# Rebel Governance and Legitimacy in Afghanistan and Sri Lanka

Niels Terpstra

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# Rebel Governance and Legitimacy in Afghanistan and Sri Lanka

**Rebellenbestuur en legitimiteit in Afghanistan en Sri Lanka**

(met een samenvatting in het Nederlands)

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# CHAPTER 1

## Introduction

# 1 Introduction

*This district is under total control of the Taliban, there is a complete system of the Taliban. They have certain policies, they have strong rules, no thieves for example. There is also a strong justice system in Chahar Dara. It is fully operational, even people from the city go the Taliban judges in Chahar Dara, not to the government. The Taliban gives the solutions, the resolutions.*[1]

Kunduz city resident, Kunduz province, Afghanistan

*Well, the LTTE had everything, they had police, they had courts, they had finance departments, they had administrative departments, etc., they were a de facto state. We used to say that the population loved them and hated them; they had a love/hate relationship with the LTTE.*[2]

Jaffna city resident, Northern province, Sri Lanka

The subject of this dissertation is rebel governance and legitimacy in Afghanistan and Sri Lanka. It investigates how the Taliban in Afghanistan have governed territories under their control over the past decades and how the Liberation Tigers of Tamil Eelam (LTTE) governed Northeastern Sri Lanka until their final defeat in 2009. I was immediately fascinated by the phenomenon of rebel governance when first reading about it. How could these unruly types of armed groups have state-like functions and – sometimes – even conduct them well? Relatively little has been known about the specificities of the Taliban and LTTE's governance practices as the empirical evidence has been relatively limited. Based on eight months of fieldwork in both countries, I analyzed their governance and legitimation practices in a collection of five published articles. This first chapter serves as introduction to these articles, while Chapters 2 and 3 provide the theoretical and methodological considerations respectively. Each of the five articles, however, presents its own separate, specific methodology, findings, and conclusions.

Many journalistic accounts characterize civil wars as instances of chaos, lawlessness, and the breakdown of social and political order. Although civil wars certainly tear societies apart, the parallel processes through which social and political order continue, have received less attention. This is particularly so for the order created and maintained by rebel groups. Rebel governance exists whenever rebel groups in civil wars "engage residents in an area they significantly control to pursue a common objective" (Kasfir 2015, p. 22). The two interview excerpts above describe civilians' first-hand experiences with rebel governance. The first person lived under the Taliban in Afghanistan and the second experienced the LTTE rule in Northeastern Sri Lanka.

[1] In-depth interview with a Kunduz city resident, in Kabul on 4 April 2016. Given the security situation in Afghanistan, the names of the respondents are not made public.
[2] In-depth interview with a Jaffna city resident, in Jaffna on 21 March 2016. Given the sensitivity of the topic, the names of the respondents are not made public.

Although state sovereignty has become the bedrock of the international state system as we know it at the present time, this has certainly not always been the case throughout history (Krasner 1999, Philpott 2001).[3] Yet, it has become common in contemporary political thinking to attribute main governance practices and political authority to sovereign states. From that perspective, rebel groups are an illegitimate and relatively under-recognized governance actor. However, as the case studies in this dissertation show, rebel groups that fight against a sovereign state can themselves also be involved in governance and, thus, acquire political authority. These rebel groups are not internationally recognized states, but they do mimic many state functions that in contemporary history have become directly associated with the sovereign state. These functions include security provision, a judicial system, education, health care, taxation, infrastructure, and utility services. As a result, some geographical territories (for example Northeastern Sri Lanka between 1990-2009) were *de jure* considered to be part of a sovereign nation state (the Sri Lankan state in this case), but *de facto* ruled by a rebel group (the LTTE).

Rebel governance is not an uncommon phenomenon. Approximately one-third of all insurgencies worldwide between 1945 and 2003 provided health care and/or educational services to the population under their control (Stewart 2014). From Latin-American leftist guerillas to Islamic groups in the Middle East and liberations movements throughout Africa and Asia, rebel groups have been involved in governance (see for example: Arjona et al., 2015). However, involvement in practices of governance is not self-evident for rebel groups. Governing is a costly endeavor filled with obstacles. The implementation of a judiciary system, the collection of taxes, and the provision of costly public goods demand sufficient resources, internal discipline, and coherence in strategy. In order to govern, rebel leaders must divert financial resources away from the military battle towards civilian governance efforts (Kasfir 2002, Mampilly 2011). This also requires rebel personnel that could have been used on the battlefield (Mampilly 2011, p. 62). Particularly under short-term military pressure rebel groups have fewer incentives to focus on a governance agenda, which almost inherently entails long-term investments and decisions (Arjona 2016, pp. 53–54).[4] For short-term gains, it may be more opportune for rebels to travel around and loot the population (Olson 1993).[5] Why then, do rebel groups become involved in governance?

Civil war is the common context in which rebel governance takes place. Understanding rebel governance, therefore, requires a focus on the interactions between rebel groups and

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[3] The European tradition of thought in particular views the Peace of Westphalia in 1648 as an important transition from the dispersed authority of the Middle Ages to an international system of sovereign states (Philpott 2001, pp. 75–96). As a result of this transition, the sovereign state became the legitimate polity within Europe. As Krasner explains, the fundamental norm of Westphalian sovereignty is that "states exist in specific territories, within which domestic political authorities are the sole arbiters of legitimate behaviour" (Krasner 1999, p. 20).

[4] As Kasfir points out, the process of engaging civilians is filled with obstacles, probably most prominently because the rebels are at war with the incumbent government (Kasfir 2005, p. 273). Military strategic considerations may, for example, force rebels to retreat from territory where they have just built a positive relationship with the population. If anything, the relationship between the rebel leadership and the civilian population is contingent on the dynamics of war.

[5] Rebel groups can be pre-dominantly predatory and travel around to loot the civilian population. Olson (1993) referred to this type of armed group as 'roving bandits' as opposed to 'stationary bandits'. Roving bandits would include rebel groups like the Lord's Resistance Army (LRA) or the Rwandan Patriotic Front (RPF).

civilians during civil war (Arjona *et al.* 2015, pp. 1–20).[6] The existing civil wars literature shows that interactions between combatants and civilians are key to a better understanding of various civil war processes, such as mechanisms of violence, rebel recruitment, and displacement patterns (Kalyvas 2006, Weinstein 2006, Steele 2017). Civilian collaboration or compliance is usually a central and immediate concern for the warring sides in a civil war, as key authors have long recognized (Galula 1964, Tse-Tung 1965, O'Neill 2005, Kalyvas 2006, Arjona *et al.* 2015, Arjona 2016).[7] Civilians are potential recruits and may be able to provide valuable information about the enemy (Arjona 2016, p. 46, 2017). They may also provide combatants with shelter, refuge or food. Therefore, I assume that rebel groups base their behavior, which might include governance, at least partially on the need to create civilian compliance (Kalyvas 2006, Arjona 2016, p. 47). If rebels are able to provide social- and political order, civilians may reciprocate with compliance. Hence, rebel governance may play a role in a more durable 'social contract' that is characterized by dynamics of reciprocity between a rebel group and segments of the civilian population. The difficulty for both rebels and incumbent governments, however, is that civilian compliance is rarely static and clear-cut. It is malleable and contingent on the behavior of the parties to the conflict (Kalyvas 2006, pp. 101–103, Arjona 2016). The question then becomes how exactly rebel governance affects both civilian compliance and the underlying legitimacy of these groups.



Because rebel governance takes place during civil war, it always involves a context of significant coercion, or the credible threat thereof, for civilians. For rebel groups, coercion is necessary to take control away from the incumbent government and a "first order condition that makes the production of loyalty possible" (Kalyvas 2006, p. 114). According to Giustozzi (2012, p. 72), governing depends at least to some extent on the efficient and effective utilization of coercion - a basic ingredient of the art of government. Although coercion is never absent from the context of civil wars, it cannot be the full explanation for civilian compliance with rebel groups. As Levi notes, "enforcement is nearly always imperfect. Even with considerable coercive power and effective techniques of measurement and monitoring, a ruler cannot achieve total compliance unless there is a policeman on every corner" (1989, p. 49). Coercion can be the initial basis of a rebels' political order (Kasfir 2015), but in the long run rebel groups need legitimacy to turn short-term power into more durable positions (Schlichte and Schneckener 2016).

Since rebel groups in in civil wars depend – at least partly – upon the civilian population for their success or even survival, the rebel leadership will need to convince their following that their cause is righteous, necessary, or even inevitable. Legitimation practices, i.e. attempts to acquire legitimacy, are crucial in that regard (Schlichte and Schneckener 2016, Kasfir 2019). Governance practices can have a legitimating effect, such as the provision of collective services.

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[6] I use the distinction between rebel and civilian for analytical purposes. However, I do recognize that in the complexity of civil wars this distinction is not always clear-cut.

[7] I focus on rebel groups that follow a strategy of 'protracted popular war' (O'Neill 2005, pp. 49–55). In a protracted popular war strategy, broad-based support from the civilian population is necessary to achieve political and military success. In contrast, in a 'conspiratorial strategy' a rebel group seeks to remove the ruling authorities through a limited but swift use of force, whereby broad-based popular support is not considered necessary for political or military success (2005, pp. 46–49).

However, not all legitimation practices coincide with governance practices; some legitimation practices precede the existence of rebel governance. Specific discourses of rebel groups may render civil war ‘acceptable’ and ‘necessary’ (Jabri 1996). Hence, actions that are considered taboo in peacetime can become glorified during times of civil war (Demmers 2016, p. 123). Rebel groups attempt to justify the actions they are taking and the identities they are expressing and claiming vis-à-vis their constituency. Acquiring a level of legitimacy amongst a constituency helps rebels to stabilize their rule and collect resources and may consequently improve their prospect of success (Mampilly 2015, p. 80). Or, as Arjona notes, “an armed actor is more able to control the behavior of its subjects if at least some of them willingly comply. This allows rebels to allocate precious resources to pursuing their goals instead of spending them on monitoring civilians” (Arjona 2016, p. 49). How rebel governance and legitimation practices affect civilian compliance is the central theme throughout this dissertation.

From the perspective of the civilian population, compliance with an armed group is neither evident nor straightforward. There are various reasons and incentives for civilians to comply and not to comply. Moreover, these reasons and incentives can vary amongst different segments of the population. Civilian compliance means obedience to the orders and rules of the rebel group, but it also includes spontaneous support or enlistment (Arjona 2017, p. 762). Civilian compliance can follow out of self-preservation, ideological conviction, opportunism, specific beliefs, identities, or otherwise. Compliance with a rebel group may, however, be dangerous for civilians and/or their families, since it risks sanctions from the opposing government. Furthermore, compliance may go against civilians’ beliefs or may offer them less rewards than non-compliance. How rebel governance and legitimation practices affect civilian compliance requires further theoretical and empirical scrutiny, including an investigation of the perspective of civilians.

Despite the advancing academic literature on rebel governance, several knowledge gaps have remained. As elaborated in the next chapter (2) on theory, these knowledge gaps include a limited understanding of: rebel symbolism; legitimation and civilian compliance; longitudinal perspectives on rebel governance and legitimacy; and the relation between contentious politics and rebel governance. Furthermore, additional empirical evidence on rebel governance and legitimacy is needed to advance our broader understanding of civil wars. In sum, those are the main academic knowledge gaps that the articles in this dissertation aim to fill.

The dissertation also carries policy and societal relevance. Acquiring knowledge on populations in armed conflict is highly relevant for governments, humanitarian organizations, NGOs, and other international organizations that attempt to promote the well-being of civilians. For these actors, the existence of armed non-state groups and how to deal with them constitute multiple dilemmas. The variety and multiplicity of actions that rebel groups perform signify the necessity of understanding rebel governance beyond pre-determined or simplistic narratives that may misinterpret realities on the ground. For example, a dominant terrorism discourse with a binary good vs. evil frame diminishes room for negotiations with armed groups and may hinder local solutions for the needs of civilian communities, particularly in rebel-held

territories.[8] Ultimately, the aim of the research project has been to gain a better understanding of these governance and legitimation practices in relation to civilian compliance, to contribute both to academia and policy-making.

Following the line of reasoning above, the main research question underlying the research project and articles has been: *How does rebel governance affect civilian compliance with a rebel group?* The sub-questions of the research have been: (a) through what kind of historical trajectories did rebel governance emerge and transform? (b) what governance and legitimating practices did the rebel groups use to shape a social contract with the population? (c) how did civilians interpret and respond to these governance and legitimation practices?, and more specifically, (d) why did civilians comply or did not comply with the particular rebel group? The articles in this dissertation each address different facets of the main question and sub-questions. The articles analyze rebel-civilian interactions both theoretically and empirically in accordance with Ragin's (1994) on-going 'dialogue between theory and evidence'. Empirically, I have investigated two rebel groups in South Asia as cases of effective rebel governance. As outlined in Table 1, the first article is a theoretical chapter (Article I), followed by two articles on the LTTE in Sri Lanka (Articles II and III), and two articles on the Taliban in Afghanistan (Articles IV and V). Both cases have been relevant vantage points for the empirical study of the main questions of this dissertation.



The remainder of this dissertation is structured as following. The next chapter on theory presents the main concepts, existing theories, and main knowledge gaps that this dissertation aims to fill. The subsequent chapter discusses methodology, which includes the research design, data collection process, challenges and limitations, and my positionality as a researcher. Then follows the collection of five publications at the core of this dissertation: four published journal articles and one published book chapter in an edited volume. These are followed by a final chapter that presents the overall conclusion of this dissertation, as well as the academic contributions, possible avenues for future research, and the societal and policy implications.

| | **Table 1 – Overview of the publications in this dissertation** | |
|---|---|---|
| Article I | Theoretical book chapter | Duyvesteyn, I., Frerks, G., Kistemaker, B., Stel, N., and Terpstra, N., 2016. Reconsidering Rebel Governance. *In*: Lahay, J. and Lions, T. (Eds.) *African Frontiers: Insurgency, Governance and Peacebuilding in Postcolonial States*. London and New York: Routledge, 31–40. |
| Article II | Sri Lanka, the LTTE | Terpstra, N. and Frerks, G. 2018. Governance practices and symbolism: de facto sovereignty and public authority in 'Tigerland'. *Modern Asian Studies*, 52(3), 1001-1042. |
| Article III | Sri Lanka, the LTTE | Terpstra, N. and Frerks, G. 2017. Rebel Governance and Legitimacy: Understanding the Impact of Rebel Legitimation on Civilian Compliance with the LTTE Rule. *Civil Wars,* 19(3), 279-307. |
| Article IV | Afghanistan, the Taliban | Terpstra, N. 2020. Rebel Governance, rebel legitimacy, and external intervention: assessing three phases of Taliban rule in Afghanistan. *Small Wars & Insurgencies,* 31(6), 1143-1173. |
| Article V | Afghanistan, the Taliban | Terpstra, N. 2020. Opportunity Structures, Rebel Governance, and Disputed Leadership: the Taliban's Upsurge in Kunduz Province, Afghanistan, 2011-2015. *Studies in Conflict & Terrorism*. Pre-published online. |

[8] See also article I of this dissertation, in which the role of rebel groups in peace- and state-building is explored. The perception of rebel groups as "spoilers" and/or "terrorists" only, may hamper the potential of humanitarian access in rebel-held territory.

# CHAPTER 2

## Theoretical Considerations

# 2 Theoretical Considerations[9]

## 2.1 Main Concepts



I follow Kasfir's definition of *rebel groups* and/or *insurgencies*: "consciously coordinated groups whose members engage in protracted violence with the intention of gaining undisputed political control over all or a portion of a pre-existing state's territory" (Kasfir 2015, p. 24).[10] A rebel group further uses a name to designate itself and is made up of structures of command and control (Staniland 2014, p. 5). Rebel groups intend to seize political power through the use of violence, which sets them apart from regular political parties.[11] They violently oppose the existing state government and/or any other rebel groups. Two central types of strategies can generally be discerned: rebel groups that aim to overthrow the central government (center-seeking rebel groups); and those who attempt to carve out a discrete territory from the state (secessionist rebel groups) (Mampilly 2011, pp. 74–75). Rebels plan, lead, and participate in combat, which sets them apart from civilians (Kasfir 2015, p. 24).[12] I view civilians during civil wars as all persons who are not members of state armed forces or organized armed groups (Melzer 2009, pp. 30–36). Civilians do not turn into rebels just by providing them with popular or material support (Kasfir 2015, p. 24). Typically, civilians become rebels once they are incorporated into planning and/or carrying out military operations (Kasfir 2015, p. 24). In practice, individuals may move informally from rebel to civilian and vice versa, but for analytical purposes I work with a distinction between the two categories.

*Civil war* can appropriately be defined as "armed combat within the boundaries of a recognized sovereign entity between parties subject to a common authority at the outset of the hostilities" (Kalyvas 2006, p. 5). Civil wars are complex phenomena. The boundaries between global/local, inter/intra, state/non-state, political/criminal are usually blurry and various forms of violence overlap and mutate into each other (Demmers 2016, p. 12). Violent conflicts foster complex and volatile interactions among actors with distinct identities, needs, and interests (2016, p. 12). During civil war, territorial control becomes divided between different warring parties, with some areas under full control by either the government, the rebels, or other armed groups, while in other areas control is contested, often shifting between a multiplicity of protagonists (Kalyvas 2006, pp. 210–220, Kasfir *et al.* 2017, p. 257). Kalyvas refers to this as the twin process of segmentation and fragmentation of sovereignty (2012, pp. 405–406). Segmentation refers to "the division of territory into zones that are monopolistically controlled by rival actors, while fragmentation refers to the division of territory into zones where the rivals' sovereignty overlaps" (Kalyvas 2012, pp. 405–406). To put it differently, civil wars are political

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[9] The theoretical chapter is partly derived from the theoretical discussions in the published articles of this dissertation.

[10] Following authors such as Arjona (2016, p. 13) and Kasfir (2015, p. 24), I assume in this dissertation that rebel groups seek to control territory, even if that territorial control is contested or very limited.

[11] Criminal gangs can be involved in similar activities as rebel groups, but what sets rebel groups apart is their political intention to take over or reform the state, or the aim to secede from an existing state (Kasfir 2015, p. 23).

[12] The adopted definition of 'rebels' is broadly in line with the legal definition of armed groups put forward by the International Committee of the Red Cross (see for example: Melzer 2009, pp. 30–36). This dissertation does not seek to address legal debates on this topic.

contexts in which the use of violence produces both order (segmentation) and disorder (fragmentation) (Kalyvas 2012, pp. 405–406, Terpstra 2019, p. 5).

Despite their destabilizing effects, it would be wrong to assume that total chaos prevails in civil wars. As noted above, the conditions of civil war do not necessarily produce 'ungoverned spaces' (Kasfir *et al.* 2017, p. 258, Murtazashvili 2018). Throughout these territories, forms of governance emerge or continue to function, whether mainly following the regulations of the state, the practices of a variety of non-state (armed) groups, or a combination of both (Mampilly 2011, p. 26). At stake in this dissertation is the multiple, dynamic, emergent, and often contested nature of governance interactions and arrangements under the conditions of civil war.



I adopt the notion of *governance* to gain a better understanding of the interactions between rebels and civilians during civil war. Governance should not be understood as a monolithic or unified concept, that is, as the prerogative of a formal government. Instead, I follow Rosenau and colleagues by observing that governance is a more encompassing phenomenon than government, because it embraces informal, non-governmental mechanisms of persons and organizations as well as formal institutions (1992, p. 4). As I use it, governance contains no prescriptive implications; it comprises the conduct of rebel-civilian relations, regardless of morally good or bad behavior or treatment by either side (Kasfir 2002, p. 4). Governance does not equal 'popular support', although they may go hand-in-hand. The rebels must show the civilian population that their rules have some degree of predictability and will be enforced.

