org/stable/20672740>.

212. Hamzeh, *In the Path of Hizbullah*, 12.

213. Early, "Larger than a Party, yet Smaller than a State": Locating Hezbollah's Place within Lebanon's State and Society," 116, 118; Augustus Richard Norton, "Lebanon after Taif: Is the Civil War over?," *Middle East Journal* 45, no. 3 (Summer 1991): 462, <http://www.jstor.org>.

214. Norton, *Hezbollah: A Short History*, 11, 12.

radical and desired to establish a Shi'a Islamic state in Lebanon. These individuals would join the fledgling opposition Shi'a organization, Hezbollah or the 'Party of God.'<sup>215</sup> Iran provided the group much needed funds, arms, and ideological guidance. Not surprisingly, the group started out based on fundamentalist Islamic ideals patterned after the successful Iranian revolution in 1979, and in the same vein considered themselves the revolutionaries of Lebanon. The group was at its most militant from 1982-1990.<sup>216</sup> Hezbollah was more religiously dogmatic and "refused to accommodate a political system," unlike Amal, who were more secular and trying to in cooperate into the government.<sup>217</sup> Hezbollah released a manifesto called the 'Open Letter' in 1985 outlining the group's tenets, which expressed their religious ideals, the need to care for their people, and rid the oppressors or Israel.<sup>218</sup> Judith Harik describes what lied behind the group's actions in her book, *Hezbollah*, as "claims of deep faith and literal interpretation of God's words as expressed in the Koran" and that their military actions were "sanctioned by Islam."<sup>219</sup> This allowed Hezbollah to justify kidnappings, killings, and bombings, which were rationalized as necessary to the winning the cause.<sup>220</sup> Most importantly, Hezbollah sought to protect the oppressed and not just the Shi'as but all Muslims against the oppressors, the superpowers, who at the time were Israel and the West (or allies of Israel). The group believed that they were a resistance force and still does. In doing so, Hezbollah was authorized by Islam to use all manners of force since justification for jihad had many layers with fighting being one of them. No group was immune to their violence, not even the state.<sup>221</sup>

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215. Addis and Blanchard, "Hezbollah: Background and Issues for Congress," 7; Harik, 1.

216. Hamzeh, In the Path of Hizbullah, 81.

217. Norton, Hezbollah: A Short History, 45; Norton, "The Role of Hezbollah in Lebanese Domestic Politics," 477.

218. Norton, Hezbollah, 36, 38.

219. Harik, 1.

220. Ibid., 44.

221. Hamzeh, In the Path of Hizbullah, 37-8.

Throughout the 1980's and until the withdrawal from Lebanon in 2000, Hezbollah was the resistance force against Israelis.<sup>222</sup> By the 1990's and the end of the Lebanese civil war, Hezbollah changed its tune to meet the needs of the environment, and as Augustus Norton notes; "Hezbollah has proved responsive to the attitudes and aspirations of its domestic constituency."<sup>223</sup> At this point and after much internal debate, Hezbollah remained a resistance force but decided to enter the political arena both nationally and locally. The group's ideological stance and perceived integrity made them a suitable alternative as a Shi'a opposition group in Lebanon.<sup>224</sup>

### **3. The Transition to Politics**

To Hezbollah, Islam was the answer to all of the country's problems where they saw the ruling government as "corrupt to the core."<sup>225</sup> Much of the group's trepidation in going mainstream and getting into domestic politics stems from the idea that the organization would turn into what it despised; a corrupt, ineffective secular political group in Lebanon. To maintain its influence, Hezbollah has provided social services and subsidies through kinship aid associations, development projects, and low-income housing to constituents. Over the years Hezbollah has filled the gaps of the ruling government with some local commanders creating "mini-public administrations" because they had greater capacity and monopoly of force over the state.<sup>226</sup> The group evolved to meet the

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222. Norton, Hezbollah: A Short History, 89-90.

223. Ibid., 45.

224. Norton, "The Role of Hezbollah in Lebanese Domestic Politics," 477.

225. Norton, Hezbollah, 37.

226. Harik, 82; Rami G. Khouri, "Lebanon's Parallel Governance," In "Democratic Deficits: Addressing Challenges to Sustainability and Consolidation Around the World," edited by Gary Bland and Cynthia J. Arnson, Woodrow Wilson Reports on the Americas, no. 21 (2009): 199, <http://www.208elmp02.blackmesh.com>.

needs of the public while securing its popularity by way of parliament seats and continues to do so.<sup>227</sup>

In the early 1990s the group was faced with a dilemma as to whether or not participate in national elections. There were internal debates about transitioning to politics because it threatened the original intent of Hezbollah and would be a reversal of some of the Party's policies. Two main issues they had to reconcile was participating in a non-islamic system and not creating an Islamic state. Naim Qassem, a founding member and ex-Deputy Secretary General, describes the problem in his book, *Hizbullah: A Story from Within*, which was "granting legitimacy to a non-Islamic order and thereby extending its existence."<sup>228</sup> Before a decision was made, Hezbollah reached out to its sponsor and spiritual guide, Iran, for feedback and consent as to whether or not it was unislamic to enter into politics. The Iranians endorsed the Party's participation. Hezbollah rationalized that the parliamentary system had room for interpretation and for varying ideas so they could use the system already in place to their advantage and make changes within its confines.<sup>229</sup> Hezbollah could not just jump right in though; a compromise had to be attained on both sides, between the central government and the armed group, to allow them admission into Lebanese politics. Harik explains in, *Hezbollah*, that "for a successful 'deal' to take place, the radical group must first forswear its hostility to the state and promise to abide by the rules and regulations governing all other parties on the scene."<sup>230</sup> Hezbollah was expected to play by the rules, which included abiding by the constitution that they had at the beginning deemed as blasphemous.

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227. Norton, Hezbollah, 23, 36, 39, 45, 104; David E. Long, Bernard Reich, and Mark Gasiorowski, eds., *The Government and Politics of the Middle East and North Africa* (Boulder, CO: Westview Press, 2011), 240.

228. Qassem, Hizbullah, 188.

229. Ibid., 189.

230. Harik, Hezbollah: The Changing Face of Terrorism, 47.

Despite their reservations and requirements, in 1992, Hezbollah entered into the national elections and won eight parliament seats.<sup>231</sup>

Hezbollah has only increased its presence in Lebanese politics and not only participates in national but local, municipal elections too. As of 2009, the group held ten seats in parliament and was holding two cabinet positions, Ministries of Agriculture and Administrative Reform.<sup>232</sup> With the group incorporated into the government they can longer overthrow it under the auspices of religious calling, which would be in interest of the party hardliners. But Hezbollah has been able to disrupt the government by having members resign in 2006 and calling for demonstrations unless their demands for a “national unity government” were met.<sup>233</sup> Even with all of its political successes and calls for disbarment the group has not relinquished its military wing, an element that competes with the central government’s monopoly of violence.<sup>234</sup> The group rationalizes that they are still a resistance group and requires a military capability due to the “constant Israeli threat.”<sup>235</sup> Despite Hezbollah’s reticence to relinquish their militant wing, much of the group’s success comes from its ability to provide social and public services to the Lebanese population.<sup>236</sup>

### **C. LEGITIMIZING ELEMENTS**

Hezbollah legitimized itself over the years by providing services to the Lebanese population that government could not. The 1975-1990 civil war left the country relatively ungoverned and the central government all but collapsed. Power had been divided among factions, militia, and partisan groups. Hezbollah was able to capitalize on the chaos, expand its constituency base, and fill a gap

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231. Harik, Hezbollah, 47-8; Addis and Blanchard, “Hezbollah: Background and Issues for Congress,” 9.