At the very minimum, *rebel governance* means "the organization of civilians within rebel-held territory for a public purpose"(Kasfir 2015, p. 24). Kasfir explains that the "relations between guerrillas and civilians can be understood as problems of politics under special circumstances" (Kasfir 2002, p. 4). He adds "guerrilla governance refers to the range of possibilities for organization, authority and responsiveness created from the daily interactions between guerrillas and civilians" (Kasfir 2002, p. 4). These interactions may vary from *ad hoc* arrangements to enduring regulatory structures. The interactions between rebels and civilians can vary from coercive measures to 'softer' measures inducing civilian compliance. Civilians may respond to these measures by agreeing to the insurgent's requests or by refusing them. Passively or actively, civilians may demand adaptations of governance structures (Kasfir 2005, p. 274). In other words, within this interaction both rebels and civilians are agents who shape governance structures, and at the same time the governance structure constitutes the opportunities for these agents' own conduct. In that sense, my ontological understanding of governance resembles Gidden's (1984) structuration theory, whereby structure and agency each constitute and complement each other.

In his seminal chapter on rebel governance, Kasfir sets out three scope conditions that must apply before we are able to observe the phenomenon of 'rebel governance' (2015, p. 25). First, rebels must control territory – even if that control is contested. Second, civilians have to reside in that area. Third, the rebel groups must have acted violently and continue their hostility or at least threaten to do so in the territory they govern. Kasfir (2015, p. 25) elaborates that if these conditions are met, at least some elementary form of governance usually emerges. Furthermore, in Mampilly's (2011, p. 17) definition *effective* rebel governance consists of three

capacities. First, the rebel group must be able to police the population and provide a degree of stability. Second, the rebel group must develop a dispute resolution mechanism that is regularly used by the population. Third, there has to be some form of public service provision (Mampilly 2011, p. 17). To gain a better understanding of rebel governance and the effects of governance and legitimation practices on civilian compliance, I have been particularly interested in instances where rebel groups governed effectively. These are the instances where rebel groups also employ a symbolic repertoire of the nation state (Mampilly 2015). However, the rebels' state 'mimicry' is per definition not precisely the same as the formal nation state; the 'rebel state' is a close resemblance of the nation state.



According to Suchman, *legitimacy* is a "generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions" (1995, p. 574). Drawing from Suchman's definition, I define *rebel legitimacy* as a generalized perception or assumption on behalf of a particular stakeholder – in this case the civilian population in a rebel-held territory – that the actions of a rebel group are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions. I do not use rebel legitimacy as a legal term or moral judgement. Instead, I use the concept in an empirical understanding. I treat it as a descriptive concept about normative judgements, not as a normative concept in and of itself (Schlichte and Schneckener 2016, p. 413). Finally, an analytical differentiation can be made between two forms of rebel legitimacy: pragmatic and moral. Pragmatic legitimacy is based on the provision of services, the protection, or even a willingness to share power, while moral legitimacy is based on "narratives of goodness, compatibility with existing norms and moral codes", and for example, "explicitly referenced against religion or ethnicity" (Worrall 2017, p. 715).

It is important to note that without the recognition of followers the legitimacy of a movement or its ideas does not exist (Weber 1947, p. 359). Like the concept of power, rebel legitimacy is a relational notion, not a fixed attribute (Kasfir 2019, p. xiii). Hence, the perceptions and behavior of civilians living inside rebel-held territory determine whether these legitimation practices are working. To understand their effects, we need to learn how legitimation practices 'resonate' amongst a target audience (Benford and Snow 2000, pp. 619–622). At the same time, the dynamics of legitimacy are not static but subjective, changing, and context-dependent processes (Beetham 2013; Thornhill 2008; Stel and Ndayiragije 2014). As Hoffmann and Kirk note, "which forms of public authority are considered legitimate is seen to be dependent on the values and norms animating each context" (2013, p. 32). While external legitimacy – how a rebel group is perceived in the international arena – is an important element too, I have confined my analysis mainly to the relationship between rebels and civilians.

I follow Barker who states that *legitimation* - the attempt to acquire legitimacy - can be defined as "an action or series of actions—speech, writing, ritual, display—whereby people justify to themselves or others the actions they are taking and the identities they are expressing or claiming" (2003, pp. 163–164). Drawing from Barker, *rebel legitimation* then refers to an action or series of actions—speech, writing, ritual, display—whereby rebels justify to themselves or others the actions they are taking and the identities they are expressing or claiming. Legitimation also includes rebel symbolism. According to Stone (2011, p. 157), a

symbol is 'anything that stands for something else'. Symbols are a means of influence and control, whereby their interpretation is collectively created, maintained, and changed through time and place.[13] For instance, specific words, songs, pictures, logos, or events can express symbolic meanings. Rebel groups often employ deliberate legitimation practices, but I recognize that other forms of legitimacy can emerge as a consequence of actions by other actors. In Sri Lanka for example, the operations and behavior of the Sri Lankan Armed Forces (SLAF) and of the Indian Peace Keeping Forces (IPKF) contributed to the LTTE's legitimacy.[14] Over the past decades, the very presence of foreign intervening forces in Afghanistan had a legitimating effect for armed resistance groups.[15] It is furthermore important to recognize that certain agents have more 'power to define' than others throughout time and place (Giddens 1984, Jabri 1996, Demmers 2016, p. 121).[16] Civil wars are fought on the battlefield *and* through words.

*Civilian compliance* refers to the compliance of civilians with the rules of a rebel group. Arjona defines it as "an act performed by a civilian that directly benefits the armed group" (Arjona 2017, p. 762). Civilian compliance can also be identified somewhat more specifically as obedience to the rules, spontaneous support, or even enlistment with an armed group (2017, p. 762). Civilian compliance can follow out of motivations of self-preservation, pragmatism, conviction, opportunism, or a combination of the aforementioned. However, civilians may also choose non-compliance in the form of defection, resistance, or neutrality/non-participation. Civilians may defect to an opposing party to the conflict and acts of civilian resistance against a rebel group can vary, be it directed at specific behaviors of the rebel group, or its rule altogether. Non-compliance can be individual or collective, relatively peaceful or armed. Finally, civilians may flee rebel-held territories altogether.

## 2.2 From 'Failed State' to 'Rebel Governance'

According to Stel (2017a, p. 21), the rebel governance literature can partly be seen as a response to a larger debate in academic and policy literature on 'fragile statehood' and 'failed states'. The idea of 'state failure' gained steam in foreign policy circles at the end of the Cold War when the collapse of central institutions in countries such as Liberia and Somalia was seen to contribute to the rise of brutal and greedy warlords (Malejacq 2016, p. 85). In the aftermath of 9/11, the international community increasingly perceived failed states to be breeding grounds for internationally operating terrorist organizations and, therefore, as a threat to international security (Von Einsiedel 2005). Ghani and Lockhart (2008) wrote a key publication on failed states under the title *Fixing Failed States.* They contended that if one of the ten main functions of the state are not performed effectively, a 'vicious circle begins': "Various centers of power vie for control, multiple decision-making processes confuse priorities, citizens lose trust in the

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[13] See Article II of this dissertation for a more elaborate discussion of rebel symbolism.
[14] See for example Article III of this dissertation.
[15] See for example Article IV of this dissertation.
[16] See for example Article II of this dissertation where I explain how the LTTE gained a hegemonic position in the Northeast of Sri Lanka in terms of the daily representations of the war and the envisaged Tamil independent state.

government, institutions lose their legitimacy, and the populace is disenfranchised. In the most extreme cases, violence results" (Ghani and Lockhart 2008, p. 163). According to this reading, the so-called 'sovereignty gap' is something that needs to be filled or avoided (2008, p. 163).

In academic circles the idea of the 'failed state' was soon dismissed as a too simplistic version of Weber's famous state-centric theory on statehood (Weber *et al.* 2004, Dirkx and Terpstra 2016, pp. 370–373, Stel 2017b, p. 350). Analyses of state fragility were often driven by ideas of 'ungoverned spaces' and 'institutional voids', unable to recognize the possible effectiveness of non-state governance (Duyvesteyn *et al.* 2016, p. 32). Precisely those contexts where the formal state structures are not particularly strong are usually governed differently: by custom, tribe, warlords, insurgencies, gangs, clans and/or other non-state actors (Murtazashvili 2018, p. 12). To find out which governance actors and mechanisms are, indeed, effective and legitimate in those instances requires "an in-depth exploration of these informal social and political institutions through fieldwork, not a dismissal of these areas as blank, ungoverned spaces" (Murtazashvili 2018, p. 13). The first publication of this dissertation (Article I) sets out that research agenda on non-state governance in conflict zones more elaborately and constitutes the vantage point for the four articles that follow it.

## 2.3 Existing Theories on Rebel Governance and Civilian Compliance

Several strands of literature help us understand the emergence of rebel governance and its relation with civilian compliance. Before explaining my own approach to rebel legitimation, I highlight three other strands of existing literature: (1) economics; (2) control and coercion; and (3) networks.

The first takes an economic perspective on rebel governance and civilian compliance. According to Olson (1993), it is logical and rational that so-called 'roving bandits' turn into 'stationary bandits', because in the end it will create the most beneficial outcome for both rebels and civilians. The incentives for rebel groups are to maximize their profit through taxations (which will happen when they become stationary), because that will facilitate economic activity and better revenue in the long term. Therefore, the stationary rebel is inclined to start providing the population with some forms of public goods. The incentives for civilians, i.e. to maximize their safety and the predictability of their taxes, will also be achieved when rebel groups become stationary and not when rebels travel around and loot the population at random. Olson's argument is one explanation for the emergence of rebel governance and the compliance of civilians. Weinstein (2006) argues that without sufficient economic endowments rebels will be less interested in creating civilian governance structures. Resource-poor rebellions will more likely be involved in rebel governance, because they need to convince potential recruits of the long-term prospects of collaboration with the rebels.

Any armed group needs financial resources, just as any state would, and this is where the economic perspective is useful. However, the economy perspective alone provides a limited understanding of the dynamics of rebel legitimacy and civilian compliance. The transactional logic of an economic perspective fails to grasp why people continue to comply with a rebel group even if they lose their safety and money, as was the case for many LTTE cadres, for example. It also fails to explain why people would volunteer to become martyrs for a future

independent state (the LTTE) or an Islamic Emirate (the Taliban). The broader scholarly critique has been that the perspective of the 'homo economicus' does not do justice to the more complex social phenomena of civil wars and violent collective action (Schröder and Schmidt 2001, Tarrow 2012, Demmers 2016, pp. 100–115). Following those observations, I argue that a broader social understanding of grievances, convictions, identities, and discourses is necessary to make sense of rebel governance, rebel legitimacy, and civilian compliance.

A second strand of literature focuses on control and the effective use of coercion as instrumental to the eventual survival of rebel groups. As Kalyvas points out: "People can be coerced, and violence is used to force people to alter their behavior and behave in ways that may not be consistent with their preferences" (2006, p. 94). For the effective use of coercion, rebel commanders need the capacity to exert violence and the collection of intelligence to target defectors. Giustozzi notes in this regard: "coercion works best if it is carefully targeted; hence scholars argue for the need to rely on strong intelligence and on disciplined and well behaved armies" (2011, p. 77). Indeed, in situations of civil war, coercion is never fully absent. Coercion can even constitute the basis of a rebels' political order if civilians consistently obey rebel rules because they fear the consequences if they do not, with the rebel leaders commanding their compliance on a regular basis (Kasfir 2015, p. 38). In these instances, civilians have a limited role in, or influence on, the rebel governance structures. Rather, these civilians are forced to obey all orders given by the rebel leadership. Coercion can be an effective technique for an insurgency to induce civilian compliance with its rule, but it is usually one factor amongst others (Kalyvas 2006, p. 98). Longer-term arrangements of rebel governance need a certain level of legitimacy to continue to function (Schlichte and Schneckener 2016). Moreover, with regard to matters of compliance and legitimacy, it is not the coercion or violence in itself that matters most, but the ways in which people start to perceive specific violent practices as a legitimate course of action (Jabri 1996, Apter 1997, Schröder and Schmidt 2001).

A third strand of literature that is relevant for an understanding of rebel governance and its relation with civilian compliance focuses on pre-existing networks that underpin rebel organizations. As Staniland (2014) argues, non-violent pre-war networks such as political parties, veterans groups, and religious organizations can be repurposed for violent rebellion. How are the people in and around the rebel organization connected and what do those networks consist of? We can examine these networks horizontally and/or vertically. Networks are useful for our understanding of the internal legitimacy of rebel groups – for example the internal religious networks of the Taliban. In Sri Lanka the so-called 'one person per family' rule ensured an entrenchment of the LTTE into family networks of Tamil communities.[17] These pre-existing networks are relevant, but the study of the relationship between the ruler and ruled in a broader society requires an additional step in the analysis. Once rebels start to govern a broader society, imagined communities and identities of people outside the – smaller - internal network play an important role. This is when it is particularly important to study rebel legitimacy and legitimation practices.

[17] The 'one person per family' rule entailed that one of the youngsters in each family was expected - if necessary forced - to join the LTTE. As a consequence, most families under LTTE rule had one or more family members in the LTTE.

Much in line with the political sociology tradition of Max Weber and authors such as Schröder and Schmidt, Schlichte and Schneckener, Mampilly, and Kasfir, my approach starts from the idea that rebel groups, just like any other political actor, depend on legitimate claims to transform evasive power into more permanent positions. I do not deny the role of economic interests, coercion, and networks, but I advocate an enlarged sociological understanding of motivations, incentives, social settings, and political regimes to understand rebel groups and civilian conduct during civil wars. This involves questions about rebel legitimacy and legitimation practices, bearing in mind, however, that rebel legitimacy is relational, dynamic, and not a fixed attribute.



The evolving literature on rebel governance and legitimacy has progressed significantly over the past decades. However, several knowledge gaps have remained. The academic and theoretical relevance of my dissertation lies in filling some of these lacunas. Below I will first explain where certain gaps in the literature can be found.

## 2.4 Knowledge Gaps

### *2.4.1 Rebel symbolism*

As noted above, several landmark studies have focused on the economics of rebel governance (Olson 1993, Weinstein 2006). Clearly, rebel governance has an instrumentally rational element to it, but it also consists of distinctively symbolic actions. Since legality is normally not an option for rebel groups, they compensate with symbolism. Authors such as Deborah Stone (2011) have shown how symbols matter in general politics and public policy. Others authors show how performativity and symbolism are essential elements in studying rebel groups (Klem and Maunaguru 2017, Klem and Suykens 2018). Mampilly (2015) wrote a chapter about symbolic repertoires in relation to rebel groups. Beyond this, however, the aspect of rebel symbolism has remained relatively understudied. In Article II of this dissertation, I connect the anthropological insights of Schröder and Schmidt's (2001) book *The Anthropology of Violence and Conflict* to the rebel governance literature. On the basis of extensive fieldwork in Sri Lanka, the article investigates symbolism in the form of narratives, performances, and inscriptions during the LTTE rule in Northeastern Sri Lanka.

### *2.4.2 Legitimation practices and compliance*

Several studies highlight the mix of coercive practices and 'softer' ways of persuasion in discussions about civilian compliance or collaboration (Kalyvas 2006). Arjona (2016) highlights how long-term social order affects civilian compliance. It has remained understudied, however, how *different types* of legitimation practices affect civilian compliance during rebel governance in different ways. Particularly, the mutually *complementary or opposing* effects of specific legitimation practices on the compliance of civilian populations has remained under-researched in the current rebel governance literature. On the basis of extensive fieldwork in Sri Lanka, I depict specific types of legitimation practices in Article III so as to inquire how each of them affected civilian compliance.

### *2.4.3 Longitudinal perspective on rebel governance and legitimacy*

Particularly in political science, studies on rebel governance tend to focus on the relationship between particular variables without a clear historical context. However, my case studies, in particular the one focusing on the Taliban's legitimacy, drive home how decades of armed conflict and external interventions have shaped present day perceptions of legitimacy. Focusing only on current collective service provisions to understand rebel legitimacy, for example, would be insufficient as such a focus neglects the historical sources of legitimacy. As Schröder and Schmidt note, "the most important code of the legitimation of war is its historicity" (2001, p. 9) . Surprisingly, that insight had not sufficiently entered the recent rebel legitimacy literature. Therefore, Article IV addresses rebel governance and legitimacy from a *longitudinal perspective*. It investigates the legitimizing effect of prior events in Afghanistan, and external interventions in particular.

### *2.4.4 Contentious politics and rebel governance*

Several of the landmark studies on rebel governance are devoted to explaining the variations in rebel governance (Mampilly 2011, Arjona 2016). In most of those recent studies, rebel governance is treated as the dependent variable. Mampilly (2011) uses a number of case studies to understand which factors explain the likeliness of an effective system of rebel governance. Arjona (2016) looks at factors that determine what kind of social order emerged in conflict zones in Colombia. Fewer studies have looked at how rebel governance can be used as a factor to explain military success. Therefore, in Article V of this dissertation, I explore whether and how Taliban involvement in rebel governance has contributed to civilian collaboration and the Taliban's military endeavor in Northern Afghanistan. In that same article, I explore the complementarity of the longer tradition of contentious politics literature and the rebel governance literature.

### *2.4.5 Empirical knowledge gaps*

The empirical evidence on rebel governance in Afghanistan and Sri Lanka has remained relatively limited. This is logical given the difficulties of doing field research on this topic in those contexts. As I will explain in the conclusion, a general contribution of this dissertation, therefore, has been the collection of new empirical evidence on rebel governance and legitimacy in Afghanistan and Sri Lanka. I elaborate on the collection of that empirical evidence in the next chapter, which discusses the main methodological considerations of this dissertation.

# CHAPTER 3

# Methodological Considerations

# 3 Methodological Considerations

## 3.1 Research Design

### *3.1.1 Dialogue between theory and evidence*



Following Ragin (1994), my research project has followed a dialogue between theory (ideas) and evidence (data). Theories help us to make sense of evidence, while evidence is used to extend, revise, and test theories (Ragin 1994, Demmers 2016, p. 13). This dialogue results into representations of social life and has allowed me to answer the main research question of this dissertation.

The research in this dissertation is based on historical and social qualitative research. As Curtis and Curtis explain, social research approaches can in a general sense be divided into (1) analytical induction and (2) hypothesis testing (2011, pp. 9–11). Analytical induction is more case centric and, therefore, focused on the specificities of one or a few cases as a whole, while hypothesis testing takes a specific and limited number of variables as its point of departure, potentially testing these variables amongst a large number of different cases. In analytical induction a limited number of cases are studied to approach a social phenomenon comprehensively. In this dissertation I have studied two cases in-depth, which enabled me to study the richness of these two cases.

A case-centric qualitative research project such as this one, logically starts with a specific case or a few specific cases, defined by a spatial, temporal, and/or conceptual boundary (Curtis and Curtis 2011, p. 7). My starting point consisted of two spatial boundaries (Sri Lanka and Afghanistan), a temporal boundary (roughly the 1980s until the present) and a conceptual boundary (rebel governance and legitimation). Below I explain how I linked theory and evidence within these boundaries.

### *3.1.2 Linking theory and evidence*

As Demmers (2016, p. 121) notes, the rules of social life become manifest and visible – and hence researchable – to us in the form of *institutions* and *discourses*. Following Giddens (1984) social life can be understood as a duality of structure and agency. Structure and agency are mutually constitutive and not ontologically prior to one another. I applied these starting points to investigate social life during rebel rule. In terms of rebel governance and legitimation, it requires the researcher to identify institutional and discursive structures, but also the ‘agents’ involved in re-shaping and/or altering those institutional structures and discourses.

First, to analyze structures and/or institutions of *rebel governance*, I investigated organizational records and charts, as well as NGO-reports on development issues, health care, and education to gain a better and concrete understanding of the organization of daily governance in rebel-held territories. Coincidingly, I interviewed respondents who had been able to directly *experience* and/or *observe* the governance arrangements in rebel-held territories. Doctors, aid workers, teachers, and local bureaucrats could explain to me how these sectors were organized and how medical and educational institutions functioned, and interviews with

community leaders, civil society organizations, and religious organizations were also useful in this regard.

Secondly, to study the *legitimation practices* central to my analysis, I researched the manifests and political programs of rebel groups. In addition, their newspapers, publications by spokespersons and social media accounts gave me insight into the practice of specific symbolism and discourses. Interviews with rebel combatants and strategists gave me a more profound insight into their interpretations of identity, their ideology, and their perceptions of 'the cause'. I emphasize, however, that I did not take these political portrayals at face value, as will be elaborated later on in this chapter where I discuss methodological challenges.