232. Addis and Blanchard, “Hezbollah: Background and Issues for Congress,” 9.

233. Norton, “The Role of Hezbollah in Lebanese Domestic Politics,” 487, 490.

234. Ibid., 479, 483.

235. Addis and Blanchard, “Hezbollah: Background and Issues for Congress,” 9, 12-3.

236. Harik, Hezbollah, 47-8.

the government was unable to.<sup>237</sup> The group brought to light the plight of the Shi'as, which provided them a source of identity and an advocate. Hezbollah's religious piety and disciplined nature added to the group's legitimacy. The most important element that significantly increased their constituency base and legitimacy was their provision for social and public works.<sup>238</sup>

### **1. Hezbollah's Social Work for Votes**

Hezbollah started early on with the social service aspect of their organization. Naim Qassem argues that the group "paid particular attention to social work" and "considered it a Party duty."<sup>239</sup> In essence, the organization felt it necessary to respond to the needs of the people. Interestingly, a second order effect of this was increased influence of and built allegiance to Hezbollah while reducing the credibility and influence of the central government. An argument can be made that by giving assistance to people and mostly at free of charge is another means of recruitment.<sup>240</sup> Hezbollah have built up their social and public works section and it remains the most important legitimizing function of the group. Initially, the group started out providing services for their Shi'a soldiers who were fighting against the Israelis in the South. Services expanded to civilians who were injured or endured a loss due to the Israelis. Within three years of Hezbollah's establishment they had an association devoted to construction and development (Jihad al-Binaa Association) that reconstructed buildings, facilities, and homes affected by bombings and natural disasters.<sup>241</sup> Over time the outreach for their services has broadened beyond only Shi'as. Additionally, Hezbollah has expanded their areas of operations and range of services they provide.

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237. Qassem, Hizbullah, 228.

238. Hamzeh, In the Path of Hizbullah, 14, 78.

239. Qassem, Hizbullah, 83.

240. Ibid., 86.

241. Ibid., 83.

The public services Hezbollah provide are those that should normally be provided by the central government. In addition to the Construction Association mentioned above, the group also started collecting garbage in Beirut's southern suburbs free of charge. Hezbollah has improved drinking water capacity by providing areas with additional water tanks, again, free of charge. The Party have also aided with agricultural supplies and services. Other services Hezbollah provides include vocational training, electricity, health clinics, education, financial assistance, and cultural clubs.<sup>242</sup> Of note, many of these services like water and electricity were cut off to inhabitants by General Michel Aoun during the civil war; therefore, Hezbollah was only picking up where the government had stopped.<sup>243</sup>

Hezbollah's health organization is called the Islamic Health Organization (IHO), which has built clinics and hospitals. The services and medicine provided by the IHO are free. Care for the wounded, military or civilian, is robust and they get monthly allowances, medication, and rehabilitation.<sup>244</sup> The group also provides care for families of members who were martyred or killed. Orphans and others needing help are given aid. Education is also considered important and the Party gives out scholarships and grants. Hezbollah also assists with school fees.<sup>245</sup> The organization has built and run schools that use the national curriculum, but have religious studies.<sup>246</sup>

In order for Hezbollah to provide these services free of charge they have received substantial aid from their sponsors, Iran and Syria. Some would argue that Iranian institutions underwrote Hezbollah's services and got the group off the ground. They also have a large expatriate base that the Party draws funds from, which are sent into the country. Additionally, the group runs companies and

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242. Qassem, Hizbullah, 83-4.

243. Jaber, Hezbollah, 155-6.

244. Qassem, Hizbullah, 85.

245. Ibid., 85.

246. Harik, Hezbollah, 84.

reinvests the money they receive.<sup>247</sup> Hezbollah business holdings include supermarkets and other investments. Additionally, *Zakat*, an Islamic tax, is collected among the people, which further legitimizes Hezbollah with the money being redistributed to charities, the poor, and Islamic political organizations.<sup>248</sup>

Hala Jaber argues that “Hezbollah’s welfare system has undoubtedly brought about an increase in support for the group and won it better standing in society.”<sup>249</sup> They are acting in accordance to their Islamic obligation by aiding those less fortunate than themselves, but get an added bonus of increased support and legitimacy. There is an expectation of those who take aid from the group that they will “adhere to an Islamic way of life.”<sup>250</sup> They are not expected to actually get involved in the resistance, but the provisions handed out allow the group to monitor its recipients as a form of control.<sup>251</sup>

#### **D. CONCLUSION**

There were events in Lebanon’s history that precipitated the birth of Hezbollah. The Party started out religiously dogmatic with a militant bent that was anti-government. A couple factors led the group to reverse their position on getting involved in Lebanese politics. Due to the lack of inaction by the Lebanese government, which was in shambles due to decades of civil war, required someone to act in support of the Shi’a population. Therefore, out of the turmoil emerged a robust social service and public works sector that solidified Hezbollah’s standing in the region while legitimizing them as a political party. The Party has coopted into the government on its terms and maintains a militant wing, which still undermines the central government. The next chapter will identify and compare the Afghan Taliban and Hezbollah to include their

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247. Ibid., 82.

248. Jaber, Hezbollah, 151-2.

249. Ibid., 160.

250. Ibid., 160.

251. Ibid.

similarities and differences. This analysis will help with understanding how violent extremist organizations are able to transition to legitimate political parties through the use of parallel governments and the implications this has on the current state.

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## **V. VIOLENT EXTREMIST ORGANIZATIONS, PARALLEL GOVERNMENTS, AND POLITICAL PARTIES— IS IT POSSIBLE?**

### **A. INTRODUCTION**

This chapter will look at the commonalities that exist between the Afghan Taliban and Hezbollah. The focus of this comparison will be on whether the Taliban are exhibiting indicators of a possible transition from a violent extremist organization to a political party, participation in the current government, or a takeover of power. Additionally, an analysis of their differences will also be explored to understand how that could explain the group's potential. Understanding how violent extremist organizations use parallel governments, legitimize themselves in the eyes of the people, and decide to transition to political parties are important for future interactions with their own constituents, government, and the international community.