How these symbols and discourses were perceived and/or co-constructed by the general population and might thus have led to *legitimacy* was identifiable through interviews with respondents that were living - or used to live - under rebel rule. Through interviews with the general population I could, in Ragin's terms, construct an 'image' of people's interpretations of the rebels' legitimation practices.[18] Through these interviews I was able to depict to what extent different segments of the population reproduced certain rebel symbols and narratives. It helped me to define what was considered legitimate, or 'normal' and 'acceptable', at a given time and place and by whom (Jabri 1996, Demmers 2016).

By compiling the evidence from interviews, existing surveys, and other public sources, I could construct an image of the motivations and forms of *civilian compliance* and *non-compliance* with the specific rules and practices set out by the rebel groups. Additionally, I drew from the more general observations made in interviews with general observers, researchers and journalists, and the available academic or 'grey' literature on popular support and recruitment in Sri Lanka and Afghanistan during various timeframes.

I used NVivo software to code the collected data; this coding was theoretically informed in the first instance. Governance and legitimacy were the sensitizing concepts to guide the first rounds of coding. On the basis of the existing literature I created a coding tree, which included for instance the different governance sectors and distinctions between rules and collective services. Subsequently, I did a round of open coding of the data. During the open coding I discovered several aspects I had not involved in my initial coding tree, for instance, how commemoration and worshipping can be important aspects of rebel legitimation practices. On the basis of empirical evidence, I refined some of the initial analytical frames that I had used, making the coding a process of several reiterations in which I moved back-and-forth between theoretical ideas and evidence.

## 3.2 Data collection

For both case studies four types of sources were collected: (i) primary interview data; (ii) other public and private primary sources; (iii) secondary sources; (iv) observations. To improve the validity of my findings, I triangulated the different sources of data wherever possible (Gibbert

[18] As Ragin (1994, p. 63) notes, "researchers make sense of their evidence by constructing images of their cases from the data they have collected". An image is "constructed by researchers when they bring together, or synthesize, evidence" (1994, p. 63).

and Ruigrok 2010, pp. 712–714). In some instances, this meant that I was able to triangulate with different types of sources that addressed the same range of events. This triangulation is referred to as *convergence* (Yin 2002, Gibbert and Ruigrok 2010); both interview data and other primary documents for example gave me an understanding of the governance and legitimation practices of the LTTE and the Taliban. In other instances, I used different sources for separate subthemes. For instance, interviews would provide me with an insight into the perceptions of civilians, whereas academic sources enabled me to take cognizance of historical events and contextual factors behind the particular armed conflict.

### *3.2.1 (i) Interview data*

In both Afghanistan and Sri Lanka, I was generally looking for respondents who were living or used to live under LTTE/Taliban rule. Essentially, these were civilians who experienced LTTE or Taliban governance. This was necessary for a bottom-up perspective. These respondents would be able to elaborate how they, and the people around them, interpreted and responded to specific legitimation and governance practices. Secondly, I was very interested in speaking to respondents that were themselves involved in these governance practices. Logically, that would include respondents with experience as rebel combatants, local bureaucrats, community leaders, or respondents with a particular function in governance sectors such as justice, health care, education, or development. Thirdly, I was interested in speaking to academics, journalists, and other general observers.

Given my case-centric qualitative research approach, the selection process of the respondents was *purposive sampling* rather than a statistically generalizable sample (Curtis and Curtis 2011, pp. 36–37), although male and female respondents were included, as well as different age groups. Considering the sensitivity of the research topic and the possibility of repercussions, I followed a snowball sampling method through trusted social networks (Browne 2005). Later on in this chapter I reflect upon the challenges that snowball sampling entails.

I conducted the key informant interviews which allowed me to probe extensively during the interviews. In some geographical territories however, it was simply impossible for me to enter without raising too much suspicion given my appearance as a white 195cm tall male from a Western European country. For respondents in areas where my presence as outsider would raise too many questions, I worked with local researchers that would be able to gain access without raising too much suspicion. In their case, traveling to the so-called ‘high security zones’ in Sri Lanka or to areas of Taliban control, was more easily explained to local authorities, for example as a regular visit to relatives. Research assistants I worked with had specific knowledge of, and experience with, the research sites. In the collaboration with research assistants my approach could be characterized as Malejacq and Mukhopadhyay’s ‘embracing the symbiosis’ (2016, p. 1021). By embracing the symbiosis during field research, the lead researcher combines his/her own expertise on the topic with the specific localized expertise and knowledge of research assistants, interpreters, informants, or drivers.

*Sri Lanka*

In the Sri Lanka case study, the findings are based on extensive fieldwork in the Northeast of the country in 2014, 2015, 2016, and 2018. Generally, I interviewed key informants myself, while a team of field researchers conducted semi-structured interviews amongst a larger selection of general community members. This team was working for a local research NGO.[19] Its members attended several workshops taught by my supervisor Georg Frerks and I. Upon completion of the different phases of fieldwork, we held debriefing sessions during which I recorded extensive field notes. Notes were made of all interviews and the resulting Tamil transcripts were translated in English by a professional translator.

In 2014-2015 the interviews focused on LTTE governance. I interviewed 20 key informants, including civil society leaders, community leaders, NGO workers, religious leaders, doctors, ex-LTTE cadres and supporters, and local government officials. The field research team held a total of 76 semi-structured interviews of about two-and-a-half hours with community members in nine different locations in the Trincomalee district (33 interviews), ten locations in the Batticaloa district (25 interviews), and four locations in the Northern province (18 interviews). In 2016, the field research team and I held a total of 62 interviews about symbolic legitimation and popular support for the LTTE in the Trincomalee district and throughout the Northern province. The locations included zones that used to be under full control of the LTTE, under government control, and contested territories. In 2018 I carried out in-depth interviews with a few former LTTE combatants. The sample of respondents at various points in time were not statistically representative for the population that used to live under LTTE governance, but that was congruent with my qualitative research design and snowball sampling. Nevertheless, given the spread of the locations in both the North and East of the country, as well as age differences and male-female respondents, it gave a unique and broad insight into daily life under LTTE rule in different provinces.

*Afghanistan*

For Afghanistan, my findings are based on fieldwork in Kabul and Kunduz in 2013, 2016 and interviews conducted from a distance in 2018. In 2013 and 2016 I worked together with two local NGOs to conduct interviews in Kunduz province, Northern Afghanistan. Together with the research team, we developed a semi-structured questionnaire focusing on the security and justice situation in Kunduz province. With that questionnaire a total of 99 structured interviews were conducted with community members, militiamen, local elders, *jirga* and *shura* members, civil society representatives, and local policemen. On the German-led Provincial Reconstruction Team (PRT) in Kunduz – a civil-military base of allied forces at the time - I held in-depth interviews with Dutch police trainers, military staff, diplomats, and international NGO-workers. During fieldwork in Afghanistan in 2016, I interviewed various analysts, NGO workers, diplomats, military staff, and informants from Kunduz. In 2018, together with the fieldwork team, I developed a semi-structured questionnaire with open-ended questions in order

[19] Given the sensitivity of the research topic, the NGO and field researchers prefer to remain anonymous in public publications. The interview transcripts and minutes of the debriefings are available to other researchers upon request, albeit anonymized.

to investigate the experiences of civilians under Taliban rule. Field researchers who were originally from Kunduz province conducted 20 interviews with civilians who lived under the direct control and/or influence of the Taliban in Chahar Dara district, Kunduz province. The themes covered during these interviews were the implementation of the Taliban's rule, modes of governance, governance interactions, service provision, and symbolism. Throughout 2018, local sources living under Taliban rule in Kunduz province were consulted to corroborate specific findings from interviews and open-source data. This sample of respondents is certainly not representative of Kunduz province or the population of Afghanistan, which is congruent with my qualitative research design and snowball sampling. Nevertheless, the data provided unique insights into daily civilian life under Taliban rule.

### *3.2.2 (ii) Other public and private primary sources*

Relevant other primary sources that I used comprised of diaries, memoires, organizational records and charts, maps, and survey data. They also included a collection of what various rebel leaders or people that experienced rebel rule had written down in books, diaries, on social media, and through other types of communication. I was able to use the political programs of the Taliban and the LTTE. Moreover, the personal accounts of some of the rebel key leadership were useful to achieve better insight into the thinking of the leadership at various moments in time. Furthermore, through my own contacts or through other researchers who had visited the LTTE or Taliban, I obtained some primary documents about the organizations. The diary of a Dutch aid worker, Ben Bavinck, who had lived under LTTE rule for a long time, was very useful too (Bavinck 2014). For the Taliban, the notorious 'night letters' (Johnson 2018) are an example of a primary source enabling me to examine the types of demands that the group expressed towards the populations in their territories. The letters are a common means to control, intimidate, and make the rules known to the public. Other important sources were the *Layeha*, the Taliban's strategic code of conduct for its own commanders and fighters (Johnson and DuPee 2012, Nagamine 2015) and statements of Taliban spokespersons. Naturally, I have been aware that several of these sources were written for propaganda purposes and public consumption. Nevertheless, the documents provided elaborate insights into how these organizations wanted to be seen by the outside world.

### *3.2.3 (iii) Secondary sources*

The secondary sources that this study has relied upon are accounts given by other academics. Several researchers visited the same research sites in timeframes that were relevant for my study, ranging from quantitative survey analysis to ethnographies. There is a rich collection of scholarly work on the Sri Lankan conflict that does not specifically address rebel governance, but provides insights into aspects of social life under LTTE rule. The same is valid for the Afghanistan literature. For Afghanistan the academic literature expanded in the years after the US-led intervention in 2001. Moreover, there have been several research reports from NGOs that work, or used to work on these research sites. It was an advantage that a relatively large number of scholars had already studied other aspects of the armed conflicts more extensively. They provided ample information about governance and legitimacy, even when hidden between

the lines. For Afghanistan, I relied quite heavily on the reporting by the Afghanistan Analysts Network (AAN), which is a research organization that provides direct reporting of high quality. It should be seen as 'grey literature' rather than an academic source. In some instances, I came across useful publications of diplomatic cables by Wikileaks that were complementary to other data that I had collected.



### *3.2.4 (iv) Observations*

To a limited extent, this study also relied upon observations. These observations were made and noted during visits to Sri Lanka and Afghanistan. These visits gave me a better general sense of social and cultural life beyond what I was able to read in the literature alone. The observations included visits to villages in Sri Lanka that used to be under rebel rule. I visited numerous families, temples, churches, and civil society organizations. I was able to observe the geographical terrain on which the wars had been fought, including the jungle, the beaches, and the strategic elephant pass that connects the Northern Jaffna peninsula to the rest of Sri Lanka. It allowed me to observe how ethnic identities played a role in many smaller and bigger aspects of social life in Sri Lanka. I was able to observe how Tamil youths tend to behave towards the elderly and vice versa, and to see all kinds of differences between the North, the East, and other parts of Sri Lanka. In Afghanistan I was able to observe the securitized environment of daily life in an actual warzone. Living amongst people from Afghanistan I was able to observe their manners, their way of dining, greeting, and celebrating. It gave me a better sense of specific gendered interactions, and of the role that urban-rural divisions and ethnic difference can play in Afghanistan's society.

## 3.3 Challenges and Limitations

My methodology – like any methodology – comes with a number of limitations. These limitations are explained below and should be kept in mind while reading this dissertation.

### *3.3.1 For both Afghanistan and Sri Lanka*

Given the sensitivity of the research topic, most interviews were held without a voice recorder, but with direct note taking. During the field research, I realized that respondents were more willing to share their experiences and particularly the sensitive topics in interviews without a voice recorder. To stay as closely as possible to the original expressions in the interview, my overall policy was to finish the transcripts of each interview on the same day. I encouraged the research assistants to do the same. Nevertheless, this added a layer of interpretation to the interview data. Another layer of interpretation for some of the interviews is the role of translators. Part of the interviews were conducted in English, others were translated to and from Dari/Pashto in Afghanistan or Tamil/Sinhalese in Sri Lanka. During the translations some nuances or specificities may have been lost. As a partial remedy, I stayed in close contact with the interpreters to ensure that I understood each part of the translations. I also invited the translators to pro-actively notify me about specific terms/expressions that were ambiguous to translate. As a positive side effect, this resulted into interesting (deeper) conversations with

interpreters about language and the cultural meaning of certain expressions. Furthermore, working with research assistants in both countries may have led to some loss of content and perhaps a less systematic probing than I would have conducted in interviews myself.

In conflict studies, where the empirical situations that we study are often difficult to access, some authors have suggested that field work in those places means being part of a 'tribe' (Malejacq and Mukhopadhyay 2016). We cannot go into the field 'objectively' and 'neutrally' because we usually depend on gatekeepers, fixers, and other networks to collect evidence on social phenomena. Both in Afghanistan and Sri Lanka, I relied upon my networks and employed a snowball sampling technique. This made the field research possible in the first place and generally enhanced my security. It may also have caused an overrepresentation of certain findings over others. Given this reality, it became more important to actively triangulate the findings in interviews against other sources of data where this was possible, particularly in those interviews in which it was obvious that the respondents had a specific political reading of the situation. I never took any statement at face value. I would listen to everything and ensure that everything would end up in my records, but I would always try to falsify these statements on the basis of other types of evidence or perspectives. This in itself led to interesting findings, because it would indicate which numbers or events turned out to be the most contested or misrepresented.

Finally, as Mampilly (2015, p. 87) notes, an often-heard critique on those who study rebel symbolism is that it would be somewhat naïve to assume rebel leaders speak 'the truth' during speeches or rallies. People would asked me: do you simply believe what those commanders tell you? The answer is yes and no. First, we should contextualize what rebel leaders tell us. What is the intended audience of this message? Rather than seeing such a message as 'objectively truthful', an important question is what those words *do* to other people. Do these words serve as legitimation of certain practices? As Apter argues "people do not commit political violence without discourse, they need to talk themselves into it" (1997, p. 2). Even if a message may not be 'objectively truthful', it does not render it insignificant for our understanding of armed conflict. Quite the contrary, it is essential to analyze discourses and how they resonate amongst various audiences if we want to understand why violent conflict emerges and continues (Jabri 1996, Apter 1997, Schröder and Schmidt 2001, Demmers 2016, pp. 116–138).

### *3.3.2 Sri Lanka specific*

A limitation specific to the Sri Lanka study is that the interviews were conducted after the LTTE was militarily defeated. Most of the events discussed happened ten, twenty, or even thirty years ago. Methodological literature shows how memories get distorted, whether that concerns public events in the past or autobiographic events (Howes and Katz 1992, Vaart *et al.* 2014). Yet, life history research, combining semi-structured interviews on past events and the triangulation with secondary sources, nevertheless allows us to study history through memory (Curtis and Curtis 2011, pp. 70–71). Similar to a life history approach, the accounts in the interviews were triangulated with other sources. Amongst others, these sources included academic literature and a variety of NGO-reports that came out during and after the Sri Lanka conflict. Secondly, I employed a number of memory and recall enhancing techniques during interviews including: quiet places as interview locations; a combination of open-ended and direct questions; and

different forms of restatements[20] (Curtis and Curtis 2011, pp. 66–67). These techniques helped me to ease some of the hind-sight bias in the interviews. Nevertheless, this limitation should be kept in mind while reading the dissertation.

### *3.3.3 Afghanistan specific*



For the data collection in Afghanistan, it needs to be pointed out that the data was collected in an ongoing war environment. The data therefore necessarily comes from a coercive environment where people may not feel safe to speak their minds. When it comes to women under Taliban control in particular, it is doubtful if they were able to speak their minds truthfully. The fierce criticism that some respondents voiced about the Taliban, however, even in Taliban controlled territories, was a sign that not everyone felt too constrained to voice opposition to the insurgency. Here it was also important to triangulate interviews with other sources. The triangulation reduced but did not eliminate these limitations.

## 3.4 Positionality

In qualitative research, it is inevitable that the researcher adopts a subjective stance (Curtis and Curtis 2011, p. 6). The researcher attempts to interpret or re-interpret certain events, which is a subjective understanding of social phenomena. That is why I situate myself in the spectrum of social realism rather than positivism. Throughout my PhD process I became more and more convinced that 'revealing' the social world is a bit more problematic than positivists would suggest. That social reality exists through the mediation of our perceptions, and that our actions cannot be measured objectively (Curtis and Curtis 2011, p. 12) became more convincing to me. The social, cultural and economic background as well as the schooling and upbringing of a researcher affects his or her understanding of a studied social phenomenon.

In the case studies on Afghanistan and Sri Lanka my own social, cultural, and economic background was in many respects different from those of the people I studied. My position as an 'outsider' created both opportunities and challenges. For example, as an outsider, I was not immediately identified as part of one of the socio-political communities in Sri Lanka or Afghanistan. In Sri Lanka the identification of belonging to a Tamil, Sinhala, or Muslim community generally continues to be emotionally strong. I was not directly perceived as one of them, nor as one of the antagonists. Still my presence in Sri Lanka was met with suspicion in several instances. Why did this European come all the way to Sri Lanka to talk about the history of the conflict? What will he do with that information? Does he have ties to certain governments or diaspora communities? I made it clear in all field work visits over the past seven years that I work academically and independently. Nevertheless, studying a particular social phenomenon in war and post-war situations becomes politically contested easily. The results of studies on insurgency and terrorism will often be interpreted politically.

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[20] The use of restatements is an interview technique that aids the recall of details by asking the respondent to restate an event in multiple ways. This may include a restatement of the physical and personal context that existed at the time of the event, or a restatement of all associated details, even details the respondent perceives to be irrelevant (Curtis and Curtis 2011, pp. 66–67).

Both the fieldwork in Afghanistan and Sri Lanka involved issues of personal safety for my respondents, colleagues in collaborating research organizations, and me. I have always been well aware of that. In Sri Lanka it was generally safe for me to travel around, but at the same time intelligence agents may have been present and monitoring, particularly at the locations that were most important during the final phases of the conflict. Given the sensitivity of my research topic, those involved in the project and I had to operate with utmost care. Although the project was for academic and educational purposes only, the risk that this would be perceived by certain individuals or institutions as an attempt to somehow 'remobilize' a 'Tamil revolution' was not to be underestimated. In Afghanistan the risks were of a different nature. The risk of abductions and of attacks against civilian targets were real. This shaped my sense of safety throughout my field work trips and made me cautious in every conversation I had. I followed a 'do no harm' principle while working with research assistants. I continuously verified with research assistants and other observers what they perceived to be possible and acceptable in terms of security. It was inevitable to make some compromises to the research design on the basis of security concerns for myself and others. The biggest comprise was probably the need to call off my final field work visit to Afghanistan in 2018 due to increased safety concerns around the kidnappings of Westerners in the country. This was very unfortunate, but through my networks I was still able to acquire data from a distance and able to corroborate the last findings of the study on Afghanistan.

## 3.5 Reliability, validity, and generalizability

Implicitly and explicitly, issues of reliability, validity, and generalizability have come up throughout this methodological chapter. Nevertheless, I reiterate a few remarks on reliability, validity, and generalizability below.

Reliability in qualitative case study research generally refers to the minimization of certain errors and biases (Yin 2002, p. 37). Key for ensuring reliability in social research are generally the transparency of methods and level of replicability (Gibbert and Ruigrok 2010, p. 715). As Gibbert and Ruigrok note, the reader should be able to understand the logic and purpose of the research actions in the context of the specific case study and the limitations it bears (2010, p. 725). Throughout this chapter, I have tried to report as transparently as possible on the research process and the methodological choices I have made. Particularly in a (post)-conflict environment, replication of the precise conditions under which the evidence was originally collected is hardly attainable. Furthermore, in qualitative research with diverse paradigms, full replicability as a measure of reliability is challenging, but can also be epistemologically counter-intuitive for those that do not depart from a positivist position (Leung 2015). Nevertheless, to ensure a level of replicability where possible, the collected data of this dissertation has been managed in a personal database where the different types of sources were brought together, coded, and analyzed. Hence, that information can be retrieved for future investigators if they wish to follow and re-investigate certain parts of this research project, bearing in mind privacy considerations of respondents and informants.

Furthermore, internal validity is a central methodological concern in social research. Validity in qualitative research essentially refers to the "appropriateness" of the tools,

processes, and data (Leung 2015). The choice of methodology should be appropriate for answering the research questions and the design ought to be valid for the methodology. Similarly, the sampling and data analysis should be consistent and appropriate, and the conclusions ought be valid on the basis of the empirical evidence (Ragin 1994, pp. 20–27). Throughout this chapter, I have outlined how I linked theory and evidence, and how the specific types of data were purposively and systematically collected through snowball sampling. The conclusions throughout the articles are based on the collected evidence. In the conclusions I pre-dominantly make analytical generalizations as will be discussed further below.

It was paramount, both in terms of reliability and validity, to ensure that rival explanations and perspectives were sufficiently considered (Ragin 1994, Yin 2002, Gibbert and Ruigrok 2010). A critical reflection and an ongoing dialogue between theory and evidence continued through the whole timeframe of my research project. With a research strategy of analytical induction (Ragin 1994, pp. 112–115) I paid close attention to evidence that could potentially challenge or disconfirm preliminary images that I had started to develop on the basis of previous evidence. My field work and data collection involved several visits to each of the countries with longer breaks in between. Establishing distance helped me to re-assess my data, and I was able to interact with colleagues who were familiar with the area or were doing similar research elsewhere. These colleagues at my own university, in reading groups, and at conferences, raised questions, and critically commented on the images that I had developed and the inferences I had made. They provided critical feedback on tentative findings and analyses, which strengthened my next fieldwork visits. During the field visits I also had numerous conversations with the research assistants, to ensure that I had considered multiple perspectives. Furthermore, I tried to talk to a diverse group of people (in terms of ethnic backgrounds, gender, locations, socioeconomic classes) and to interview some respondents several times (at different occasions and in different places).

Generalizability or external validity refers to the understanding that theories must show they account for phenomena not only in the setting in which they are studied but also in other settings (Yin 2002, Gibbert and Ruigrok 2010, p. 714). On the basis of these two case studies, the purpose of this dissertation has been to make analytical generalizations rather than statistical/frequency generalizations (Yin 2002, p. 37, Gibbert and Ruigrok 2010, pp. 714–715). The aim of the research project has been to gain a better understanding of rebel governance and legitimation practices in relation to civilian compliance in Afghanistan and Sri Lanka. That has also served to contribute to, and expand existing theoretical insights. Hence, the generalizability or 'external validity' of this research project has been ensured by embedding this research into the existing academic literature. Despite the particularity of the context in Afghanistan and Sri Lanka, the research has generated theoretical knowledge beyond the particularities of these two specific cases through theoretical replicability (Yin 2002).[21] The next chapters consist of the five published articles at the core of this dissertation.

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[21] In general, the underlying logic in a multiple-case study with an element of theoretical replication is the prediction of particular contrasting results for predictable theoretical reasons (Yin 2002, p. 47).

# CHAPTER 4

# Article I - Reconsidering Rebel Governance

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Chapter 3

# Reconsidering Rebel Governance

Isabelle Duyvesteyn, Georg Frerks, Boukje Kistemaker, Nora Stel and Niels Terpstra[1]




## Abstract

In debates on governance in weak or fragile states, non-state actors are often overlooked. A particularly under-recognized governance actor is the rebel group. Rebel groups have substantive involvement in several governance domains, and as such acquire authority and legitimacy among their constituents. While previous research shows that non-state governance cannot be seen as the sole result of state weakness or as opposition to the state necessarily, this chapter addresses the complexity, multiplicity and (practical) dynamics of rebel governance. International actors, such as states and non-governmental organizations (NGOs), struggle to decide on whether or how to engage with rebel groups. Studying the dynamics of rebel governance will shed new light on policy debates on insurgency, peacebuilding and development in contexts of state fragility in the African borderlands. The cases of the Sudan People's Liberation Movement/Army (SPLM/A) in South Sudan, the National Resistance Army (NRA) in Uganda and the Union of Islamic Courts (UIC) in Somalia will serve as examples of rebel governance in the African context.


## Introduction

Traditionally, governance was viewed as a synonym for government, as the acts and processes by which the state attempts to maintain public order (Mampilly 2007; Stoker 1998). Increasingly, however, social and political science recognize that providing security, welfare and political representation is not, and never has been, a prerogative of the state (Clements et al. 2007; Milliken and Krause 2002; Kalyvas et al. 2009; Krasner 2004). While the state may still be regarded as a dominant actor in the provision of public goods, non-state actors—including those in direct contention with the state—have proven to possess the means (i.e. armed forces, administrative system and taxation) and ambition to provide a constituency with security (through regulating the internal use of force and offering protection from external threats), welfare (by means of offering social and utility services) and political representation (through institutions for consultation and normative regulation)—often in a relatively demarcated territory (Mampilly 2007; Hagmann and Péclard 2010; Lund 2006). Governance, therefore, should not be viewed through a state-centric lens, but more broadly, as the "whole set of practices and norms that govern daily life in a specific territory" (Mampilly 2007: 61; see also Raeymakers et al. 2008; Stoker 1998). Hence, there is a need to move away from a focus on sovereignty and an assumed state exclusivity, towards a more comprehensive and agnostic study of political hybridity (Boege et al. 2009a; 2009b) and state-society interaction (Migdal 2001).

Particularly relevant in this discussion are common notions of "failed" or "failing" states which assume that weakness or absence of the state would lead to Hobbesian anarchy, supposedly also undermining (inter) national security and development (Krasner 2004; Mampilly 2007; Boege et al. 2009a; 2009b). Many developing states indeed lack the capacity to uphold the Weberian monopoly of force over their territory, and whilst these states possess *de jure* sovereignty, including international

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recognition, they do not possess *de facto* sovereign control (Krasner 2004; 2005). Presence of non-state authorities, it is argued, would then represent an absence of not only the state, but of any governance at all—as the words of “failed states”; “weak states” (Rice and Patrick 2008); “quasi states” (Jackson 1990); or “fragile states” (Naudé et al. 2011; McIouglin 2010) suggest.

Tellingly, analyses of state fragility are often accompanied by ideas on “ungoverned spaces” and “institutional voids” (Rabasa et al. 2008). Yet, these arguments are made without analysis or recognition of non-state governance. This discussion is particularly of relevance to the study of postcolonial African states, as many of those are labelled as fragile, weak, or failed states.[2]

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## Rebel Groups

A particularly under-recognized governance actor within the debates on state fragility is the rebel group. Rebel groups frequently have substantive involvement in most or even all governance domains, often without the state’s permission (Mampilly 2007; Hagmann and Péclard 2010; Weinstein 2007; Reno 2009). These groups can also represent legitimate and popular grievances within the status quo. Toft shows rebel groups may even produce improvements in “good governance,” compared to state performance (2010: 25).

Indeed, where traditional perspectives on these groups focus on warlords, looting, human rights abuses, and their role as “spoilers” in development and democratization, in practice, the activities of rebel groups vary. Mampilly defines them as “armed factions that use violence to challenge the state” (2007: 2), distinguished from “militias” which includes all non-state armed groups, even those working alongside government forces (Mampilly 2007: 2). Podder (2013) employs the broader term of Non-State Armed Groups (NSAGs), which incorporates groups which are armed, use violence for political goals, are independent from state control and seek some level of control over a territory. Toft focuses on groups vying for control over governance tasks in a given territory (2010: 12). Our own definition does not necessarily equate rebel governance with opposition to the state, nor does it necessitate territorial control, but includes: armed non-state groups, independent from state control, who possess the capacity to contest other actors’ hegemony over governance tasks. Contesting control over geographical areas may naturally extend from a group’s efforts to fulfil their objectives, but it is not always central to its activities. By not necessitating that relevant armed non-state groups be in violent opposition to the state, our focus is not exclusively on anti-state governance.

The discussion on the potential legitimacy of rebel groups is of clear relevance to policy and academic debates on international engagement in African borderlands. A growing body of literature demonstrates a primary problem with development and state-building discourses that lack engagement with non-state actors, and particularly rebel groups (Mampilly 2007; Branch and Mampilly 2005; Toft 2010; Podder 2012; Autesserre 2009). Where the state is unfamiliar, distant and often irrelevant, several authors argue that non-state actors are instrumental in fulfilling the social contract demanded by a local population (Arjona 2010; Podder 2013; also see Kialee Nyiayaana in this volume).

Despite extensive research on rebel recruitment and self-financing (Mampilly 2007), there is a lack of recognition and a lack of broader understanding of the role of rebel groups in governance tasks. This has arguably led to a disconnect between counter-terrorism and development discourses on the one hand and realities on the ground on the other (Podder 2013; Hagmann and Péclard 2010; Reno 2009; Boege et al. 2009a; 2009b). David Chandler demonstrates that human rights discourses have become characterized by a simplistic “good versus evil” narrative (2006), with a commensurate vilification of rebel groups, condemned not to be negotiated with, nor properly understood (Reno 2009; Raeymakers et al. 2008; Podder 2013).

For donors, non-governmental organizations (NGOs) and transnational actors the existence of armed non-state actors and the way to deal with these actors provide clear dilemmas (Harvey et al. 2007; Department for International Development 2010; Podder 2012). Obviously, it would be problematic to assume that a majority of rebel groups are appropriate development partners, however, the variety and multiplicity of actions that rebel groups perform signifies the necessity of understanding the wider

[2] Countries such as Somalia, the Democratic Republic of the Congo, Sudan, South Sudan are often ranking “high” in state fragility indexes. This, however, naturally depends on the parameters used to establish such outcomes.

context of rebel governance, beyond pre-determined or simplistic narratives misinterpreting realities on the ground.

The Organisation for Economic Co-operation and Development (2008) asserts that the resilience of a social contract should determine state-building strategies, but views the social contract only in a state-centric context. The "resilience" of a non-state actor's social contract with a constituency is also relevant, particularly if such a relationship will reduce violence and instability in the region under that actor's hegemony (United Nations Development Programme 2012). These actors may carry varying levels of legitimacy, and some may indeed be "spoilers," but others require engagement, and may be potential partners in state-building (Podder 2012; Boege et al. 2009a; 2009b).



Hence, in denouncing the "good versus evil" narrative, we advocate a more fine-grained understanding and reconsideration of a number of issues within the conception of rebel governance. Primarily, this chapter seeks to address the lack of understanding regarding the practical dynamics of rebel governance, and, consequently, the otherwise unrecognized legitimacy these groups may acquire. What type of governance tasks do rebel groups perform? How do they interact with other relevant governance actors? How and to what extent do they acquire, possess and project legitimacy? And, ultimately, should our perception of rebel groups, otherwise regarded as "spoilers" and detrimental to development and governance, be fundamentally reconsidered?

In an attempt to answer these questions, the multiplicities of third-world governance—distinct from pro-state, traditional or transnational governance within the state, and from exclusively *anti*-state governance—and the relevance of non-state actors performing such tasks will be highlighted. We shall refer to African examples, including the cases of the Sudan People's Liberation Movement/Army (SPLM/A), the National Resistance Army (NRA) and the Union of Islamic Courts (UIC).

## Performing Governance

Rebel groups engage in governance practices and provide services to their constituents in three major domains: security, welfare, and political representation (Milliken and Krause 2002; Weinstein 2007). More specifically, rebel groups may provide health care, education, a legal system, a financial system, a police force, as well as institutions and administrations that deal with a variety of civilian concerns. Depending on their sources of income, rebel groups have developed complex bureaucratic structures for the collection of taxes and the distribution of public goods (Mampilly 2007; Podder 2014).

The division of labor and dynamics involved in the provision of governance services may differ in each political context. Tasks may partly be delivered by international organizations active in rebel-controlled territory, or still by the state itself. The SPLM/A in Sudan, for example, focused its resources mainly on its security and justice system. For the provision of public goods, such as education and health care, the population relied on the involvement of transnational aid organizations that proliferated in rebel controlled territory (Mampilly 2011: 6; see Box 3.1). The Congolese Rally for Democracy (RCD) in the Democratic Republic of Congo (DRC) developed a civil administration with specific departments of education, health care, social affairs, whereas at the same time several other public services continued to be delivered by the central government (Autessere 2006; Mampilly 2011).

## Interactions with Other Relevant Governance Actors

As the example of the SPLM/A illustrates, non-state governance often involves overlapping "networks" with the state, other non-state actors and international actors. Rebel groups may contest other actors, but they may also cooperate (Gates 2002; Hagmann and Péclard 2010: 554).

As observed by Hagmann and Péclard (2010) a primary source of conflict is the provision of security, based on the state's limited ability to cater for the security of its citizens. Yet, in many cases the state remains a key stakeholder in this context (if more in theory than practice) primarily because the state is elevated above all other entities as the only actor potentially capable of providing long-term security (Migdal 2001: 18). Secondly, rebel groups and state institutions compete to control the institutional structure of governance provision. This predominantly relates to the decentralization of the state apparatus, which revolves around "the balance of power between the 'center' of the state and its 'peripheries'" (Hagmann and Péclard 2010: 553).

**Box 3.1 Performing governance: Sudan People's Liberation Movement/Army**

In 1994, the Civil Authority of the New Sudan (CANS) was established to change the governance of "individual rebel administrators" into more formalized political structures that were distinct from the military command (Mampilly 2011; Podder 2014). Yet, Johnson (1998) points out that all CANS officials were ex-rebels, which led to the intermingling of civilian and military culture in the supposedly civil apparatus. Nevertheless, the basic objective was to decentralize power to a hierarchy of local (civil) authorities, delegating governance tasks to local level leadership, particularly in order to avoid internal ethnic tensions and to keep support from the different southern ethnic groups (Mampilly 2011: 145–8). As a strategy, the establishment of the civil administration served to maintain popular appeal domestically, and to consolidate international legitimacy with the large number of foreign (aid) actors that also became involved in rebel controlled territories (Mampilly 2011; Podder 2014).

The SPLM/A introduced a military code of conduct to deal with complaints against rebel soldiers, and co-opted traditional authorities and customary legal mechanisms into a comprehensive judicial system for civilians. By formalizing customary law and using traditional courts, in combination with a military-based justice mechanism, the legal system served to regulate daily life for rebel cadres and the civilian population (Mampilly 2011: 156–8). To serve educational and health care needs, the SPLM/A resorted to the co-optation and/or manipulation of foreign International Organizations and NGOs (Podder 2014). While the security and justice system could be seen as relatively functional, the functioning of the health and educational system varied widely from one locality to another (Mampilly 2011).



Finally, identity and the politics of inclusion and exclusion are commonly an area of contestation. "Processes of state (de-) construction in Africa have been shaped by dynamics of inclusion and exclusion: the question of defining who belongs and who does not belong to the nation (state), who is indigenous and who is foreign" (Hagmann and Péclard 2010: 554).

The distinction between contestation and cooperation, however, is not always as clear-cut as it may seem. A pertinent question here is how to conceptualize rebel governance in relation to the state, particularly in situations where the performance of extensive governance tasks occurs in parallel with predatory behavior. There is a tendency in the literature to equate non-state actor governance with anti-state governance. Within approaches focusing on anti-state sovereignty, rebel groups are perceived as rejecting ineffective, abused and transplanted "state" institutions which cannot fulfil the basic requirements of a sovereign system (Mampilly 2007: 4). However, this perspective may not suit every instance of rebel governance. For instance, Hagmann and Péclard (2010) question whether the existence of rebel groups necessarily erodes or contends the power of the state. Scholars have discussed and documented the various interactions, partnerships and alliances between rebel groups and state institutions (Duffield 1998; Hibou 2012; Siniawer 2012; Stel 2015), and conceptualized this phenomena in various models, namely: "mediated states" (Menkhaus 2007), "limited states" (Migdal 2001), "hybrid political orders" (Boege et al. 2009a, 2009b), and "twilight institutions" (Lund 2006).

Subsequently, on-going interactions between state and rebel groups are linked to transformations of the state itself (Tull 2003; Müller 2012). For example, Müller (2012) shows how rebel leaders became Ministers in the state apparatus of Eritrea, and Tull (2003) explains in what way local strongmen became part of the Mobutist state in the DRC. Podder (2014) shows how rebel governance and post-conflict legitimacy are connected in the case of the SPLM/A.

The question is whether parallel governing institutions accurately reflect these varying models. Goodfellow and Lindemann (2013) argue that a lack of synthesis of these different institutions means they can be better conceptualized as (a part of) institutional multiplicity, "providing distinct and different normative frameworks and incentive structures in which [political and economic actors] act" (Hesselbein et al. 2006: in Goodfellow and Lindemann 2013: 7). Moreover, Duffield's notion of reflexive modernity comes to mind (2002). In addition, many theoretical and empirical studies refer to the diversity of political environments in which non-state/rebel actors attempt to govern (Müller 2012; Goodfellow and Lindemann 2013). For example, in some cases "hybridity" is associated with reducing violent conflict, whilst in others it is associated with state fragility.

This indicates that the interplay and dynamics between rebel groups and state actors concerning complementarity, active arrangements, and contradiction/competition, remain relatively unknown and require empirical research (Mehler 2004). It remains especially unclear when and in what way rebel groups replace and/or become a part of state institutions, and in what way this institutionalization of rebel governance and practices affect the provision of services by rebel groups (Weinstein 2007; Mampilly 2011). For example, can the semi-autonomous Wajir County in North Eastern Kenya be considered to be a "state-within-a-state," or simply the state itself? And how is local governance driven, shaped, and affected by the (inter)national legitimacy of the different governance actors concerned?



**Projecting Legitimacy**

Whilst the weakness of the state is clearly a contributing factor in the non-state group's involvement in governance, research increasingly shows that instances of non-state governance cannot merely be seen as a result of state weakness, but have an autonomous dynamic as well (Migdal 2001; Mampilly 2007; Kalyvas et al. 2009; Arjona 2010; Raeymaekers et al. 2008). Processes of state de-legitimization resulting from engagement between rebel actors and local populations may explain long-term governance relationships beyond anti-state or singularly economic perspectives, in the form of a "social contract." These processes may in turn influence the provision of services by the rebel group and its relationship with other actors.

A social contract broadly constitutes an implicit understanding between a population and dominant power, whereby, "the people grant the state the right to rule over them in return for the state providing security from civil disorder and war" (Milliken and Krause 2002: 758), as well as other services. Discussion of rebel governance generally links social contracts to economic interests, whereby the pragmatic benefits of taxation, opposed to banditry, leads to a reciprocal supply of public goods (Weinstein 2007; Beardsley and McQuinn 2009). Olson asserts this to be less of a social contract, but more "rational self-interest among those who can organize the greatest capacity for violence" (1993: 568).

Yet, economic arguments only partially explain the phenomenon of rebel governance, and traditional perceptions commonly fail to move beyond viewing this phenomenon as a by-product of revenue extraction Mampilly demonstrates that a rebel group's decision to engage in governance tasks is a combination of influences from the population, internal group dynamics, and pressure from separate domestic and international actors (Mampilly 2007: 29).

Populations actively seek to negotiate a relationship with relevant elites and dominant groups, thus increasing pressure upon a rebel group to provide public goods (particularly security), without which it would struggle to maintain a hegemonic position. In studying the provision of governance tasks, the behavior and reaction of citizens should therefore be taken into account as "civilians are never passive or invisible actors, and can manipulate the structure of a rebel civil administration" (Mampilly 2007: 21; see also Kalyvas 2003). Also, recent studies show that rebel groups need to be strategic in their interaction with civilians in order to transition into legitimate and viable alternatives to the state, particularly in post-conflict settlements (Podder 2014).

Hence, one reason rebel groups perform governance tasks may therefore be to legitimize their existence in the political space (Milliken and Krause 2002: 756). Dahl (1971) demonstrates that it is easier to rule through perceived legitimacy[3], compared to pure coercion. Evidence demonstrates that many rebel groups either actively seek legitimacy, or acquire it through their actions (Toft 2010; Podder 2012, 2013; Reno 2009; Branch and Mampilly 2005; Arjona 2010). A social contract may be constructed through both elite will and the capacity to provide public services, through the performance of these tasks and the extent to which a group becomes embedded in a population (Organisation for Economic Co-operation and Development 2008; Arjona 2010).

In fact, it is now recognized that legitimation is better viewed as a process, highly subjective and context dependent (Beetham 1991; Barker 2001; Thornhill 2008; Stel 2014), than as a fixed attribute of a state or rebel group. In a context of high insecurity, with multiple contesting groups, and an absent or abusive state, the provision of even a basic level of public services in itself constitutes a process of

[3] For more on the legitimacy threshold see for example Stel (2014).

legitimation. Subsequent actions would contribute to this process, whether as an intentional goal, or as a longer-term result of rebel/population interaction (Arjona 2010).