Shadow governance or parallel governments are not new phenomena and found worldwide. The purpose of these governments is to usurp power and legitimacy from the ruling regime by providing much needed services to the people, thus making the government irrelevant. Some would argue that the Taliban are succeeding in this arena, but is this just coincidence or is this part of bigger plan and do they have higher aspirations to become like other successful terrorists turned political organizations.<sup>252</sup> One group that the Afghan Taliban exhibit similar elements and patterns of development to is Hezbollah in Lebanon; especially, when looking at the latter group's initial and later phases of development into a political party.<sup>253</sup> Notwithstanding, there is an alleged criminal link between the two organizations through drugs and arms dealings.<sup>254</sup> Do the other commonalities besides a possible criminal link help explain the

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252. Giustozzi, "Taliban Networks in Afghanistan," 32.

253. Engeland and Rudolph, *From Terrorism to Politics*, 38-9, 181.

254. Esposito, "Taliban, Hezbollah Agents Nabbed in Drugs, Arms Stings: Feds."

development of the Taliban's recent growth in political depth and what are the possible implications for the future? Both groups challenge the legitimacy of the central government and weaken its ability to govern; although, each group, differ on its central legitimizing element, Hezbollah with social services and the Taliban with justice. Not surprising the similarities that exist can be attributed to globalization through the internet, ease of connectivity, and media, working with foreign sponsors, and transnational criminal networks. Elements of the two organizations that will be compared in this section include doctrine, internal leadership structure, use of parallel governance, funding, and foreign sponsors. Is the world seeing a possible transition to a political party or a viable alternative to the Karzai regime in the making? Differences do exist between the two organizations, which will also be discussed; for example, the governments in each country, opposing sectarian views, and group demographics.

## **B. COMMONALITIES BETWEEN THE TALIBAN AND HEZBOLLAH**

This section is broken down into subsections for discussion on where the Taliban exhibit characteristics similar to that of Hezbollah. The evolution of the Taliban indicates that they have adapted and learned new techniques, which they have implemented to gain traction in Afghanistan. Some of the elements being used are reminiscent of Hezbollah, especially at their beginning. Even if there is not a direct link, globalization and criminal networks have brought groups closer together allowing them to look more alike.<sup>255</sup> In 1998, Nasrallah, the current Secretary General of Hezbollah, referred to the Party's affiliation in Afghanistan as having an "acquaintance with Islamic movements in Afghanistan. But because of the nature of our arena and struggle, these relationships are not developed to the level of coordination and alliance. We can certainly say that we share common concerns and empathize with each other."<sup>256</sup> That statement was

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255. Thomas M. Sanderson, "Transnational Terror and Organized Crime: Blurring the Lines," SAIS Review 24, no. 1 (2004): 54, <http://muse.jhu.edu>.

256. Nicholas Noe, ed., Voice of Hezbollah: The Statements of Sayyed Hassan Nasrallah (London: Verso, 2007), 184.

made in the late 1990s and since then there has been technological advances and global events that would lower the barriers for Hezbollah to be able to share ideas or be a role model for other organizations like the Taliban. The Taliban exhibit commonalities with Hezbollah in the following areas: doctrinally, internal leadership and group structure, usage of parallel or shadow governments, funding sources, and foreign sponsors.

### **1. Doctrinal Similarities**

Both organizations have exhibited similarities with regards to their respective doctrines. Each group has espoused, at one time or another, an ideologically religious outlook and a desire for an Islamic state. In Hezbollah's 1985 'Open Letter,' their manifesto, asserted the group's radical Islamic ideology, goals, and purposes, as well as their enemies and has not changed much.<sup>257</sup> The resistance group believed the Lebanese government was corrupt and unislamic; so they sought the establishment of an Islamic state similar to Iran.<sup>258</sup> Hezbollah believed Islam was the answer to their country's problems. The new Afghan Taliban has similar sentiments, which have been laid out in their propaganda material, edicts, and code of conducts. For example, an article in the Islamic Emirate's magazine, *Al-Sumud*, issue number 55, explains that the group is interested in reestablishing an Islamic state and removing the US from the country.<sup>259</sup> The *Layha* or code of conduct, a "rule book" for the Taliban fighter, also offers a glimpse into the purported philosophy of the Taliban, which is "to be true to their religion, their nation, and their people."<sup>260</sup> The Taliban also see the Karzai government as weak, corrupt, and a puppet of the West and therefore do not want to work or cooperate with them. Religious ideology is important for both organizations in founding their missions and gaining members with each

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257. Saad-Ghorayeb, *Hizbu'llah: Politics and Religion*, 16, 17.

258. Jaber, *Hezbollah: Born with a Vengeance*, 61.

259. Miyundi, "The Islamic Emirate of Afghanistan and Its Successful Administrative Policy."

260. Johnson and. Dupee, "Analysing the New Taliban Code of Conduct (*Layeha*)," 77; Clark, "The *Layha* – Calling the Taleban into Account," 6.

observing fundamental Islamic tenets, although opposing Islamic sects, Hezbollah Shi'a versus Taliban Sunni. These groups are seen by outsiders as disciplined, obedient, and pious, which can be refreshing when dealing with an overly corrupt state.<sup>261</sup>

Religious ideology also justifies violence in both organizations. Hezbollah believed political violence was justified against the state to combat severe corruption.<sup>262</sup> Also as a resistance force against Israel, their sworn enemy, fighting was just another aspect of jihad. The Party's fighting and resistance was credited with Israel withdrawing from Southern Lebanon in May 2000.<sup>263</sup> Their army has become the preeminent military force in the country and out performs the state army.<sup>264</sup> But before Hezbollah became this coherent fighting force they were a "radical, clandestine militia" that committed acts of terrorism to highlight their cause.<sup>265</sup> Current day Hezbollah still believes that the Israeli threat is too high for the group to disband its militant wing. The Taliban also justifies its military operations and violent acts against NATO forces and targeted Afghans as sanctioned by Islam and religious decree.<sup>266</sup> The Taliban is seen as a network of militias that do not have control of the entire country militarily, but have a strong presence in numerous villages and provinces.<sup>267</sup> Both instances highlight the state's lack of monopoly over violence and ability to keep these violent extremist groups in check. Legitimacy of the ruling regime hinges on its ability to control opposition forces through law and order, which they are unable to do in both cases.

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261. Steven P. Bording, "Countering Al Qaeda, Hezbollah, and Their Ideologies," School of Advanced Military Studies, United States Army Command and General Staff College, Fort Leavenworth, Kansas, (2009), <http://www.au.af.mil>, ii, 4.