Thus, a group's legitimacy is based on the "tacit social contract" with society (Podder 2013: 19). Within (situations of) violent conflict, the process of rebellion often involves criticism of the status quo and the highlighting of popular grievances (Toft 2010). Highlighting grievances in a post-conflict setting remains a crucial tool in maintaining a group's status and authority. In Libya, for example, rebel groups continued to justify their own (post-conflict) existence through so-called "revolutionary legitimacy" by stressing how they risked their lives during the revolution and successfully toppled the regime of Gaddafi (Sharqieh 2012; Jeursen and van der Borgh 2014).



Groups will often attempt to build recognition and legitimacy from international sources as well (Mampilly 2007). For example, non-state violence in Liberia in the 1990s focused extensively on the capital, Monrovia, which was attributed to the perception that the group controlling the capital and key symbols of statehood (i.e. the Presidential Palace) would be recognized as the predominant power, including by international actors (Duyvesteyn 2005). In other cases, ethnic identity has proven to be a crucial tenet in claiming legitimacy with a population, as was the case in Burundi for example in the early 1990s (Daley 2006).

Moreover, this pursuit of authority through legitimation includes more intangible processes of identity building, through symbols such as flags, songs, references to tradition, ethnicity. This process of building legitimacy through symbolism often involves "mimicry" of the state and state institutions to portray authority and cement claims of legitimacy portrayed to international actors (Hoehne 2009). For example in Somaliland and Puntland in Somalia, the contestants to the (absent) Somali state have gone to considerable lengths to portray elements of modern statehood, in a process of nation and identity building (Hoehne 2009). Podder highlights the use of nationalist propaganda by the SPLM/A in Sudan through the printing of a national currency (2014: 222).

These sources of legitimation have parallels with references to traditional and historical norms, particularly in contexts where there is little history of modern statehood. Then, governance can be argued to be less of a tool within violent conflict, but an attempt to cater for a specific constituency. Podder shows that rebel groups may actively establish partnerships with traditional authorities. The SPLM/A, for example, was partly dependent on traditional leadership as gatekeepers for mobilizing communities and establishing social trust (Podder 2014: 227–8). Box 3.2 exemplifies how the NRA in Uganda engaged with civilians.

**Box 3.2 Engaging with civilians: National Resistance Army, Uganda**

Upon the takeover by the NRA, the Baganda of the Luwero Triangle had been governed by a highly centralized system of chieftainships which faced a crisis of legitimacy. The NRA then put the power in the hands of the civilian population by setting up a structure of local governance (Weinstein 2007: 175–6). The NRA successfully rooted its movement in the civilian population, by providing public goods in exchange for civilian contributions. For instance security was provided with the use of a system of local "resistance committees", a network of local militias, to warn villages of approaching UNLA (government's) soldiers. Weinstein (2007) states that, at the high point of security in the liberated zone in 1983, a senior army official estimated that the NRA governed through 2,000 to 3,000 "resistance committees", each representing 40 homes. In addition, the NRA also delivered a basic set of health care services—including training of medical aides—to its constituents in the Triangle, where a lack of security had made the resupply of health care posts impossible (Weinstein 2007: 180).

## Potential Partners in Statebuilding

Rebel groups may carry varying levels of legitimacy. Some may be "spoilers," but others may also require further engagement as potential partners in state- and peacebuilding. For instance, the Department for International Development recognizes the role of gangs, drug lords, youth militias and

rebel groups in simultaneously perpetuating violence and exploitation, whilst also providing services, some level of security and their own claims to legitimacy (2010: 39). The majority of African policing is conducted by non-state actors, and "people look to them rather than to state actors for protection from and investigation of crime" (Baker 2007: in Organisation for Economic Co-operation and Development 2008: 38; also see Baker and Scheye 2007). Research by Diphoorn has shown in the case of South-African policing that state and non-state policing have always been interrelated. In contemporary South-Africa a climate has emerged even in which an increased contribution from non-state actors is encouraged alongside state representatives (2013: 267). Branch and Mampilly (2005) argue that in the case of Sudan, non-state governance structures are as crucial for long-term stability as negotiations between warring parties. Furthermore, Autesserre (2009) demonstrates that narrow perspectives of rebel groups have directly hindered efforts of international agencies in the DRC, where the United Nations and aid agencies are prohibited from engaging rebel groups, lest they risk *legitimizing* their status. Box 3.3 shows a similar case with regard to the UIC in Somalia.



**Box 3.3 Narrative over local realities: Union of Islamic Courts (UIC), Somalia**

From the 1990s onwards, following the collapse of the state in Somalia, an ad hoc alliance of non-state actors created their own Courts in order to create more stability within their communities. Although in the beginning these courts were very decentralized, the UIC finally gained a "politico-military momentum" and pushed warlords out of Mogadishu in 2006 (Verhoeven 2009: 406, 411). While the UIC presented itself as a force to bring order, unity and justice, the international community suspected the Courts of hosting East African terrorists, perceiving it as Somalia's "neo-Taliban". In December 2006, the US-backed Ethiopia's military overwhelmed UIC forces and Mogadishu was handed over to the Transitional Federal Government, a secular but self-appointed, powerless executive with local authority only. Hence, the dominant state failure/collapse narrative within the international community prevented the necessary connection to local realities, as such hindering the re-emergence of legitimate authority in Somalia (Verhoeven 2009: 411–12).

## Conclusion

Returning to the central argument in this chapter: should our perception of rebel groups, otherwise regarded as "spoilers" and detrimental to development and governance be fundamentally reconsidered? The literature and cases discussed throughout this chapter have indicated that we should. It goes beyond the scope of this chapter to discuss the full emergence of the rebel groups used here to exemplify instances of rebel governance. Nonetheless, the case study observations of the SPLM/A, the NRA and the UIC show how a rebel group can set up a relatively well-functioning civil administration.

A rebel group may provide a genuine political order in response, or parallel to, a corrupt or ineffective government. Under an authoritarian or tyrannical government regime, rebel groups may have acquired wide support among segments of the population. The perception of rebels *solely* as "spoilers", therefore limits the potential for cooperation and negotiation with influential groups with a degree of legitimacy among local populations. Also, relying on this perception may lead analysis to be misrepresenting realities on the ground and may hamper effective international engagements, as the UIC case shows. Due to the dominant counter-terrorism discourse, a potential role for the UIC as a partner with legitimacy and authority in the creation of stability and order was rejected.

If rebel groups offer alternatives to an absent or even abusive state, development, state- and peacebuilding discourses should not automatically see the state as the main actor to address. Further research is necessary in order to specifically distinguish different types of rebel groups, with differing motives, financing and popular support. In addition, the conditions under which rebel groups are potential partners in "bottom-up-statebuilding" and legitimate partners in (future) peace settlements need to be analyzed. When and in what way do rebel groups merit further engagement by the international community in contexts of state fragility? Further research on rebel governance should aim to identify opportunities for cooperation and negotiation with rebel groups.

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# CHAPTER 5

# Article II - Governance Practices and Symbolism: de facto sovereignty and public authority in 'Tigerland'

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# *Governance Practices and Symbolism: De facto sovereignty and public authority in 'Tigerland'**

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**Abstract**

This article focuses on how the Liberation Tigers of Tamil Eelam (LTTE) insurgency performed de facto sovereignty and public authority in Northeastern Sri Lanka. It is situated within the wider academic debate on governance by state and non-state actors. We venture to unravel the complex linkages between the LTTE's governance practices and legitimation strategies by looking at narratives, performances, and inscriptions. While monopolizing the justice and policing sectors, in other sectors the LTTE operated pragmatically in conjunction with the state. The organization tried to generate and sustain public authority and legitimacy through a variety of violent and non-violent practices and symbols. It 'mimicked' statehood by deploying, among others, policing, uniforms, ceremonies, nationalist songs, commemorations of combatants, and the media. This not only consolidated its grip on the Northeast, but also engineered a level

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of support and compliance. We conclude that the LTTE's governance included practices that were created and carried out independently from the Sri Lankan state, while others took shape within a pre-existing political order and service provision by the state. The article elucidates the LTTE's mimicry of the state, as well as the operation of parallel structures and hybrid forms of state-LTTE collaboration. This facilitates a nuanced understanding of rebel governance beyond a simple state versus non-state binary.



## Introduction

Journalistic and policy accounts of rebel groups are frequently dominated by one-sided images of warlords, organized crime, human rights abuses, child soldiers, and natural resource plunder. Scholarly research, however, increasingly demonstrates that in many cases armed groups perform substantial forms of governance, often in tandem with predatory practices.[1] It can be argued that they possess de facto sovereignty and execute public authority, as highlighted in this special issue. However, there is a limited understanding of the empirical manifestation and practical dynamics of rebels' sovereignty and public authority, and the political legitimacy they derive from it. This reminds us of a similar observation made by Ferguson and Gupta with regard to states:

> The metaphors through which states are imagined are important ( . . . ). But the understanding of the social practices through which these images are made effective and are experienced is less developed. This relative inattention to state practices seems peculiar, because states in fact invest a good deal of effort in developing procedures and practices to ensure that they are imagined in some ways rather than others.[2]

This applies, we would argue, to an even larger degree to non-state armed actors involved in governance. The Liberation Tigers of Tamil Eelam (LTTE) in Sri Lanka are a clear case in point: it accounted for severe predatory behaviour towards civilian populations,

[1] Among others, see Z. Mampilly, *Rebel Rulers. Insurgent Governance and Civilian Life During War,* Cornell University Press, Ithaca and London, 2011; T. Hagmann and D. Péclard, 'Negotiating statehood: dynamics of power and domination in Africa'. *Development and Change*, vol. 41(4), 2010, pp. 539–562; S. Podder, 'Non-state armed groups and stability: reconsidering legitimacy and inclusion'. *Contemporary Security Policy*, vol. 34(1), 2013, pp. 16–39; N. Kasfir, G. Frerks and N. Terpstra 'Introduction: armed groups and multi-layered governance'. *Civil Wars*, vol. 19(3), 2017, pp. 257–278.

[2] J. Ferguson and A. Gupta, 'Spatializing states: toward an ethnography of neoliberal governmentality'. *American Ethnologist*, vol. 29(4), 2002, pp. 983–984.

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simultaneously paired with the performance of substantial governance practices, leading to a de facto sovereignty and public authority. Some of these governance practices, including those of the Tamil Eelam police force and judiciary, functioned independently from the Sri Lankan state, especially in areas under full LTTE control. Other practices were, however, shared with the Sri Lankan state to a larger or lesser degree, particularly in sectors such as health care and education, and in zones of contested territorial control.

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Whereas it has long since been accepted in academic literature that various forms of governance or 'governmentality' can be exercised by a variety of actors at the same time, this article hopes to shed light on the specific ways and dynamics through which this has been done in LTTE-controlled areas in Sri Lanka, and how that has been perceived and experienced by the local population, thereby paying attention to processes of legitimation and power. First, we introduce our theoretical considerations and discuss the emergence of the LTTE. This will be followed by a discussion of the LTTE's sovereignty and law enforcement, its public service provision, the existence of hybrid rule and authority, and, finally, the LTTE's symbolic legitimation of its rule. Following Schröder and Schmidt we pay attention to narratives, performances, and inscriptions.[3] We conclude that the empirical manifestation of LTTE governance is more complex than a simple state versus non-state binary would suggest, ranging from mimicry of statehood and parallelism to hybridity.

## Theoretical considerations

### *De facto sovereignty and public authority*

This article departs from the assumption that sovereignty is not the prerogative of the state, but can de facto be practised by a non-state armed actor. Hansen and Stepputat introduce the concept of 'de facto sovereignty' in opposition to the traditional understanding of the concept which portrays the sovereign state as the bedrock of a civilized international order.[4] By detaching sovereignty from

[3] I. Schröder and B. Schmidt, 'Introduction: Violent Imaginaries and Violent Practices', in *Anthropology of Violence and Conflict,* B. Schmidt and I. Schröder (eds), Routledge, London and New York, 2001, pp. 1–21.

[4] T. Hansen and F. Stepputat (eds), *Sovereign Bodies: Citizens, Migrants and States in the Postcolonial World*, Princeton University Press, Princeton and Oxford, 2005; T. Hansen

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the state, they direct our attention to its *practice*. They define de facto sovereignty as 'the ability to kill, punish, and discipline with impunity',[5] which, however, denotes a rather absolutist version of sovereignty. When control is practised predominantly by military or police forces through the use or threat of violence, it is sometimes called 'coercive sovereignty'.[6] As sovereignty has become increasingly circumscribed, strategies of legitimation and a level of consent among the ruled become an increasingly important part of the equation, too (in this form it has been conceptualized as 'representative' or 'popular' sovereignty).[7] In fact, there is a top-down and bottom-up dimension to it. It is a question of using empirical analysis to establish how these two are manifested in practice.



We will investigate how the LTTE was able to legitimize and institutionalize its de facto sovereignty; this is where another key concept of this special issue—public authority—becomes useful. Following Weber's conception of authority as 'legitimate domination', Sikor and Lund define authority as:

> an instance of power that is associated with at least a minimum of voluntary compliance [. . . It] characterizes the capacity of politico-legal institutions, such as states and their constituent institutions, village communities, religious groupings and other organizations, to influence other social actors.[8]

When using this conceptualization two aspects stand out. First, we see that public authority is essentially about legitimacy and that it requires a certain form of consent from its constituency beyond the sheer exercise of force by the power-holder. Here the concept shows a parallel with the bottom-up dimension of sovereignty. Secondly, public authority is inherently relational. It consists of vertical, mutual connections between those actors who possess authority and the constituency that complies with it.[9] More recent scholarship has started to conceptualize 'state' and 'non-state' forms of public

and F. Stepputat, 'Sovereignty revisited'. *Annual Review of Anthropology*, vol. 35, 2006, pp. 295–315.

[5] Hansen and Stepputat, 'Sovereignty revisited', p. 296.

[6] See, for example: E. Kurtulus, 'Theories of sovereignty: an interdisciplinary approach'. *Global Society*, vol. 18(4), 2004, pp. 347–371.

[7] See, for those concepts: A. J. Bellamy, 'The Responsibility to Protect', in *Security Studies: An Introduction,* P. D. Williams (ed.), Routledge, New York, 2013, p. 489.

[8] T. Sikor and C. Lund, 'Access and property: a question of power and authority'. *Development and Change*, vol. 40(1), 2009, p. 8.

[9] See also B. Klem and B. Suykens, 'The politics of order and disturbance: public authority, sovereignty, and violent contestation in South Asia' in this special issue.

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authority as overlapping and interdependent.[10] Following Meagher's conclusion that a 'shift in theory' needs to be backed by insights in specific cases, this article contributes to this emerging body of knowledge by means of a case study on the LTTE.[11]



### *Governance and governmentality*

Contrary to more traditional conceptions of governance, political and social scientists increasingly recognize that the provision of security, welfare, and political representation is not necessarily the prerogative of the state.[12] Though the formal state may still be regarded as the dominant actor in providing public goods, non-state actors—including those that compete with the state—prove to be in possession of the means (i.e. armed forces, taxation, and an administrative system) and ambition to provide a constituency with security (by regulating the internal use of force and offering protection from external threats), welfare (by offering social and utility services), and political representation (through institutions for consultation and normative regulation), usually in a fairly demarcated territory.[13] Therefore, governance should not only be seen through a state-centric lens, but,

[10] Among others, see V. Boege, M. A. Brown and K. P. Clements, 'Hybrid political orders, not fragile states'. *Peace Review*, vol. 21(1), 2009, pp. 13–21; C. Hoffmann and T. Kirk, *Public Authority and the Provision of Public Goods in Conflict-Affected and Transitioning Regions,* London School of Economics, London, 2013; C. Lund (ed.), *Twilight Institutions. Public Authority and Local Politics in Africa*, Blackwell Publishing, Malden, 2007; B. Klem and S. Maunaguru, 'Public authority under sovereign encroachment: leadership in two villages during Sri Lanka's war' in this special issue.

[11] K. Meagher, 'The strength of weak states? Non-state security forces and hybrid governance in Africa'. *Development and Change*, vol. 43(5), 2012, p. 1083.

[12] K. P. Clements, V. Boege, A. Brown, W. Foley and A. Nolan, 'State building reconsidered: the role of hybridity in the formation of political order'. *Political Science*, vol. 59(1), 2007, pp. 45–56; S. Kalyvas, I. Shapiro and T. Masoud (eds), *Order, Conflict and Violence,* Cambridge University Press, Cambridge, 2009; S. Krasner, 'Sharing sovereignty: new institutions for collapsed and failing states'. *International Security*, vol. 29(2), 2004, pp. 85–120; J. Milliken and K. Krause, 'State failure, state collapse, and state reconstruction: concepts, lessons and strategies'. *Development and Change*, vol. 33(5), 2002, pp. 753–774.

[13] I. Duyvesteyn, G. Frerks, B. Kistemaker, N. Stel and N. Terpstra, 'Reconsidering rebel governance', in *African Frontiers*: Insurgency, Governance and Peacebuilding in Postcolonial States, J. I. Lahai and T. Lyons (eds), Routledge, London and New York, 2016, pp. 31–40; Hagmann and Péclard, 'Negotiating statehood', pp. 539–562; Z. Mampilly, 'Stationary Bandits: Understanding Rebel Governance', PhD thesis, University of California, 2007; C. Lund, 'Twilight institutions: public authority and local politics in Africa'. *Development and Change*, vol. 37(4), 2006, pp. 685–705.

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more broadly, as the 'whole set of practices and norms that govern daily life in a specific territory'.[14] As such, our analysis should move from a focus on state exclusivity towards a more comprehensive and agnostic study of governance—with or without a formal government.[15] This position echoes the Foucauldian notion of 'governmentality' that—in the words of Sending and Neumann—is 'an analytical concept aimed at grasping government as a form of power, as the techniques and procedures for directing human behaviour'.[16] According to Sending and Neumann, governmentality is



aimed at investigating the specific practices and techniques of governing as an empirical phenomenon, thus seeking to replace a focus on institutions ( . . . ) with a focus on practices ( . . . ) [and] identifying the mentality or rationality that characterizes the systematic thinking and knowledge that is integral to and renders possible different modes of governing.[17]

Foucault extended governmentality beyond the domain of the state to include civil society, the family, and personal life. Ferguson and Gupta also discuss how market forces have taken over from government under neo-liberalism and that several forms of transnational governmentality have come into being.[18]

Dillon has pointed out that the concepts of governmentality and sovereignty are not necessarily competitive, nor oppositional, but that their relationship can be characterized as complementary.[19] As Dillon explains with regard to sovereignty and governmentality:

That complex interdependence, the complicity of the one in the other, is exhibited in their mutual reliance upon each other and upon the discursive production, dissemination, and consumption of regimes of truth. The will to

[14] Mampilly, 'Stationary Bandits', p. 61; see also G. Stoker, 'Governance as theory: five propositions'. *International Social Science Journal,* vol. 50(155), 1998, pp. 17–28.

[15] A research direction given by Boege et al., 'Hybrid political orders, not fragile states'; T. Risse, 'Governance in Areas of Limited Statehood: Introduction and Overview', in *Governance Without a State?: Policies and Politics in Areas of Limited Statehood*, T. Risse (ed.), Columbia University Press, New York, 2013, pp. 1–38; Duyvesteyn et al., 'Reconsidering rebel governance', pp. 31–40.

[16] M. Foucault, *Ethics: Subjectivity and Truth. Essential Works of Michel Foucault, 1954–1984, Vol. 1*, New Press, New York, 1984, p. 82.

[17] O. Sending and I. Neumann, 'Governance to governmentality: analyzing NGOs, states, and power'. *International Studies Quarterly*, vol. 50(3), 2006, pp. 651–672.

[18] J. Ferguson and A. Gupta, 'Spatializing states: toward an ethnography of neoliberal governmentality'. *American Ethnologist*, vol. 29(4), 2002, pp. 989–991.

[19] M. Dillon, 'Sovereignty and governmentality: from the problematics of the "new world order" to the ethical problematic of the world order'. *Alternatives: Global, Local, Political*, vol. 20(3), 1995, pp. 323–368.