262. Saad-Ghorayeb, *Hizbu'llah: Politics and Religion*, 24-5.

263. Norton, "The Role of Hezbollah in Lebanese Domestic Politics," 478

264. Harik, *Hezbollah*, 46.

265. Norton, "The Role of Hezbollah in Lebanese Domestic Politics," 478.

266. Miyundi, "The Islamic Emirate of Afghanistan and Its Successful Administrative Policy."

267. Farmer, "Life Under the Taliban."

Religious ideology also influences both groups' media and propaganda efforts. Propaganda for both groups is geared toward exposing the West's flaws or purported wrongdoings and highlighting the successes of their operations. Joseph Alagha shows in his paper, "*Jihad* through 'music': The Taliban and Hizbullah," that both groups exploit religious tenets and "practice *jihad* through music," which for the Taliban the author equates to their chants.<sup>268</sup> For both organizations music and chants is a way to mobilize support and get their message out. Taliban and Hezbollah also utilize various other media and internet sources to reach the public regarding their respective plights. Both organizations have radio stations, websites, twitter accounts, and publications geared toward spreading their message and publicizing their actions.<sup>269</sup> Additionally, the groups reach out to international media outlets to get their side of the story heard and typically first, much to the chagrin of the western world.<sup>270</sup> Accuracy of the information is secondary to the speed of which the information is disseminated and the actual physical event is less important than the propaganda that can be gained from it.<sup>271</sup> The usage of media allows both groups to spread their message and as Marc Sageman notes in the *Leaderless Jihad*, "successful actions are copied by sympathizers, and spectacular action inspires young people to join the movement."<sup>272</sup> The internet and media are changing the way the world connects, communicates, and forms relationships.<sup>273</sup> The ease of access and anonymity of the internet allows these groups to bypass classical media to get their message out to the world and has become a safe place for terrorists to express and exchange ideas as well as gain an audience and

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268. Alagha, "Jihad through 'music': The Taliban and Hizbullah," 263.

269 Johnson, "Taliban Adaptations and Innovations," 21.

270. EAOS, 21.

271. David Kilcullen, "The New Paradigms for the 21st Century Conflict," Foreign Policy Agenda: 44, <http://www.au.af.mil>, 44.

272. Marc Sageman, *Leaderless Jihad: Terror Networks in the Twenty-First Century* (Philadelphia: University of Pennsylvania Press, 2008), 122.

273. Sageman, *Leaderless Jihad*, 113.

members in the process.<sup>274</sup> The Taliban and Hezbollah have spokespeople who represent and consolidate the group's message to prevent any divergence. It also allows groups to immortalize members who commit acts in the name of the organization and make them martyrs.<sup>275</sup> Geographic divides are crossed which in the past would have taken much longer to reach so "the internet connects them to a truly global network."<sup>276</sup>

Although a fundamental religious ideology drives both organizations, the Taliban and Hezbollah have shown they are adapting and moderating on those beliefs.<sup>277</sup> Even though the very idea contradicts both groups original precepts both groups need popular support. In the early 1990s Hezbollah had to rethink their ideological stance, reverse their sentiments for an Islamic state, and go back on their criticism of the state to participate in national elections. The Party could not have made the decision without consulting and getting the approval of their main sponsor, Iran. Hezbollah's party leaders saw that the parliamentary system was exploitable.<sup>278</sup> In cooperation with the government, Hezbollah ran in the 1992 national elections and won eight seats in Parliament. The Taliban have also had to lessen their radical ideological stance on a number of topics as to not alienate their support base.<sup>279</sup> These include reopening schools and allowing music as well as other items typically banned by the group.<sup>280</sup> There are also a few sources that indicate the Afghan group does not want to "monopolize power," but be a part of the government.<sup>281</sup> Mullah Omar, the leader of the group

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274. Sageman, *Leaderless Jihad*, 121.

275. *Ibid.*, 122.

276. *Ibid.*, 121.

277. Johnson, "Taliban Adaptations and Innovations," 4.

278. Qassem, *Hizbullah*, 188-9.

279. Barfield, *Afghanistan*, 327.

280. Giustozzi, "Taliban Networks in Afghanistan," 28; Johnson, "Taliban Adaptations and Innovations," 4.

281. "Text of Speech Enunciated by Afghan Taliban at Research Conference in France," *Spy Eyes*, posted December 24, 2012, <http://www.shahamat-english.com>.

included this sentiment in his 2012 Eid al-Adha message.<sup>282</sup> The Taliban have some concessions that the group would like addressed for this to happen and one being to rework the constitution to ensure it is based solely on Islamic principles.<sup>283</sup> Both organizations realize that they need constituents and buy-in to further their causes. They also have the same restrictions placed on them if the groups decide to work within the confines of the state.<sup>284</sup>

## **2. Internal Leadership Structure**

The Taliban and Hezbollah utilize a similar governance structure within their organizations. Both leadership hierarchies have grown more complex to match their growth and popularity. At the top of each group is the spiritual leader or “Commander of the Faithful,” but in Hezbollah’s case that position resides with the Ayatollah Khamenei of Iran and is not someone within the group due to their Shi’a beliefs. The Taliban’s supreme leader and the “Commander of the Faithful” are one and the same, Mullah Muhammad Omar. Each group has a leadership *shura* of varying size. In Hezbollah the leadership *shura* is made up of about seven individuals and from that group one is elected as the Party’s leader or Secretary General. Hassan Nasrallah is the current leader of Hezbollah. The Taliban’s high *shura* council or Quetta *Shura*’s membership fluctuates between 10 to 18 members.<sup>285</sup> Below each group’s leadership councils are main committees or council assemblies that support the organization’s strategies and goals. In both cases these councils are headed by members of the respective leadership *shuras*. Hezbollah has five councils while the Taliban has roughly ten. Three councils they both have in common are military or jihad, political, and judicial. The complexity of the Taliban and Hezbollah’s own leadership

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282. Katzman, “Afghanistan: Post-Taliban Governance, Security, and U.S. Policy,” 14.

283. “Text of Speech Enunciated by Afghan Taliban at Research Conference in France,” Spy Eyes.

284. Harik, Hezbollah, 47.

285. “Taliban,” Jane’s World Insurgency and Terrorism.

hierarchies highlights the need each group had to expand in response to meet the demands of the people.<sup>286</sup>

### **3. Parallel or Shadow Governments**

The lack of government in an area can lead to other organizations or individuals taking its place. In the cases of Hezbollah and the Taliban, they have built parallel government structures that rival the ruling regime.<sup>287</sup> Both groups felt that their respective ruling regime was corrupt and inefficient.<sup>288</sup> Hezbollah built institutions because they did not exist for the Shi'as in Southern Lebanon and in the Beirut suburbs. The Taliban installed their own shadow provincial and district governors and judges in the provinces due to the lack of GIROA presence and desire to reestablish an Islamic state. By effectively providing services to the community these groups begin to trump the actual government by out-governing them.<sup>289</sup> The inability of the central government to improve governance at the local level drives people to these other groups to get what they need in the way of basic services.<sup>290</sup> Therefore, if the non-state actor is providing social services and governance in manner that is more efficient, effective, and less corrupt than the central government then a division in loyalties is created, which is seen in both countries. Other than providing social services, collecting taxes and having the monopoly over the use of violence enables the groups to be seen in the eyes of the local population as the more legitimate government entity.<sup>291</sup> These non-sanctioned groups fill a political vacuum that already existed or has been created by them. Conditions were right in both countries for Hezbollah and the Taliban to

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286. Roggio, "The Afghan Taliban's Top Leaders;" Miyundi, "The Islamic Emirate of Afghanistan and its Successful Administrative Policy;" Qassem, Hizbullah, 63.

287. Dorronsoro, "Waiting for the Taliban in Afghanistan," 4; Khouri, "Lebanon's Parallel Governance," 199.

288. Norton, "The Role of Hezbollah in Lebanese Domestic Politics," 477; Peter, "One More Hurdle in Afghanistan: Justice."

289. Kilcullen, Counterinsurgency, 149.

290. Dorronsoro, "Waiting for the Taliban in Afghanistan," 4.

291. Jaber, Hezbollah, 151-2; Chivers, "In Eastern Afghanistan, at War with the Taliban's Shadowy Rule."

set up such systems because they operate in environments with weak central governments that have either shown little resistance to the group's endeavors or have been unable to stop them.<sup>292</sup>

Hezbollah and the Taliban have found a niche in providing certain services that increase the group's legitimacy in the eyes of their respective populations. Hezbollah's lies in their robust social service section and the Taliban's are limited to providing justice and security. These central legitimizing elements may be different but their end results are the same; they boost their popularity among the local population and increase their legitimacy over the central government. Importantly, the Taliban and Hezbollah play heavily on the local population's grievances to gain a foothold as a way to establish and maintain their presence in a region.<sup>293</sup> In Hezbollah's case, the group provided a voice for the historically marginalized Shi'as who were ignored by the central government. Lebanese Shiites were the "most disadvantaged segment of Lebanese society."<sup>294</sup> For the Taliban, the population's grievances stem from the ineffective, corrupt governance and perceived lack of security and justice provided by GIRoA.<sup>295</sup> The ability for these organizations to provide services fast and in an uncorrupt manner make them both highly sought after. Like Hezbollah, the Taliban are replacing the state on certain functions because the groups are "more in touch with local realities."<sup>296</sup>

#### **4. Funding**

Three forms of funding both groups have in common are *zakat*, illicit enterprises, and foreign donations. *Zakat* is a mandatory Islamic tax that

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292. Khouri, "Lebanon's Parallel Governance," 198; Giustozzi, "Hearts, Minds, and the Barrel of a Gun," 79.

293. EAOS, 19.

294. Saad-Ghorayeb, 7,8; Hamzeh, 13-4.

295. Giustozzi, "Hearts, Minds, and the Barrel of a Gun," 71-2.

296. Engeland, *From Terrorism to Politics*, 38; Sedra, "Shedding light on the complexities of the Afghan War," 587.

Hezbollah and the Taliban collect since they view themselves as the representative authorities for their respective religious sects. In both cases collecting a tax only further legitimizes and validates them as the governing body in the eyes of the local population.<sup>297</sup> Taxes alone will not sufficiently fund these organizations and both have reportedly been involved in illicit businesses that include narcotics trafficking and arms dealing.<sup>298</sup>

A 2011 news article from ABC News links Hezbollah and the Afghan Taliban through an alleged arms and drugs ring.<sup>299</sup> Not as surprising a connection as many may think, Thomas Sanderson, a transnational crime specialist, argues that “porous borders and corrupt or ill-trained law enforcement in a multitude of countries have also played a role in enabling the arms trade, to the benefit of terrorist and organized crime groups.”<sup>300</sup> His argument is an apt description of Afghanistan. Sanderson further notes that “narcotics remains the most common and most lucrative form of organized crime used by terrorist groups such as Kosovo Liberation Army (KLA), the Islamic Movement of Uzbekistan (IMU), Al Qaeda, and Hezbollah.”<sup>301</sup> And interestingly, one of the biggest producers of opium happens to be Afghanistan.<sup>302</sup> In a March 2013 report to Congress on “Afghanistan: Post-Taliban Governance, Security, and US Policy,” notes that “all of the insurgent groups in Afghanistan benefit, at least in part, from narcotics trafficking.”<sup>303</sup> Specifically, within the Afghan Taliban there is

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297. Chivers, “In Eastern Afghanistan, at War with the Taliban’s Shadowy Past”; Dressler and Forsberg, 8; Jaber, Hezbollah, 151-2.

298. John Rollins and Liana Sun Wyler, “Terrorism and Transnational Crime: Foreign Policy Issues for Congress,” Congressional Research Service R41004, October 19, 2012, <http://www.fas.org>, 13.

299. Esposito, “Taliban, Hezbollah Agents Nabbed Drugs, Arms Stings: Feds.”

300. Sanderson, “Transnational Terror and Organized Crime: Blurring the Lines,” 51.

301. Ibid., 52.

302. “Futures of Borders: A Forward Study of European Border Checks December 2011,” Frontex Research and Development Unit, <https://www.opensource.gov>, 33.

303. Katzman, “Afghanistan: Post-Taliban Governance, Security, and U.S. Policy,” 18.

one faction known for its mafia-style operations, the Haqqani network (HQN).<sup>304</sup> The HQN led by Jalaluddin Haqqani and his son, Sirajuddin, and are in charge of the Waziristan or *Miranshah Shura* faction of the Taliban, but are linked with foreign fighters and have a penchant for transnational criminal activity.<sup>305</sup> Hezbollah too is embroiled in transnational organized crime type activities and the businesses are not limited to drugs trafficking.<sup>306</sup> The relative ease and substantial compensation from illicit activities makes it attractive to terrorist groups because state sponsored funds are finite and these groups require additional funding to support their agenda and improve their capabilities.<sup>307</sup>

Hezbollah and the Taliban also have foreign sponsors and donors that provide funds to each organization. Hezbollah has well-known sponsorships with Iran and Syria who give them money and arms.<sup>308</sup> In a similar situation, the Taliban are reportedly supported by Pakistan's Inter-Services Intelligence (ISI) agency and other donors from outside the region, namely Arab countries.<sup>309</sup> Generous donors are not going to be around forever so these organizations use transnational criminal activity as another income source.

## **5. Foreign Sponsors**

Both organizations are linked to having foreign state sponsors who are crucial to the organizations' operations. Hezbollah has two with Iran and Syria. The Taliban is connected to Pakistan through its Inter-Services Intelligence (ISI) agency, a group similar to the CIA. These foreign sponsors provide similar assistance in the way of advice, money, and resources. In doing so the

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304. Gretchen Peters, "Haqqani Network Financing: The Evolution of an Industry," Combatting Terrorism Center at West Point, (July 2012), <http://www.dtic.mil>, i, 4.

305. Peters, "Haqqani Network Financing," i, 4; IHS Jane's, "Haqqani Network," Jane's World Insurgency and Terrorism, updated January 11, 2013, <http://janes.ihs.com>.