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know, and the will to power, as of course Foucault continually insisted, share the same pedigree.[20]



The consumption of these 'regimes of truth' is also relevant for our understanding of how an insurgency like the LTTE presents its 'truth' to its constituents. Despite the fact that the LTTE was never successful in gaining international recognition for an independent state, it undertook various strategies to legitimize its struggle and rule over the population.

### *Legitimacy and legitimation*

The legitimacy of a rebel ruler's involvement in governance may be separated in both a juridical and an empirical dimension.[21] Despite the absence of juridical legitimacy or international recognition, which is usually difficult to attain, rebel groups may enjoy varying levels of legitimacy among a particular constituency.[22] One way to gain legitimacy can be found in ideology. Rebels usually try and produce a more-or-less coherent narrative legitimating their struggle and outlining their political goals. Another is found in the symbolic realm. The symbolic dimension of rebel rule may be essential to underpin and, hence, understand the de facto legitimacy of rebel groups and the way in which legitimacy feeds the subjective and individual identities of the civilian population that lives in a rebel-controlled territory.[23] Legitimation, and the pursuit of authority, may include processes of identity building, through a symbolic repertoire of commemorations, rallies, anthems, flags, and logos, for example.[24] These symbolic processes may involve the 'mimicry' of state practices, as some rebel groups seek to construct political authority in similar ways to nation

[20] Ibid.

[21] D. Péclard and D. Mechoulan, *Rebel Governance and the Politics of Civil War,* Swisspeace, Bern, 2015, pp. 18–24.

[22] Ibid., pp. 22–24; Mampilly, *Rebel Rulers*, pp. 48–92; N. Terpstra and G. Frerks, 'Rebel governance and legitimacy: understanding the impact of rebel legitimation on civilian compliance with the LTTE rule'. *Civil Wars*, vol. 19(3), 2017, pp. 279–307.

[23] See Mampilly, *Rebel Rulers*, pp. 48–92; and also a more recent book chapter devoted to the symbolic dimension of rebel rule by Z. Mampilly, 'Performing the Nation-State: Rebel Governance and Symbolic Processes', in *Rebel Governance in Civil War*, A. Arjona, N. Kasfir and Z. Mampilly (eds), Cambridge University Press, New York, 2015, pp. 74–97.

[24] Ibid.

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states.[25] This also highlights the performative practices of legitimacy and authority in daily life and the interaction between the sovereign and the people. As observed by Lund:

> One group's challenge of another's grip on governance may thus be staged in terms of claiming the symbols of public authority as well, and as much as exercising the practical tasks of governance. Symbols of public authority are not moored to specific institutions, just as the 'same' institution may exercise public authority at one point and be rather insignificant in this respect at another.[26]



The question, however, remains how and why symbols of legitimation will be effective in civil war and during rebel rule specifically. According to Schröder and Schmidt 'the most important code of the legitimation of war is its historicity'.[27] As they explain, the 'symbolic meaning of prior wars is re-enacted and reinterpreted in the present, and present violence generates symbolic value to be employed in future confrontations'.[28] In other words, current conflicts need a certain discursive link to past events in order to be legitimated. The historicity of present-day confrontations is represented through narratives, performances, and inscriptions, and each of these representational strategies is open to manipulation.[29] Demmers points out that through participation in narratives, performances, and inscriptions, people may come to accept and support the (violent) course of action proposed by their leaders as legitimate and justified.[30] In other words, there is an interplay between elites and other layers of society where these representational strategies are collectively created, maintained, and changed. Hence, in this article we will investigate how the LTTE attempted to legitimize its rule through various symbols of, and claims to, legitimacy, focusing especially on historical LTTE narratives; performances of statehood, heroism, and martyrdom; and inscriptions.[31]

[25] Mampilly, 'Performing the Nation-State', pp. 74–97; for a compelling explanation and application of the concept of 'mimicry', see also M. Hoehne, 'Mimesis and mimicry in dynamics of state and identity formation in Northern Somalia'. *Africa*, vol. 79(2), 2009, pp. 252–281.

[26] Lund, 'Twilight institutions', p. 691.

[27] Schröder and Schmidt, 'Introduction: Violent Imaginaries and Violent Practices', p. 9.

[28] Ibid.

[29] Ibid.

[30] J. Demmers, *Theories of Violent Conflict: An Introduction,* Routledge, London and New York, 2012, p. 132.

[31] Schröder and Schmidt, 'Introduction: Violent Imaginaries and Violent Practices', p. 10.

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## Methodology

Our research is based on primary, empirical data collected in 2014, 2015, and 2016 as well as secondary research into academic literature and policy documents. At the beginning of the first round of fieldwork in 2014 the Mahinda Rajapaksa administration restricted foreign nationals' access to the Northern Province. Intelligence agencies and police were keeping a close eye on every foreigner who might openly be asking questions about the LTTE, as a result of the pressure exercised by the international community to hold an independent investigation into the alleged war crimes by the government during the last phase of the war in 2009. The suspicion directed towards foreigners made it difficult, if not impossible or outright dangerous, to carry out field research except through local Sri Lankan researchers.[32]

We decided to cooperate with a small local NGO that had intimate, contextual knowledge of the risks and prevailing surveillance in the study area. Local interviewers could carry out interviews unobtrusively with inhabitants (fishermen, farmers, etc.) in areas previously under LTTE control. With every round of fieldwork an introductory workshop and a debriefing were held with the local researchers, after which research instruments and the data collection strategy were fine-tuned. A semi-structured interview guide was used to assess the governance structures and basic service provision in the territories previously under full or partial LTTE control. In total, 76 interviews, averaging two-and-a-half hours each, were held with community members in nine different locations in Trincomalee District (33 interviews), ten locations in Batticaloa District (25 interviews), and four locations in the Northern Province (18 interviews). Subsequently, professional translators translated the Tamil transcripts into English, which were then analysed by us.

After the Sri Lankan presidential elections on 8 January 2015 and the regime change that followed, it became possible for us to visit the Mullaitivu District, Kilinochchi, and Jaffna. In early 2015 we also carried out interviews in the homes and/or offices of key informants such as civil society leaders, community leaders, NGO

[32] Given the sensitivity of this research topic and the potential safety concerns of the people involved, we decided to refer to the interviews of this study with an interview code, without specifying the names of the respondents nor the exact locations where the interviews took place.

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workers, religious leaders, doctors, ex-LTTE cadres[33] and supporters, and local government officials. A total number of 20 key-informant interviews were held in the Trincomalee District (seven interviews), Batticaloa District (nine interviews), and Jaffna city (four interviews). In April 2016 we did another round of fieldwork comprising 62 interviews in total, focusing on attitudes to and popular support for the LTTE and how the population in the Vanni had experienced the symbolic legitimation of LTTE rule.[34] The collected data have in every instance possible been triangulated with secondary literature and other publicly available primary sources.



## The rise of Tamil militancy and the LTTE

The framing of the Sri Lankan conflict by the protagonist parties is based on an active 'reconstruction' of history and assertion of Sinhalese, Tamil (and Muslim) ethnic identities. Kapferer speaks of the 'invention of tradition' and of Sinhalese nationalism as a process of 'remythologization' by which chronicles of the past[35] are converted into a hegemonic, state-nationalist, Sinhala-Buddhist ideology.[36]

Portuguese, Dutch, and British colonialism contributed to ethnic, religious, and socio-economic differentiation and societal divisions which were further enhanced by anti-colonial, nationalist, revivalist movements during the nineteenth and twentieth centuries.[37]

[33] The word 'cadres' refers to those LTTE-members who take part in armed fights.

[34] 'Vanni' is sometimes spelled as 'Wanni' and is used as a term for the mainland districts of the Northern Province, namely Kilinochchi, Mannar, Mullaitivu, and Vavuniya. Jaffna, the other Northern Province district, is a peninsula. The term is often used (in interviews and in contemporary literature) to refer to the LTTE-controlled areas of the Northern Province, excluding the Jaffna peninsula.

[35] Written by Buddhist monks, the Sri Lankan mythical chronicles *Dipavamsa* (fourth–fifth century CE), *Mahavamsa* (sixth century CE), and *Culavamsa* (thirteenth century CE) have played a powerful role in defining Sinhalese understandings of Sri Lankan history. The *Mahavamsa* describes the arrival of Vijaya, the legendary founding father of the Sinhalese, and the succession of Sinhalese kings from the sixth century BC to the fourth century CE. The *Mahavamsa* describes the protection and conservation of Buddhism (against invasions from India) as the main task of these Sinhalese leaders, whereby the Sinhalese came to be depicted as the defenders of the *sasana* (Buddhism) and the Tamils as the enemies.

[36] B. Kapferer, 'Remythologizing Discourse: State and Insurrectionary Violence in Sri Lanka', in *The Legitimation of Violence*, D. Apter (ed.), University Press, New York, 1997, pp. 159–188.

[37] See, inter alia: K. M. de Silva, *A History of Sri Lanka,* Oxford University Press, Delhi, 1981; N. Wickramasinghe, *Sri Lanka in the Modern Age, A History of Contested Identities,* Vijitha Yapa Publications, Colombo, 2006.

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After independence in 1948 the Sri Lankan government disenfranchised one million Indian Tamils who had been brought from South India as plantation labourers by the British. This created serious anxiety among other minority groups, including the Ceylon or Jaffna Tamils. In 1956 the Sri Lanka Freedom Party came to power with a Sinhalese ethno-nationalist agenda. The government declared Sinhalese the sole official national language ('Sinhala-only') to the detriment of Tamil and English, thereby effectively excluding Tamils from government jobs.

Tamil voters were deeply alarmed and the (Tamil) Federal Party (FP) demanded a federal state comprising separate Tamil-speaking northern and eastern parts, and a southern Sinhalese part, and that both Sinhala and Tamil be recognized as official languages. It further demanded a stop to state-aided colonization of Tamil areas by Sinhalese farmers.[38] Non-violent demonstrations and protests by the FP against these new policies were targeted by Sinhalese mobs and anti-Tamil violence spread across the country. Tamil shops were attacked and looted, and an estimated 150 Tamils were killed.[39] In 1957 and 1958 there was again communal violence against Tamils. In the 1960s and 1970s controversial colonization schemes in Tamil areas were implemented, and so-called 'educational standardization' hampered Tamil students' access to university. Finally, the 1972 Constitution awarded special protection to Buddhism and an earlier clause protecting ethnic and religious minorities was removed. In the meantime there were episodes of violence against Tamils in several parts of the country, often with the connivance or complicity of the state and the police, and impunity of the offenders.

Despite growing resentment and frustration among the Tamils, the FP proved unable to achieve any meaningful results in its subsequent negotiations with the government. In 1972 the various Tamil parties joined together to form the Tamil United Front, which was renamed the Tamil United Liberation Front (TULF). At its first convention in Vaddukoddai in 1974 the TULF resolved that it wanted to establish a free sovereign state of Tamil Eelam based on the right of self-determination in order to safeguard the very existence of the Tamil

[38] International Crisis Group, *Sri Lanka's Eastern Province: Land, Development, Conflict*, Asia Report No. 159—15, International Crisis Group, Colombo/Brussels, 2008, pp. 4–6.

[39] M. R. Swamy, *Tigers of Lanka. From Boys to Guerrillas* (third edition), Vijitha Yapa Publications, Colombo, 2002, p. 11; Wickramasinghe, *Sri Lanka in the Modern Age*, pp. 271–272.

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nation. From this moment on, Tamil politics took a fundamental and, with the emergence of a militant Tamil separatist nationalism led by dissatisfied youths, ultimately a violent turn. From the early 1970s onwards, young Tamils began to organize themselves in a variety of radical political groups.



In the early days of Tamil militancy, there were over 30 different groups, and on 5 May 1976 Vellupilai Prabhakaran founded the LTTE. The militant factions acquired arms and received military training from, among others, India and the Palestine Liberation Organization (PLO). These groups would not only attack the Sinhalese state in their attempts to establish Tamil Eelam, but also targeted each other in a search for exclusive leadership and ideological hegemony. The LTTE ultimately succeeded in eliminating its competitors and claimed to be the 'sole representative of the Tamil speaking people in Sri Lanka'.

After the ambushing of 13 soldiers by the LTTE on 23 July 1983, anti-Tamil riots broke out in Colombo, killing hundreds, if not thousands, of Tamils (estimates go up to 3,000 casualties) and damaging the homes and livelihoods of probably 30,000. An estimated 100,000 Tamils were displaced and 175,000 fled abroad. There is evidence of the government's complicity in organizing those riots.[40] Soon hereafter the conflict escalated into a full-blown war that was to last for 26 years.

In 1987 the Indian Peace Keeping Forces (IPKF) were sent to the island to stabilize the situation but they were unsuccessful and had to leave in 1990. That year the LTTE forced all Muslims to leave the Jaffna peninsula and the North, so as to create an exclusively Tamil area. The LTTE waged four major 'Eelam wars' against the government, and several times also entered into negotiations with them in an attempt to reach a political solution. These failed—or perhaps were never intended to succeed. On 23 February 2002 a Cease-Fire Agreement (CFA) was brokered by the Norwegian government. During the CFA period, the boundaries between the areas controlled by the government and those by the LTTE were delineated and supervised by the Sri Lanka Monitoring Mission. In its area of control, the LTTE ran its own small de facto state. However, after a few years, violence increased and numerous violations of the

[40] S. J. Thambiah, *Levelling Crowds. Ethnonationalist Conflicts and Collective Violence in South Asia,* University of California Press, Los Angeles, 1996, pp. 4–7; W. Clarance, *Ethnic Warfare in Sri Lanka and the UN Crisis*, Vijitha Yapa Publications, Colombo, 2007, p. 45.

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CFA occurred on both sides. In January 2008 the government formally abrogated the CFA and intensified its campaign, with the aim of vanquishing the LTTE militarily. On 19 May 2009 it finally defeated the LTTE and extinguished its entire military and political leadership.



## The LTTE's de facto sovereignty

During the 1990s, there were three regimes of military control in Sri Lanka's war zone. As Gaasbeek explains, these emerged both in formal and in colloquial language, with the English terms 'cleared', 'uncleared', and 'grey'.[41] The territory referred to as 'cleared' was controlled by the Sri Lankan military (and its paramilitary counterparts) during the day and—officially but not necessarily in practice—also at night.[42] 'Uncleared' territory referred to that controlled by the LTTE both day and night, and territory referred to as 'grey' was generally controlled by the Sri Lankan military during the day and by the LTTE at night, but could also be visited by government-allied Tamil paramilitary groups.[43] In the eastern areas, the patchwork of fragmented sovereignty was the most complicated, but on the local level this became the 'normal' state of affairs.[44] This area had turned into a region 'fragmented by frontlines, checkpoints, curfews and entrenched ethno-political boundaries'.[45] After the withdrawal of the IPKF in 1990 the Jaffna peninsula came under full control of the LTTE, thereby becoming the first locality to come under the de facto sovereignty of the LTTE.[46] Although the LTTE lost military control of the Jaffna peninsula in 1995, it expanded its control in the Vanni and

[41] T. Gaasbeek, 'Bridging Troubled Waters? Everyday Inter-ethnic Interaction in a Context of Violent Conflict in Kottiyar Pattu, Trincomalee, Sri Lanka', PhD thesis, University of Wageningen, 2010, pp. 132–133.

[42] Ibid.

[43] Ibid. See also J. Goodhand, D. Hulme and N. Lewer, 'Social capital and the political economy of violence: a case study of Sri Lanka'. *Disasters*, vol. 24(4), 2000, pp. 390–406.

[44] J. Spencer, J. Goodhand, H. Hasbullah, B. Klem, B. Korf and T. de Silva, *Checkpoint, Temple, Church and Mosque: A Collaborative Ethnography of War and Peace in Eastern Sri Lanka*, Palgrave MacMillan, London, 2015.

[45] Ibid., p. 54.

[46] E. Gerharz, 'Between Chaos and Order: Jaffna's Local Images on Governance in a Post Conflict Situation', in *Governance and Development in South Asia,* S. T. Hettige and E. Gerharz (eds), Sage, Delhi, 2015, pp. 192–193.

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eastern parts of the country well into 2004 when its predominance waned after the defection of the Karuna faction to the government.[47]

Equally important, the nature and degree of the LTTE's de facto sovereignty varied across the different geographical regions. Its influence in the North was very different from that in the East. In the North, the LTTE was for a long time in control of a large territory known as the Vanni. Its military strength was concentrated here, and its grip on the population was also the strongest in this area.[48] One could posit that here the movement had gained autonomy from the Sri Lankan state, at least in the security and judicial sectors. In the East, territorial control was more fragmented and different spheres of influence clashed or intermingled.[49] As Korf and colleagues explain, at the end of the 1990s multiple, coexisting orders and systems of rule had emerged, mixing spaces of authority with the state apparatus: LTTE rule; rule of the Sri Lankan security forces; and the customary norms of religion, caste, and class.[50] Moreover, in some localities these systems were constantly oscillating, as front lines shifted back and forth over short time frames.[51] There were also significant differences between the centre and periphery of the Northeast, as the government usually had more influence in provincial centres such as Trincomalee and Batticaloa, while the LTTE exerted more influence in the remote areas.[52] More so than in the North, the East was ethnically very diverse and therefore also a site of 'multicultural contestation'.[53]



## Law enforcement

The LTTE practised its de facto sovereignty initially through its own police force and judiciary. It began institutionalizing its own police

[47] A. Sanchez Meertens, 'Eelam dismembered: TMVP and the twilight of the Tamil homeland in Sri Lanka'. *P@X*, vol. 21, 2002, pp. 16–17.

[48] B. Klem, 'In the Wake of War: The Political Geography of Transition in Eastern Sri Lanka', PhD thesis, University of Zurich, 2012, p. 72.

[49] B. Korf, M. Engeler and T. Hagmann, 'The geography of warscape'. *Third World Quarterly*, vol. 31(3), 2010, p. 393.

[50] Ibid.

[51] Goodhand et al., 'Social capital and the political economy of violence', p. 398.

[52] See, for example: Klem, 'In the Wake of War'; B. Klem, 'Coping with Chaos: Dilemmas of Assistance in the War-torn Areas of Sri Lanka', MA thesis, Nijmegen University, 2001, pp. 47–49.

[53] D. B. McGilvray, *Crucible of Conflict: Tamil and Muslim Society on the East Coast of Sri Lanka*, Duke University Press, Durham, 2008; A. Sanchez Meertens, 'Letters from Batticaloa: TMVP's Emergence and the Transmission of Conflict in Eastern Sri Lanka', PhD thesis, Utrecht University, 2013.

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stations in Jaffna and the Vanni in the early 1990s and continued to do so over the following decade.[54] Particularly from the second half of the 1990s up until the peace negotiations in 2002 the LTTE seems to have invested considerable effort into policing the areas under its control. In the perception of the respondents living under the auspices of the LTTE police forces, they functioned like the real thing. As one of the respondents puts it:

> ( . . . ) they [the LTTE police forces] were 100 per cent policemen. They would wear a police uniform, you know like a nice uniform. And there would be no bribes! No corruption! If you wanted to pay them, it would not work, you would get punished.[55]

Within the police force there were different sections: crime prevention, traffic, a technical division, transport, communications, camera/photography, intelligence, and the environmental police.[56] Similarly to the fragmented military control, the influence of the police force was only partial in most areas of the Eastern Province.

The demarcation between LTTE civilian police and the LTTE 'military' was blurred. As 'Inspector General of Police of Tamil Eelam' Balasingham Mahendran (alias Nadesan) said in an interview with the *Sunday Times* in 2002: 'If there is an offensive military operation, our men and women [the Tamil Eelam Police] take part in it.'[57] One of the respondents of this study, similarly points out: 'If needed, they [the police officers] would have to go to the Vanni to join the battle.'[58] The respondent further explains that usually 'these policemen would be ex-cadres. ( . . . ) After some incident they would be referred to join the police force.'[59] Hence, cadres would become policemen and sometimes policemen would again become cadres involved in combat in the North.

[54] Interview code KI 05—Trincomalee town; see also Gerharz, 'Between Chaos and Order', pp. 192–199; and F. Jansz, 'LTTE's police and UFPA's silence', *The Sunday Leader*, published online on 20 June 2004, available at http://www.thesundayleader.lk/archive/20040620/issues-more.htm, [accessed 31 January 2018].