306. Rollins and Wyler, "Terrorism and Transnational Crime," 19.

307. Ibid., 15.

308. Sanderson, "Transnational Terror and Organized Crime: Blurring the Lines," 50.

309. Rollins and Wyler, "Terrorism and Transnational Crime," 19.

organizations become the state sponsor's proxies and provides a friendly regime next door or in the region, but whether or not the sponsors are able to rein them in is another question. In Hezbollah's case, Iran funded their institution building at the beginning and encouraged them to enter into politics. Syria has played a fundamental part in Lebanese politics and as an "ambivalent" ally to Hezbollah.<sup>310</sup> By supporting Hezbollah, Syria is able to strike at Israel through the group and maintain ties with Iran. Similarly, the Taliban and Pakistan have an equally symbiotic relationship. Pakistan has given the group's top leadership safe haven in Quetta, Pakistan and "turned a blind eye to the militants crossing the border."<sup>311</sup> Additionally, the ISI has reportedly given the Taliban intelligence, tactical information, and advice. There are also accounts that the ISI provides money and weapons, but they are not the only source.<sup>312</sup> Much like Iran and Syria with Hezbollah, Pakistan sees the value in supporting the Taliban, in part, as means of having a friendly power next door that they would be able to control.<sup>313</sup>

## **C. DIFFERENCES BETWEEN THE GROUPS**

Most people would not associate Hezbollah with the Afghan Taliban for several reasons, which will be addressed here. The differences between the two groups are important to analyze for the same reasons the commonalities are important as they speak to the evolution and development of the groups. This section will look at their institutions, religious differences, political environments, and group composition.

### **1. Institutions and Social Services**

Hezbollah's institutions and social service provisions are far more robust than what the Taliban is offering Afghans, which is extremely limited at best and

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310. Norton, Hezbollah, 7, 35.

311. Barfield, Afghanistan, 327; Giustozzi, Koran, Kalashnikov, and Laptop, 24.

312. Giustozzi, Koran, Kalashnikov, and Laptop, 24-5; Rollins and Wyler, 19.

313. Barfield, Afghanistan, 328.

relegated to justice and security. The Party's capacity to provide services for the population surpasses the government and that is hard to say for the Taliban.<sup>314</sup> Hezbollah's effective and efficient institutions were at the heart of their group's genesis and made for a relatively easy transition to national politics. They also received a fair amount of assistance from their foreign sponsor, Iran, to be able to setup and maintain such systems.<sup>315</sup> The same cannot be said for the Taliban as their institutions and services are still nascent and in the past had to rely on Non-Governmental Organizations (NGOs). A May 2013 New York Times article indicates a change of heart among the group to allow NGOs into certain areas to conduct polio vaccinations.<sup>316</sup> Arguably the Afghan government has not provided much in the way of services either, but the Taliban is even further behind them and there is no indication that Pakistan can assist them in building this capacity.<sup>317</sup>

## **2. Religious Differences**

A glaring difference between the two groups is that they are from adversarial Islamic sects; Hezbollah is Shi'a and the Taliban are Sunni. As much as they have a similar ideological stance, Hezbollah are more tolerant than the Taliban and do not view non-Shi'as with disdain. Their support of the Palestinian cause, who are Sunni, highlights this sentiment. Additionally, Amal Saad-Ghorayeb explains the Party's changed ideological stance in *Hizbu'llah: Politics and Religion* that "the cornerstone of Hizbu'llah's doctrine on political violence is the principle of non-compulsion of Islam."<sup>318</sup> Essentially, Hezbollah does not believe they can impose an Islamic state on the Lebanese people because that is

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314. Khouri, "Lebanon's Parallel Governance," 199.

315. Alagha, "Shifts in Hizbullah's Ideology," 34-5.

316. Azam Ahmed, "In Afghanistan, Taliban Release 4 of 8 Turks in an Image Offensive," The New York Times, posted May 13, 2013, <http://www.nytimes.com>; Giustozzi, "Negotiating with the Taliban," 22.

317. Giustozzi, "Negotiating with the Taliban," 22.

318. Saad-Ghorayeb, 22.

not best for the country.<sup>319</sup> The Party is predominantly Shi'a but their message appeals to other Lebanese religious groups and Hezbollah has provided support to provide many of them.<sup>320</sup> The Taliban claim to be open to other Islamic sects and ethnicities, but their group remains about 95 percent Pashtun who are Sunni and predominantly from rural Southern Afghanistan.<sup>321</sup> The Afghan group believes that Islam in general transcends ethnic lines, but it is their brand of Islam which is an archaic and radical interpretation of the religion.<sup>322</sup> Also during their rule in the late 1990s the Taliban declared the Afghan Shi'a population to be infidels.<sup>323</sup> Therefore, the Afghan group does not have a history of being tolerant of other groups within Afghanistan.

**a.     *The Shi'a – Sunni Split***

To further understand the religious differences between Hezbollah, a Shi'a group, and the Taliban, a Sunni group, a brief explanation of how the division within Islam occurred and what the two sects differ on is necessary. Basically, the root of the split is based on how leaders were selected and on what criteria.<sup>324</sup> After the Prophet Mohammad died his successors were elected via a *shura* vice keeping the top position within the family blood lines. The elected official was called a caliph and embodied the ideal Muslim; pious, brave, just, and religious. <sup>325</sup> Only a few years after the Prophet's death issues surfaced dealing with money, new sects, and rivalries that caused in-fighting among the Muslims and eventually led to divisions within the Islamic community. The fourth caliph, Ali, cousin and son in-law of the Prophet, had his rule challenged by a couple of

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319. Jaber, Hezbollah, 165.

320. Addis and Blanchard, "Hezbollah: Background and Issues for Congress," 4, 9.

321. EASO, "Country of Origin Information Report: Afghanistan Taliban – Strategies," 23.

322. Jane's, "Taliban."

323. John Esposito, ed., The Oxford History of Islam (Oxford: Oxford University Press, 1999), 660.

324. Esposito, ed., The Oxford History of Islam, 16, 18.

325. Akbar S. Ahmed, Discovering Islam: Making Sense of Muslim History and Society (London: Routledge and Kegan Paul, 1988), 33, 36.

fellow Islamic groups, which was an indicator of discord within the community. Ali gained support from those believing the leadership of the group should remain within the family of the Prophet as if special powers were passed along the bloodline.<sup>326</sup> This group was called the Alids, which evolved into Shi'ism. Events that transpired during and after Ali's rule, death, and subsequently the similar fate of his son, Husayn, are important aspects of the Shi'as' collective history and explain their theme of suffering and being oppressed.<sup>327</sup> A similar notion that is heavily prevalent in Hezbollah's doctrine is the idea of supporting the oppressed.<sup>328</sup> In addition, the Shi'as recognize the Imamate or the leadership that was "divinely inspired, sinless, infallible, religiopolitical leader of the community" and direct descendent of the Prophet.<sup>329</sup> Shi'as codified their beliefs in books and laws which led to the creation of the Ayatollah as the human representative that embodied the divine spirit of the Imams and acted as their trusted agents since none of the Imams were known to be living.<sup>330</sup> To the Shi'as the Sunnis were not legitimate followers of the faith and their Imams were "merely leaders of prayer."<sup>331</sup> The Sunnis, on the other hand, backed the caliph and the use of consensus for selection of their leader as well as for interpreting religious authority.<sup>332</sup> After the caliph, the title of their leader became "commander of the believers" or *amir al-mu minin*, which is the same designation used by the Taliban's leader, Mullah Omar.<sup>333</sup> The Sunnis did not think it was necessary for the leader to be a descendant of the Prophet and it could be one

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326. John L. Esposito, *Islam: The Straight Path* (New York: Oxford University Press, 2005), 37; William Montgomery Watt, *What is Islam?* (London: Longman, 1979), 119.

327. Ron Geaves, *Aspects of Islam* (Washington, D.C.: Georgetown University Press: 2005), 108.

328. Saad-Ghorayeb, 21.

329. Esposito, *Islam*, 43.

330. Ahmed, *Discovering Islam*, 72.

331. Geaves, *Aspects of Islam*, 107.

332. Esposito, *Islam*, 44.

333. Esposito, ed., *The Oxford History of Islam*, 14-5.

his “companions.”<sup>334</sup> Ultimately, Sunnis believe that Shi’as have diverged from the original intent of Islam and its sense of community and consensus.<sup>335</sup>

### **3. Political Environment**

Hezbollah and the Taliban operate in different political environments that affect their growth, development, and behavior. Lebanon has a confessional-style government where each of the top three religious groups hold positions of power. Additionally, a change was made to its constitution in 1989 with the Taif Accords that leveled the playing field by granting a more equal representation of Muslims in government.<sup>336</sup> Iran’s insistence of the Party to participate in the 1992 national elections played a big role in Hezbollah’s acceptance to the idea of participating. Also the Lebanese government was willing to bring them into the fold, but under conditions that Hezbollah agreed to. Political parties allow for alliances that cross sectarian lines, which are seen in Lebanon. By contrast, GIRoA is a democratic system that includes a president and parliament where the president has contested the usage of political parties and selects government officials below the national level because the constitution does not allow local elections.<sup>337</sup> As opposed to Lebanon where there is power-sharing along a sectarian divide, in Afghanistan the government is dominated by one ethnic group with ethnic and religious divides.<sup>338</sup> Therefore, how would the Taliban be co-opted into the government and how would transitioning benefit them? The use of Single Non-Transferable Voting (SNTV) only exacerbates the lack of unity within the government since Afghans must run as individuals and not necessarily

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334. F.E. Peters, *Islam: A Guide for Jews and Christians* (Princeton: Princeton University Press, 2003), 140.

335. Peters, *Islam*, 204.

336. Alagha, *The Shifts in Hizbullah’s Ideology*, 40.

337. Johnson, “Afghanistan’s Post-Taliban the State of State-Building After War,” *Central Asian Survey* 25, no.1-2 (2006): 17, <http://dx.doi.org>; Barfield, *Afghanistan*, 303.

338. IHS Jane’s, “Afghanistan: Executive Summary,” *Jane’s Sentinel Security Assessment – South Asia*, updated October 15, 2012, <http://janes.ihs.com.libraryproxy.nps.edu>.

on causes or along party lines.<sup>339</sup> The Taliban do not really have an incentive to reintegrate and co-opt with the government because they can pay or coerce individuals to vote a certain way. Additionally, SNTV in Afghanistan spreads the votes across many candidates therefore; running in the election is no guarantee of getting into office and creating a majority. To makes matters worse, the bulk of the Afghan population is illiterate making the campaigning and voting process difficult because the ballot only has pictures associated with candidates and no party affiliation or platform information.<sup>340</sup>

#### **4. Group Composition**

Hezbollah is a relatively cohesive, homogeneous organization whose leadership is made up of classically-trained clerics and abides a common ideological belief.<sup>341</sup> As a group they made the transition to a political party. Additionally, much of the Party members consist of middle class Shi'as.<sup>342</sup> A characteristic of the group that came from the Shi'as' history and development is that they are much more hierarchical and disciplined than the Sunnis who are more informal and based on group consensus.<sup>343</sup> Along these lines the Taliban is more fractious in nature and made of a series of networks, but under a common leader, bond of Islam, and cause to fight international forces.<sup>344</sup> Giustozzi argues that these networks "have different ideological leanings and allegiances, with some groups being more radical than others."<sup>345</sup> The group is primarily made up of rural Pashtuns and *madrassa* students, but there is some indication that the Taliban are trying to recruit from universities in Afghan

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339. Johnson, "Afghanistan's Post-Taliban the State of State-Building After War," 17.

340. Andrew Reynolds, "The Curious Case of Afghanistan," *Journal of Democracy* 17, no. 2 (2006): 112-3. <http://muse.jhu.edu>; Johnson, 16, 19.

341. Norton, Hezbollah, 45.

342. Ibid.

343. Esposito, *The Oxford History of Islam*, 359.

344. EASO, 23.

345. Giustozzi, "Negotiating with the Taliban," 13-4.

cities.<sup>346</sup> Arguably, the lack of cohesion indicates a potential problem if the Taliban attempt a power grab following the post-2014 international troop withdrawal, because there will no longer be a common cause holding them together and could lead to infighting as well as another civil war similar to the post-Soviet pullout.

#### **D. CONCLUSION**

This chapter analyzed the commonalities and differences between Hezbollah and the Taliban. By looking at the similarities between the two groups provides possible explanations for the Taliban's recent growth in political depth. Are these indications of a group that is transitioning from a violent extremist organization to a political party like Hezbollah or possibly looking to participate in government or even make an attempt for a takeover after 2014. In Seth Jones and Martin Libicki's book, *How Terrorist Groups End*, provide research that narrows down how groups of this type meet their demise through either splintering, policing, using military force, or (on a rare occasion) taking on a political role.<sup>347</sup> Hezbollah has been able to make the transition into politics begrudgingly and even retained their military wing. The Taliban are still evolving, but with their ability to be resilient have the potential to follow the same route; although, splintering is also a valid possibility.<sup>348</sup> Differences between the groups were also discussed and they highlight the difficulties the Taliban have in being able to make the transition into national politics. The next chapter is the conclusion that will wrap up the thesis.

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346. EASO, 23; Jane's, "Taliban."

347. Seth G. Jones and Martin C. Libicki, *How Terrorist Groups End: Lessons for Countering al Qa'ida* (Santa Monica, CA: Rand Corporation, 2008), 36-7.

348. Gilles Dorronsoro, "The Taliban's Winning Strategy in Afghanistan," Carnegie Endowment for International Peace (2009), <http://carnegieendowment.org>, 9.