[55] Interview code KI 05—Trincomalee town.

[56] Ibid.; Author unknown, 'Inside Vanni: expanding Tiger civil service', *Sunday Times (Sri Lanka)*, published on 9 June 2002, available at: http://www.sundaytimes.lk/020609/columns/sitrep1.html, [accessed on 31 January 2018].

[57] 'Inside Vanni: expanding Tiger civil service', p. 3.

[58] Interview code KI 05—Trincomalee town.

[59] Ibid.

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At the end of the 1980s the LTTE did not yet control large territories and did not possess the capacity to set up a well-functioning, parallel court system.[60] Throughout the 1990s, however, alongside the expansion of the Tamil Eelam police, the LTTE began establishing a system of courts.[61] As to why the LTTE did this, the chief of the legal and administration division at the time, Illayathamby Pararajasingham, highlighted several reasons during an interview.[62] First, he mentioned that the system should help protect 'the poor':



> Our leader felt that the legal system in the country was not helping the poor. Therefore he decided that the 'Tamil Eelam' areas should have a separate courts and legal system which could serve the poor. From the early 1990s we have been developing the legal system. We introduced the 'law college' in 1992 with the courses first being opened only to the LTTE armed cadres who had passed the Advanced Level examination.[63]

Though this notion of 'serving the poor' may have been inserted for public consumption, it reveals nevertheless a desire to secure a level of legitimacy from below, or at least the perception thereof. Secondly, he stressed that another main goal was to run a smooth civil administration: 'it is not to challenge the system in the South, but to run a smooth civil administration in the North. We should have a system suitable for the people.'[64] Thirdly, he mentioned: 'the people in the North and East have lost faith in the legal system of the country. Therefore this system should continue.'[65] At its most developed moment in time, the Tamil Eelam system consisted of a hierarchical court structure, consisting of six District courts, two High courts, an Appeals Court, and a Special Bench (similar to a Supreme Court). As one of the respondents from Trincomalee town says:

> There were courts, these were 100 per cent clean, not corrupt. They were 100 per cent operational and enforced by the LTTE law enforcement. (...)

[60] Sanchez Meertens, 'Eelam dismembered', pp. 16–17; S. Sivakumaran, 'Courts of armed opposition groups: fair trials or summary justice?'. *Journal of International Criminal Justice*, vol. 7(3), 2009, pp. 489–513.

[61] See Sanchez Meertens, 'Eelam dismembered', pp. 16–17.

[62] C. Kamalendran, 'The inside story of "Eelam Courts"', *Sunday Times (Sri Lanka)*, p. 1, published on 8 December 2002, available at: http://sundaytimes.lk/021208/news/courts.html, [accessed 31 January 2018].

[63] Ibid.

[64] Ibid.

[65] Ibid.

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They studied law and they had their own law. There was in the North also a law college.[66]

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The track record of the LTTE judiciary is, however, mixed, particularly in the areas outside of the Vanni. Overall, respondents in this study state that the system of the LTTE judiciary was 'suitable to the people' or the 'judicial unit of the people',[67] but a number of respondents, particularly from the East, point out that judgments were far from impartial and that the system functioned poorly. As one of them puts it: 'impartiality and justice was not seen in these [LTTE] inquiries. Whatever they said was the verdict. They forced people to accept it.'[68] In those areas where the LTTE only had a partial influence it would not have been able to set up functioning police forces or courts. In these areas it was either the government's justice system fulfilling those tasks or the military on either side of the conflict (the Sri Lankan military or the LTTE commanders/cadres) through more ad hoc forms of 'justice'.[69] As one of the respondents explains: 'the government's judiciary system was functioning, but the LTTE also called people to their territory to investigate. (...) Investigations and punishments were a speedy process and the hearing was limited, therefore there was no justice done to the people.'[70]

Generally, the LTTE police and the judicial units were known for their harsh punishments, physically and also psychologically: the upholding of law and order is reported to have been very intrusive, both in areas under their control and in areas under the control of the government.[71] Similar to the fear that civilians expressed towards the regular LTTE cadres, the LTTE police also ruled through fear. To illustrate, a fisherman from Pudukuduyirippu elaborates as follows: 'the LTTE established regional police departments to maintain their law. The people adhered to the law of the LTTE out of fear.'[72] A respondent who used to live in the Vanni explained how the law and

[66] Interview code KI 05—Trincomalee town.

[67] Interview code Trinco 3.6—Sampur.

[68] Interview code 8.2—Batticaloa District.

[69] Interview code KI 11—Batticaloa District. A number of respondents in the coastal area of Trincomalee mentioned that the LTTE would warn three times: after that you might just be shot on the spot (ad hoc) for disobeying its orders.

[70] Interview code 7.3—Batticaloa District.

[71] Interview code Trinco 3.4—Sampur; see also F. Bremner, 'Recasting caste: war, displacement and transformations'. *International Journal of Ethnic and Social Studies*, vol. 2(1), 2013, pp. 31–56.

[72] Interview code 2.4—Pudukuduyirippu.

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order of the LTTE police was accepted and appreciated, but frustrating at the same time:

> The people were okay with it. They kind of accepted it. Well I mean they adapted, you know. They had to follow the rules! I was not happy, not even me. We can't move like machines. Some punishments were very high! The boys said: 'we could not see that, could not do that, etc.'[73]



Several respondents refer to how 'the one person per family rule' in particular instilled fear among the Tamil population in the Vanni. This rule forced every family in the Vanni to contribute at least one cadre to the LTTE fighting force. Some people among our respondents did this willingly, but several expressed their distress. A respondent from Mullaitivu explains:

> People were afraid of the LTTE as they sometimes recruited the youth to the movement and they had a rule that each family should provide one member to them. They also enrolled young boys. They caught the children forcibly. We were distressed to see this. We were also afraid. We were apprehensive that our children too would be placed in the same situation.[74]

There are also several accounts of an 'imagined' LTTE influence in the government-controlled territories.[75] This does not imply that the influence was not 'real', rather it exemplifies the power of imagination and the fear of possible LTTE punishments. Bremner, who conducted fieldwork in 2005 in a 'cleared' village in the Northeast, puts it as follows:

> The LTTE played a role in the day-to-day lives of the people even though this was a government-controlled area. The LTTE state was imagined through its court system with its feared and swift system of violence and punishment. This imagination was created through rumour, which circulated around, and about the impersonal moral justice, discipline and violence of the LTTE quasi state within the enclaves of its court system.[76]

According to Bremner, several stories circulated about LTTE punishments.[77] For example, stories about drunken men who were

[73] Interview code KI 05—Trincomalee town. 'The boys' is how the various Tamil cadres were often referred to by the rest of the population living in those areas.

[74] Interview code 05 NA05—Mullaitivu.

[75] The LTTE inserted itself into civilian spaces through undercover cadres and a loose network of long-term and short-term loyalties and informers; see S. Thiranagama, *In my Mother's House: Civil War in Sri Lanka,* University of Pennsylvania Press, Philadelphia, 2011, p. 26.

[76] Bremner, 'Recasting caste', p. 47.

[77] Ibid.

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made to empty tubs full of water with little soda bottletops, stories about severe beatings, and stories about the rough physical work one had to do in order to be 'rehabilitated'. Similarly, a respondent of this study explains:

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> A person accused of drinking illicit arrack was asked to pay 365 LKR as a fine. But he could pay only one rupee a day at a particular LTTE camp far away from his house. Due to such punishments some men totally gave up drinking arrack.[78]

In relation to the LTTE environmental police another respondent mentions:

> Or they would tell you, if you did something against the environment, ( . . . ) that 60 KM away you have a coconut tree that you have to take care of. That is now your tree, so every day you would have to travel there and water the coconut tree.[79]

The same respondent elaborates on the LTTE rules that had to be followed:

> For example no prostitution, no homosexuals, it was not allowed to cheat on your man or wife. Movies were not allowed. No sexy movies you know, from India, they were not allowed. ( . . . ) You know like sexy movies with women sexy dressed. ( . . . ) That also, but just regular movies, they were not allowed because women would not be appropriately covered, clothes too sexy, things like that. So people would be punished if you would watch that. ( . . . ) Also there were dress codes; you know people were not allowed to wear sexy clothes. ( . . . ) Men also, but particularly for women, they could not wear like short skirts or things like that. It would have to be covered, long. If not, they would warn you, and you would get punished.[80]

A common perception among Tamils in Jaffna also seems to have been that it was completely safe for women to go out on their own at any time of the day in the LTTE-controlled Vanni, whereas in Jaffna town, which was under military control post-1995, women would not go out after seven o'clock at night. There, women, including visitors from Western countries, were allegedly subject to sexual harassment and physical attacks.[81]

Hence, the observation can be made that the LTTE was able to exercise de facto sovereignty in the areas under its military control.

[78] Interview code Trinco 3.1—Kilivetty.
[79] Interview code KI 05—Trincomalee town.
[80] Ibid.
[81] Gerharz, 'Between Chaos and Order', pp. 195–196.

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It indeed possessed the 'ability to kill, punish, and discipline with impunity', which it also attempted to institutionalize into a state-like system of police departments and a Tamil Eelam court system. Additionally, in this regard Thiranagama highlights that groups like the LTTE continuously attempt to 'institute themselves as sovereign through the organization of life and death', a point we will return to later on when discussing LTTE martyrdom.[82] Moving beyond the observation that in the territories under its control the LTTE had the coercive ability to discipline the population, it also attempted to legitimize its rule by what it deemed to be a righteous order, which included, for example, 'decent' and disciplined behaviour among those who were being 'ruled'. The LTTE thus tried to foster compliance with the norms it set out.



## Service delivery

Apart from securing law and order, the LTTE performed sovereignty through the provision of other services and, more generally, through its ability to carry out various functions usually identified with modern statehood. As elaborated by Rotberg, such functions can amount to a long list of components, but we shall focus here on the two that are deemed essential in Sri Lanka, with its fairly long history of state welfare provision: service delivery in the health-care and educational sectors.[83]

### *Health care*

As Mampilly indicates, for a long time the LTTE 'capital' of Kilinochchi had a large government-run hospital staffed by a crew of doctors and nurses paid for by the government, but under the rule of the LTTE.[84] The data of this study also indicate that the medical personnel working in uncleared areas received a salary from the government, but that the hospitals were administered and ruled

[82] Thiranagama, *In my Mother's House*, p. 214.
[83] R. I. Rotberg, 'The Challenge of Weak, Failing, and Collapsed States', in *Leashing the Dogs of War*, C. A. Crocker and F.O. Hampson (eds), United States Institute of Peace, Washington, 2007, pp. 83–94.
[84] Mampilly, *Rebel Rulers*, p. 119.

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by the LTTE leadership. As one of the respondents puts it: 'They [the LTTE] were controlling most of the basic public services. But the health care, so the medical staff, was paid by the government.'[85] So despite the fact that the Sri Lankan Ministry of Health was officially providing health-care services through government hospitals, the LTTE made the final decisions about implementation.[86] Hence, there was a complex interaction through which the government and the LTTE were both attempting to influence the health-care sector. As one Tamil respondent from Jaffna puts it: 'You know, we were fighting against the government army, and if you would get wounded, you would go to a government hospital. Food and medicine for the population were also coming from the government.'[87] In the next section—'Hybrid orders of rule and authority'—we will address this complex phenomenon in more detail and across different sectors.



Apart from the government hospitals in the uncleared areas, the LTTE itself was also directly involved in health care through the provision of mobile medical units.[88] With regard to these, a medical doctor from Jaffna explains:

> In the name of LTTE commander Thileepan they [the LTTE] started a mobile medical unit. So with the mobile medical unit the LTTE was able to reach the people that were at the time all scattered around the Vanni. The LTTE also developed a medical college for the cadres and for the regular civilian people. These LTTE-trained doctors were able to do operations with very limited supplies. I heard from government-trained doctors that they were impressed by how these doctors did the operations with so little supplies. The LTTE-trained doctors were particularly good at that. They were able to do complicated operations with limited technology, that's what they are known for. So the LTTE was providing the health care where they could.[89]

Providing necessary health care to the civilian populations in the Vanni and the LTTE-controlled areas of the East was particularly difficult

[85] Interview code KI 06—Trincomalee town.
[86] As explained by several respondents in this study from the Vanni area.
[87] Interview code KI 17—Jaffna town.
[88] Ibid.
[89] Interview code KI 20—Jaffna town. The respondent was referring to Lt Col Thileepan, an LTTE political wing member. He passed away in a hunger strike in 1987 during the protests against the Indo-Lanka accords. (See, for example: http://www.sangam.org/ANALYSIS/Thileepan_5_12_03.htm, [accessed 31 January 2018].) It can, however, also be argued that the mobile medical units were primarily deemed a military need so that they could follow the LTTE into its battles and treat injured cadres.

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due to the checkpoints and the strict embargoes on medical supplies.[90] Particularly in the last years before the defeat of the LTTE (2006–2009) the embargoes became stricter and the shortages, worse. The doctor from Jaffna explains:



> Up until the very final battle the government allowed very little medical supplies into the LTTE-controlled areas. So everything was too little in that final phase. I know that because one of my friends was there until the end as a doctor ( . . . ). They had to do everything with their own clothes as they did not even have simple supplies like bandages to use for the people. It was a terrible time, they had from everything too little. But even up until the day of the final defeat they were able to help people to give birth, they were able to do medical operations and surgeries. My friend told me that one time he had to do an amputation of a leg without sedatives, simply because it was the only way to save this person's life.[91]

The uncleared areas were also provided with medical support by NGOs and humanitarian organizations.[92] The International Committee of the Red Cross (ICRC), for example, was allowed by the government to enter the uncleared areas, but they would have to register what supplies they were taking inside.[93]

In terms of personnel, there was an enduring shortage throughout the different phases of the war.[94] Working in these areas obviously entailed security risks, which understandably created hesitation among the Tamil doctors and nurses about whether or not to go and work there.[95] Different respondents moreover point out that there were known cases when the LTTE coerced medical personnel into helping it. One respondent mentions: 'The LTTE kidnapped many doctors and released them after fulfilling their medical needs ( . . . )', and 'medicines were stolen by the LTTE'.[96] As a result 'civilians suffered a lot' and 'the doctors were scared to work here'.[97] Because of its reliance upon highly skilled personnel and the timely provision

[90] During ceasefires the ban was usually relaxed or even lifted, which generally improved capacity and access to supplies, as explained by Mampilly, *Rebel Rulers*, p. 120.

[91] Interview code KI 20—Jaffna town.

[92] Interview code KI 04—Trincomalee town.

[93] Ibid.

[94] Mampilly, *Rebel Rulers*, p. 120.

[95] Interview code KI 06—Trincomalee town.

[96] Interview code Trinco 4.1—Thapalagamam.

[97] Ibid.

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of supplies, the health sector in the uncleared areas was undermined to a much greater degree than other sectors like education.[98]

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In the East the situation was somewhat different from the North. In the areas investigated in Trincomalee District, for example, nearly all respondents accessed their health-care services from the government hospitals, which continued to be led and administered by the government. Only respondents from Sampur mention that they received health care from LTTE medical teams, and one referred to an LTTE hospital in Mutur.[99] In places like Kuchaveli and Kinniya respondents state that the LTTE had some influence over the medical facilities.[100] Apart from that, Trincomalee and Batticaloa District were mainly provided for by the government and (I)NGOs.

### *Education*

The educational sector was also affected by the raging war. A former member of the ICRC who worked in the Trincomalee District and the Vanni for several years says:

> ( . . . ) education was disrupted in these areas because many of the warring parties would occupy school buildings for their own purposes. Due to that there are now still a lot of 'slow-learners'. A lot of these children would not be able to go to school because the building was occupied or it was too insecure to travel there.[101]

Despite the difficult circumstances, the educational sector in the uncleared areas functioned relatively well during the various phases of the war. For example, a local NGO worker points out:

> ( . . . ) education was OK in the uncleared areas. People tried to read and educate themselves [ . . . ] that was one of the few things that went on very well. Also the LTTE would allow us to do education projects.[102]

Similarly, Mampilly states that the education system in the uncleared areas was remarkable in terms of its ability to provide a continuity of schooling, given the various disruptions the war imposed on daily life.[103] At those times when the regular school system was

98 Mampilly, 'Stationary Bandits', p. 182.
99 Interview code KI 04—Trincomalee town.
100 Interview codes 1.4—Kuchaveli and 4.4—Kinniya.
101 Interview code KI 04—Trincomalee town.
102 Interview code KI 07—Trincomalee town.
103 Mampilly, 'Stationary Bandits', p. 184.

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interrupted by a lack of teachers or materials, members of the so-called Tamil Eelam Education Council[104] were able to supplement the government's education system in some areas of the North.[105] This provided schools with a sort of 'response mechanism' to deal with the disruptions caused by the war. As a respondent of this study points out, in the Vanni the LTTE 'had education centres. They had their own university for medicine, for computer things, electronics, and the mechanical field.'[106] Based on his life in the Vanni in the early 1990s he explains further:



> People tried to get educated. They study, because they have a good drive. They, for example, tried to be a doctor. They studied well in this period, even though the war raged on. When I was there [in the Vanni], I studied and I passed all my exams, because there you study.[107]

A respondent from Jaffna states:

> Sometimes people think that the LTTE didn't allow people to get educated, but that is not true! I myself sat in my medical exams at the time in Jaffna. I could do the government or the parallel LTTE exam. That was all there in the early 1990s.[108]

The educational sector was influenced by both the government and the LTTE. As one respondent puts it: 'In Kilinochchi and the uncleared areas in the East ( . . . ) school principals were appointed by the government, but controlled by the LTTE.'[109] In this complex interface, school principals and teachers had to follow LTTE rules in daily life, while officially working for the government. A respondent from Jaffna says: '( . . . ) my wife, she was working as a teacher, so a government job, so she got paid by the government, but we were living under the instructions from the LTTE. So that was the special situation.'[110] Given that the educational sector was less reliant on the immediate

[104] During the war the LTTE established the Tamil Eelam Education Council (TEEC) to coordinate the provision of education with provincial representatives. The council functioned as the Ministry of Education within the rebel civil administration under the leadership of a secretary of education. Its purpose was to encourage the establishment of civil-society-based advisory committees in every district composed of parents and educators to regulate and supplement the provision of education (Mampilly, *Rebel Rulers*, p. 121).

[105] Ibid.

[106] Interview code KI 05—Trincomalee town.

[107] Ibid.

[108] Interview code KI 20—Jaffna town.

[109] Interview code KI 06—Trincomalee town.

[110] Interview code KI 17—Jaffna town.

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supply of goods (unlike the health-care sector), our respondents point out that it was better equipped to deal with the disruptions of the war.

Having discussed various governance sectors in which the LTTE was active, we may conclude that in some sectors the government was not allowed to function in the uncleared areas, in particular the police and justice sectors. These were taken over completely by the LTTE and functioned independently of any external control or influence by the Sri Lankan government. The government did, however, provide governance services in other sectors such as health care and education. Apart from the fact that the LTTE aimed to impose law and order in the areas under its control, we may also assume that it provided governance services in order to exercise that control, to serve the civilian population, and to engender collaboration. Through these governance provisions it was able to cement its de facto sovereignty and public authority throughout the uncleared areas, particularly in the Vanni, and normalize the situation there.

## Hybrid orders of rule and authority

As several authors have highlighted, empirical examples of de facto sovereignty and public authority by non-state actors often show overlapping 'networks' with the state, other non-state actors, and international actors, coexisting in the same territorial and institutional space.[111] As Suykens describes in his study on Naxalite and state governance in the Telangana state of India, regimes of rebels and the government build on each other and do not necessarily contradict one another in particular dimensions of governance. He analyses these governance dynamics in Telangana as diffuse authority whereby both sides of the conflict benefit from the shared influence on a commodity chain in the local economy.[112] In the grey and uncleared

[111] See, for example: Hagmann and Péclard, 'Negotiating statehood'; N. M. Stel, 'Lebanese–Palestinian governance interaction in the Palestinian gathering of Shabriha, South Lebanon—a tentative extension of the "mediated state" from Africa to the Mediterranean'. *Mediterranean Politics*, vol. 20(1), 2015, pp. 76–96; Z. Mampilly, 'A marriage of inconvenience: tsunami aid and the unraveling of the LTTE and the GoSL's complex dependency'. *Civil Wars*, vol. 11(3), 2009, pp. 302–320; Klem and Maunaguru 'Public authority under sovereign encroachment'.