## VI. CONCLUSION

The Afghan Taliban's usage of the shadow governance system highlights the group's growing influence in Afghanistan and evolution from their past government experience. The group has reestablished their presence in a way that questions the viability of the government regime that the US and international community assisted in developing and supporting after the Taliban's ouster in 2001. Questions that need to be seriously evaluated by the international community; are the Taliban an alternative to the current Karzai regime and will they take over after the international community departs the country in 2014? All signs point toward yes with the Taliban attempting to out-govern GIRoA.<sup>349</sup> The Afghan group is legitimizing their presence through the implementation of a parallel government and a more complex command structure than the Taliban have utilized in the past; although, the crux of their legitimacy revolves around the justice and security they provide.<sup>350</sup> With the US and Afghan Security Forces unable to deter or make significant headway against the group, the Taliban are becoming a serious contender as a power player for the future. The US sees it as necessary for their drawdown that the Taliban reconcile with GIRoA and take part in the political process.<sup>351</sup> The Taliban's evolution has been a few years in the making, but it should come as no surprise as other terrorist groups have made a similar transition to a legitimate political party or incorporate an influential political element into the faction. The example of a successful transition used in this thesis was Hezbollah and a comparison was drawn between the two groups' commonalities and differences to see if that could help understand the Afghan group's recent political depth.<sup>352</sup>

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349. Dorronsoro, "Waiting for the Taliban in Afghanistan," 18.

350. Giustozzi, "Taliban Networks in Afghanistan," 15, 21, 31.

351. Jim Michaels, "Taliban Considering Political Path," USA Today, February 11, 2013, <http://www.usatoday.com>.

352. Engeland and Rudolph, *From Terrorism to Politics*, 38-9, 181.

Even though the Taliban are more sophisticated than their original version that was in power in the 1990s, the group is still unable to provide basic services to the Afghan people. Their services are limited to providing justice and security, which highlights the inadequacies of the Afghan group as a potential central government. Therefore, the Taliban may not offer a better solution for governance than GIRoA, but it is a local solution. As discussed throughout this thesis, the main legitimizing factor of the Taliban is their ability to administer legal services to the population, which are viewed as archaic and brutal but fair.<sup>353</sup> Unless the group takes further steps to provide other essential services to Afghans, popular support will stagnate, and it will become difficult to take and remain in power.<sup>354</sup> An option available to the Taliban is the threat to use of force or brutalize Afghans, similar to how they ruled in the 1990s, and then the population may conform, but Afghans, especially those that have returned from abroad who now have some expectations of the government. Additionally, there have been uprisings to the Taliban rules, edicts, and actions in various provinces. The Taliban are quick to deny and dismiss such revolts among local Afghans as propaganda of the government.<sup>355</sup> The group's actions, however, speak otherwise with Mullah Omar reportedly authorizing commanders and governors to deviate from the group's strict edicts to maintain popular support.<sup>356</sup> It will be hard for the Taliban to rule the country if they cannot balance their extreme religious ideology with providing effective governance, which will be crucial in not alienating the Afghan population, especially the non-Pashtuns. Another consideration worth debating is whether the organization is cohesive enough to even make a bid for power. The Taliban are described as a "network of

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353. Peter, "One More Hurdle in Afghanistan: Justice."

354. Rashid, Taliban, 106.

355. Open Source Center, "OSC Report: Afghan Media Report More Uprisings in South, Setbacks in the East," Open Source Center, published February 26, 2013, <https://www.opensource.gov>.

356. Giustozzi, "Hearts, Minds, and the Barrel of a Gun," 75; Giustozzi, "Taliban Networks in Afghanistan," 28.

franchises” with differing motives and character depending on their location.<sup>357</sup> Jane’s breaks the group into three categories: original Taliban, neo-Taliban, and “mercenary elements” that are “not mutual exclusive, and...are overlaid by a complex web of tribal loyalties and politics.”<sup>358</sup> Shehzad Qazi points out in his article, “The ‘Neo-Taliban’ and Counterinsurgency in Afghanistan,” that “members of the resistance who call themselves the ‘Taliban’ are hardly a united group with a single vision for Afghanistan, like the 1990s Taliban.”<sup>359</sup> Therefore, as 2014 draws closer it will be interesting to see if the Taliban do remain unified and transition to a political party.

#### **A. POLICY IMPLICATIONS**

The US and international community have to prepare for the possibility of the Taliban filling some sort of capacity in the government post-2014. What exactly will their role be? How will the international community deal with Afghanistan? Even though the possibility of the Taliban taking over the government is a very real possibility, they could limit themselves by only seeking to co-opt with the current regime, which they have made some mention of being willing to do.<sup>360</sup> Either way, having meaningful interactions with the Afghan government may be difficult due to the operations over the last ten years that have targeted the elimination of the group. Also if the Taliban do take over there is the concern of Afghanistan falling back into being a safe haven for terrorist training camps. Dealing with this possibility sooner rather than later will be important for the international community to maintain stability in the region. Another complicating note, the Taliban are not known for being adherents to human rights principles, which is highlighted with their poor track record for the

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357. Afshar, Samples, and Wood, “The Taliban an Organizational Analysis,” 65; Giustozzi, “Taliban Networks in Afghanistan,” 20-1.

358. IHS Jane’s, “Taliban.”

359. Qazi, “The ‘Neo-Taliban’ and Counterinsurgency in Afghanistan,” 487.

360. Katzman, “Afghanistan: Post-Taliban Governance, Security, and US Policy,” 14; “Text of Speech Enunciated by Afghan Taliban at Research Conference in France.”

treatment of women. Aid money that is earmarked for the country's future may be a way to get the group in line, but the group's history and ideological stance may put that foreign aid in jeopardy. The US and international community will have to accurately assess the situation on the ground to determine how best to proceed if the Taliban indeed come into power because South Asia's regional stability will be at question again, which could drag global community back.<sup>361</sup>

## **B. FURTHER RESEARCH**

With the US and international community preparing for a significant draw-down and departure from Afghanistan in 2014 it will be necessary to continue to do research and studies in the region. The standard American modus operandi is once the US leaves an area of operations then research and overall interest diminishes and continuing this method is detrimental to US national security. The US Army is at least realizing the importance of understanding and maintaining long term engagements with other cultures and groups by implementing regional aligned brigades where Army units will be aligned with a certain AOR. It will allow for a "globally responsive" capability.<sup>362</sup> A repeat of 2001's scramble to gain knowledge, information, and experts on the region was not beneficial for anyone, therefore, continued academic presence and engagement should be considered. Developing a better understanding of groups like the Taliban and their motivations is important for developing suitable countermeasures and counterterrorism strategies. Along these lines it is crucial to keep researching and studying the Taliban's organizational structure, its uniformity or lack thereof, and the impact of its leadership. If Mullah Omar is not

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361. Joel Brinkley, "Money Pit: The Monstrous Failure of US Aid to Afghanistan," *World Affairs*, (January/February 2013), <http://www.worldaffairsjournal.org>; Richard W. Stevenson, "As Troops Leave, an Uncertain Future for U.S. Aid in Afghanistan," *The Caucus: The Politics and Government Blog of The Times*, New York Times, published February 14, 2013, <http://thecaucus.blogs.nytimes.com>.

362. United States Army, "Regionally Aligned Brigades," *Stand-to!*, published December 12, 2012, <http://www.army.mil>.

alive, will that affect the cohesiveness of the group? Will the group be able to stay together and be a viable alternative to GIRoA? The Taliban are setting themselves up for some sort of power position after the 2014 drawdown and time will only tell what that will be.

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