[112] B. Suykens, 'Diffuse authority in the Beedi commodity chain: Naxalite and state governance in tribal Telangana, India'. *Development and Change,* vol. 41(1), 2010, pp. 153–178.

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areas of Sri Lanka one could also observe overlapping networks of governance between the LTTE and the Sri Lankan government. Stokke refers to this as a de facto dual-state structure whereby the LTTE exercised influence on state institutions in government-controlled territory and local governments continued to function in LTTE territories.[113]



It is challenging to understand precisely the complex, overlapping networks that existed during the different phases of the war in Sri Lanka. As explained earlier, the police and judiciary functions in the uncleared areas were under the complete control of the LTTE and were fully and independently carried out by it. The other public services were largely provided and/or paid for by the government, while simultaneously being regulated and/or controlled by the LTTE. As Mampilly notes, the civilian population of Sri Lanka had grown accustomed to the continuous provision of public services after independence[114] and it was in the interests of the LTTE to continue providing these services during its rule.[115] In order to do so, it had to work with the pre-existing institutions of the Sri Lankan state, especially as it would have been difficult for the LTTE to foot the bill associated with the provision of these services. Hence, government hospitals and schools were incorporated into the LTTE's administration. As Mampilly points out, insurgent leaders approached their counterparts in the government after the IPKF's withdrawal in 1990 to ask them if they would continue their provision of services in the Northeast.[116] Hence, the distinction between contestation and cooperation by the LTTE and the government is not always as clear-cut as it may seem. Although they were fighting a war, there was also a kind of coexistence in the provision of public goods, partly reminding us of the notion of 'cooperative conflict' coined by David Keen.[117]

Despite the LTTE's territorial control and the enduring warfare between the parties, our study indicates that the Sri Lankan

[113] K. Stokke, 'Building the Tamil Eelam state: emerging state institutions and forms of governance in LTTE-controlled areas in Sri Lanka'. *Third World Quarterly,* vol. 27(6), 2006, pp. 1022–1024. See, for example also: Thiranagama, *In my Mother's House*, p. 47.

[114] Since the early 1960s Sri Lanka has acquired some of the features of a 'developed' welfare state and has enjoyed throughout high levels of socio-economic indicators.

[115] Mampilly, *Rebel Rulers*, p. 112.

[116] Ibid., pp. 112–113.

[117] D. Keen, 'War and Peace, What's the Difference?', in *Managing Armed Conflict in the 21st Century*, A. Adebajo and C. Lekha Sriram (eds), Frank Cass Publishers, London, 2001, pp. 1–22.

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government deliberately—and strategically—ensured some welfare provision to the civilian population in the uncleared areas of the Northeast. As one of the respondents in this study puts it:



> From lower levels to higher levels in the administration the executive officers in the uncleared areas were paid for by the government. It led to a very unique situation. The reasoning from the government was clear; they wanted to keep their connection to the civil populations in the Vanni. This was their connection, and their way of showing that the Sri Lankan state was still functioning in that area, for its citizens.[118]

Several respondents explain the rationale of the government in a similar fashion, pointing to the fact that it wanted to keep in contact with the civilian population in the Northeast. By continuing to be involved in the provision of public goods, the government was showing that, despite the presence and influence of the LTTE, it was still able to provide public services. Hence, the government saw this as a way to maintain both its claim to sovereignty and the integrity of the country as a whole. As one of the respondents explains, a lack of service provision by the government 'would have strategically played into the hands of the LTTE with their claim on the establishment of a separate state'.[119] The LTTE managed to build a sort of state-within-the-state, but one that was not internationally recognized; this could have changed if the government had handed over all service provision to the insurgency.[120] Or as Mampilly puts it: 'the government preferred to negotiate directly with the rebel leaders about service provision because they feared that the insurgents might set up a comprehensive parallel administration as a testament to their secessionist credentials'.[121]

For the LTTE, the complex interface of mutual dependency also served its interests as these arrangements enabled it to keep the Tamil population provided with basic public services, without having to put too much of its own resources into them.[122] In terms of public service provision to the population, the LTTE depended partly on the government.[123] For the LTTE, for the time being, it seemed sufficient to monopolize the security and justice sectors, and have

[118] Interview code KI 17—Jaffna town.
[119] Ibid. See also Mampilly, *Rebel Rulers*, p. 114.
[120] Interview code KI 17—Jaffna town.
[121] Mampilly, *Rebel Rulers*, p. 114.
[122] Stokke, 'Building the Tamil Eelam state', p. 1030.
[123] Interview code KI 06—Trincomalee town; see also Mampilly, *Rebel Rulers*, p. 115.

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a significant influence on other forms of service provision facilitated through existing state structures. Anton Balasingham, LTTE's key theorist, gave a similar explanation in an interview in 2002:

> Don't forget that government institutions are still functioning in areas controlled by the LTTE. We do not interfere with those. We have only taken over the enforcement of law since our armed cadres are confined to barracks. And there we are expanding civil administration. Some day you have to accept a Tamil regional police force and we have to discuss how it would harmonise with the national system.[124]



Here Balasingham does not express the desire to establish a complete, parallel system of service provision to circumnavigate the existing state structures. Rather his aim seems to have been to further incorporate those structures into the LTTE rule.

Despite official condemnation of the LTTE and its appearance on terrorist listings, its governance structures also existed in collaboration with international actors, such as humanitarian organizations and NGOs, with a spike in interaction and resources in the aftermath of the 2004 tsunami.[125] These interactions were partly mediated through organizations such as the Tamils Rehabilitation Organization (TRO).[126] Both foreign and national aid and development workers coordinated their projects with LTTE officials, not only in the Vanni, but also in the uncleared areas in the East.[127] In the cleared areas, foreign and national NGOs played a supplementary role in supplying those basic services that the government was unable to provide; in the uncleared areas, the work of NGOs was a lot more difficult. They always required the go-ahead from the LTTE, and at the same time needed permission from the government to bring material resources into uncleared territories.

A pertinent question here is how to conceptualize the LTTE's governance efforts in relation to the state. In approaches that focus

[124] The interview given by Anton Balasingham during the peace negotiations on 3 December 2002 can be found in: Jansz, 'LTTE's police and UFPA's silence', p. 1.

[125] G. Frerks and B. Klem, 'Muddling the Peace Process. The Political Dynamics of the Tsunami, Aid and Conflict', in *Conflict and Peacebuilding in Sri Lanka. Caught in the Peace Trap?*, J. Goodhand, B. Korf and J. Spencer (eds), Routledge, London and New York, pp. 168–182.

[126] See Stokke, 'Building the Tamil Eelam state', pp. 1029–1030. The TRO was, however, cut off from international development revenue streams in 2007 due to its alleged connections with the LTTE.

[127] Interview code KI 19—Jaffna town; interview code KI 07—Trincomalee District; interview code KI 09—Batticaloa District.

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on anti-state sovereignty, rebel groups are sometimes perceived as ineffective and as having transplanted 'state' institutions that cannot fulfil the basic requirements of a sovereign system. However, this perspective may not be relevant to the case of Sri Lanka in several ways. The LTTE did not fully reject or replace the state institutions in areas under its control, but only took over the most strategic ones, while at the same time assuring the continuation of other services by the state under its own regulations. Scholars have discussed and documented various interactions, partnerships, and alliances between non-state (armed) actors and state institutions, and conceptualized these phenomena using various models.[128] In the case of Sri Lanka it makes sense to speak of 'hybrid political orders' as described by Boege et al.:



> In hybrid political orders, diverse and competing authority structures, sets of rules, logics of order, and claims to power co-exist, overlap, interact, and intertwine (...). In this environment, the "state" has no privileged monopolistic position as the only agency providing security, welfare, and representation; it has to share authority, legitimacy, and capacity with other institutions.[129]

If we look at the situation in the uncleared areas of the Northeast post-1990, we could argue that the 'diverse and competing authority structures, sets of rules, logics of order, and claims to power' in these areas indeed 'co-exist[ed], overlap[ped] ... and intertwine[d]'. As one of the respondents puts it:

> The bureaucratic and organizational system was already there. I mean the government system. This however led to a very unique situation in which these offices were paid by the government, but they for example were not allowed to put up a Sri Lankan flag. The LTTE only allowed them to put up the LTTE flag![130]

This excerpt indicates that the LTTE was able to exert its power to such an extent that it could force these 'government offices' to fly the LTTE flag, while the government attempted to show its

[128] See, for example: K. Menkhaus, 'Governance without government in Somalia; spoilers, state building and the politics of coping'. *International Security,* vol. 31(3), 2007, pp. 74–106; J. S. Migdal, *State in Society; Studying how States and Societies Transform and Constitute one Another*, Cambridge University Press, Cambridge, 2001; Boege et al., 'Hybrid political orders, not fragile states'; Lund, 'Twilight institutions'; Stel, 'Lebanese–Palestinian governance interaction'.

[129] Boege et al., 'Hybrid political orders, not fragile states', p. 17.

[130] Interview code KI 17—Jaffna town.

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authority by formally appointing and paying officials prepared to work in these areas. The data for this study indicate that all local government offices in the Vanni, such as the Divisional Secretariat, the Department of Agriculture, and the Department of Education functioned according to the instructions of the LTTE.[131] Although the people received government services, the LTTE were the ones that took the real decisions related to the functioning of the officials. And even though the government servants ran the government offices, the LTTE directed and monitored them.[132]

Also outside the LTTE-controlled territories in the Northeast, the concept of hybrid political orders may apply. According to the respondents of our study, the LTTE was also able to exert its influence in the local governance of the grey, and even the cleared, areas throughout the Northeast.[133] As one of the respondents in a former grey area in Trincomalee puts it: 'The government offices functioned during the war, but the LTTE had an indirect influence.'[134] Gerharz similarly explains that post-1995 Jaffna was under the military control of the government, and law enforcement was the purview of the Sri Lankan security forces.[135] At the time, however, a common perception among the people was that the LTTE was, in fact, a more forceful and effective institution than the government in enforcing law and order.[136] Some people also thought their injustices would be more effectively redressed through the LTTE than the armed forces. Jaffna town was a typical example of two overlapping and intertwined systems of governance.[137] As Klem explains, in towns like Jaffna, Trincomalee, and Batticaloa, which were formally and militarily under control of the government, the LTTE was able to exert its power through its invisible presence in people's everyday lives, and through its influence on state bureaucracies.[138]

[131] Interview code 2.1—Mankulam.
[132] Interview code 3.1—Mankulam.
[133] See also the accounts given by: N. Shanmugaratnam and K. Stokke, *Development as a Precursor to Conflict Resolution: A Critical Review of the Fifth Peace Process in Sri Lanka*, Norwegian University of Life Sciences, Noragric, 2005, p. 24.
[134] Interview code 4.3—Trincomalee District.
[135] Gerharz, 'Between Chaos and Order', pp. 195–202.
[136] Ibid., pp. 195–199.
[137] Ibid.; Klem, 'In the Wake of War', p. 73.
[138] Ibid., p. 73.

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This echoes Sarah Byrne's notion of the 'absent presence' of the Nepalese state in the lives of its citizens.[139] However, in her view, this is part of a tactical and responsive government practice, while we would argue that in the case of the LTTE their influence may have been of a more structural nature. It was based on an extensive system of surveillance by what people called 'spies' (among other strategies). Several respondents in our study stated that 'they [the LTTE] knew everything, even if you could not see them'.[140] This same idea of rather firm control combined with limited visibility is also confirmed in Klem and Maunaguru's description of the LTTE's role in running the rural development society (RDS) in Adivasipuram.[141] This case shows the often-complicated forms of entanglement between the state and the LTTE, as the RDS, while largely under LTTE control, maintained relations with the larger state apparatus and derived resources from that link. Klem and Maunaguru conclude that 'The institutional boundaries between the spheres of government and the LTTE were thus rather more blurred than a simple categorization of sovereign state versus insurgency would suggest', underlining again the hybridity of governance and authority.[142]

## Symbolic legitimation: narratives, performances, and inscriptions

According to Barker, legitimacy forms 'the master question of politics'.[143] Barker defines legitimation (i.e. the attempt to acquire legitimacy) as 'an action or series of actions—speech, writing, ritual, display—whereby people justify to themselves or others the actions they are taking and the identities they are expressing or claiming'.[144] A number of authors point out that legitimation should be seen

[139] S. Byrne, '"From our side rules are followed": authorizing bureaucracy in Nepal's "permanent transition"' in this special issue.

[140] Interview code KI 05—Trincomalee town.

[141] Klem and Maunaguru, 'Public authority under sovereign encroachment'.

[142] Ibid.

[143] R. Barker, *Political Legitimacy and the State*, Clarendon, Oxford, 1990, p. 4.

[144] R. Barker, 'Legitimacy, Legitimation, and the European Union: What Crisis?', in *Law and Administration in Europe: Essays in Honour of Carol Harlow*, C. Harlow, P. P. Craig and R. Rawlings (eds), Oxford University Press, Oxford, 2003, pp. 163–164; and earlier elaborated on in R. Barker, *Legitimating Identities: The Self-presentations of Rulers and Subjects*, Cambridge University Press, Cambridge, 2001.

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as a subjective, changing, and context-dependent process.[145] In this political process, symbols are a means of influence and control, whereby the interpretation of a symbol is not intrinsic to it, but collectively created, maintained, and changed through time and place.[146] As Stone explains, a symbol can be seen as 'anything that stands for something else'.[147] Symbols can be words, songs, pictures, logos, or events, for example. These can symbolize a set of ideas, such as a political party or political movement.[148] As one of our respondents puts it: 'If you would find a photograph of our leader Prabhakaran or a Tiger flag in a house, you would know that he or she is a Tiger supporter. These were important to get a separate identity.'[149] Symbols of the LTTE as a rebel movement, and of the struggle for an independent state with a distinct national identity, continued to evolve over time. This effort was projected towards internal audiences such as the Tamil population living in the Vanni, but also to international audiences and the diaspora, as part of the LTTE's pursuit of international recognition for its proposed Tamil Eelam. Following Schröder and Schmidt we will discuss below the main narratives, performances, and inscriptions that can be identified in the legitimation processes of LTTE rule.



### *Narratives*

The narrative of the liberation of the Tamil motherland arguably resonated among much of the Tamil community. The lead narrative consisted of Tamil nationalism, resistance against oppression of the Tamil minority by the Sri Lankan state, the existence of a historical homeland of the Tamils in Sri Lanka, and the demand for Tamil Eelam, based on the right to self-determination.[150] Though these

[145] See, for example: D. Beetham, *The Legitimation of Power,* Macmillan, Basingstoke, 1991; Barker, *Legitimating Identities*; C. Thornhill, 'Towards a historical sociology of constitutional legitimacy'. *Theory and Society,* vol. 37(2), 2008, pp. 161–197; N. Stel and R. Ndayiragije, 'The eye of the beholder: service provision and state legitimacy in Burundi'. *Africa Spectrum*, vol. 49(3), 2014, pp. 3–28.

[146] D. A. Stone, *Policy Paradox: The Art of Political Decision Making*, W. W. Norton, New York, 2012, p. 157.

[147] Ibid.

[148] Ibid.

[149] Interview code 16 NB08—Pudukuduyirippu.

[150] G. Frerks and B. Klem, 'Sri Lankan Discourses on Peace and Conflict', in *Dealing with Diversity, Sri Lankan Discourses on Peace and Conflict*, G. Frerks and B. Klem (eds),

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elements all pre-date the birth of the LTTE, they were reproduced, magnified, and extended in the LTTE's representation of its struggle. Its political programme showed a peculiar mix of historical, nationalist, socialist, secular, and transformative storylines.[151] It not only fought for an independent Eelam, but also wanted to fundamentally change the conservative, traditional nature of Tamil society by a process of socialist transformation:

> The struggle for self-determination of the Eelam Tamils has an evolutionary history extending to 40 years. It was a historical struggle characterised by state repression and resistance by the Tamils. The Tamil freedom movement was peaceful and non-violent at the early stages and later developed and advanced into an armed revolutionary struggle as state repression intensified and assumed the character of genocide. (. . . ) The only alternative left to the Tamil nation under the conditions of mounting national oppression (. . . ) was none other than popular armed resistance directed towards the goals of national liberation and socialist social transformation.[152]

As one of our respondents puts it:

> The small struggle transformed into a big one. Then it got the history of a national struggle. The most important entity of a race is a national flag and a national anthem. It was found here. People liked it a lot. The people used it in public events with honour.[153]

Our studies show that to this very day various elements in the LTTE's 'master narrative' are present and adhered to, even though the armed struggle is over. Although this narrative resonates more deeply in the North than in the East, and less so among Tamil-speaking Muslims, many people still refer to the widespread support the LTTE and their political goals enjoyed. Though they sometimes feared the movement, they feared and hated the Sri Lankan state and army far more. Because of the recognition of their rights as equal citizens and their sense of belonging to the Tamil minority community, they opted to support the LTTE rather than the central government. Or as one of the respondents in Jaffna states: 'there were several negative things, but we respected that they were fighting for us, we respected that they

The Netherlands Institute of International Relations 'Clingendael', The Hague, 2005, pp. 1–46.

[151] See Liberation Tigers of Tamil Eelam, 'Socialist Tamil Eelam. Political Programme of the LTTE', in *Dealing with Diversity,* Frerks and Klem (eds), pp. 291–306.

[152] Ibid., pp. 292–296.

[153] Interview code 43 B08—Sampur.

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were sacrificing their lives for us. Not everything was right, but we accepted that.'[154] Following this narrative the LTTE performed state-like functions, which will be discussed below.



*Performances of statehood*

From an insurgent's perspective, the performance of statehood can serve to portray authority and to cement claims to legitimacy. As Mampilly points out: 'In essence, deploying a symbolic repertoire is an attempt by a rebel government to performatively legitimate its sovereign claim.'[155] In several South Asian cases where insurgents govern their strongholds, symbols function to validate rebel rule. Sundar, for example, shows how memorials, flags, and commemoration days serve as key ingredients to the sovereignty practised by Maoist insurgents in central India.[156] In this connection, she posits the existence of 'mimetic sovereignties', where both state and rebels start to imitate and resemble one another in their performance of sovereignty: 'the Indian state impersonates guerrilla tactics in order to fight the Maoists, while the Maoists mimic state practices of governmentality'.[157] In other words, what we may observe is a type of mimicry of the state by insurgent groups to legitimate their rebel rule.

In the case of the LTTE, Prabhakaran created a logo, a central committee, and a constitution for the LTTE in 1976. He reportedly also personally designed the Tiger uniforms. The public space in Jaffna (before 1995) and in the Vanni was dominated by the LTTE through symbols such as posters, flags, and monuments.[158] After the LTTE's move from Jaffna in 1995, the newly established LTTE capital Kilinochchi became an illustrious place of state-like symbolism. Buildings with flags and signposts to the various Tamil Eelam institutions, for example to indicate the police offices and the LTTE courts, covered the outline of the city.[159] The Tamil Eelam police force used its own salutes, and a national anthem was sung. There was also

[154] Interview code KI 17—Jaffna town.

[155] Mampilly, 'Performing the Nation-State', p. 82.

[156] N. Sundar, 'Mimetic sovereignties, precarious citizenship: state effects in a looking-glass world'. *Journal of Peasant Studies,* vol. 41(4), 2014, p. 476.

[157] Ibid., pp. 471–472.

[158] Gerharz, 'Between Chaos and Order', pp. 193–194.

[159] Interview code KI 05—Trincomalee town.

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a national bird, a national tree, and a national flower to represent the separate nation.[160] The LTTE further used symbolic measures such as national days and hymns to support its cause.[161] Based on the responses in this study, the perception of the Tamil communities regarding the LTTE was indeed that it was similar to a state. In both the North and in the East a majority of the respondents believe that the LTTE had 'everything a government should have'. Moreover, as one of our respondents from Kinniya puts it, there was 'absolute royal respect for the national Tiger flag and the National flower, the November flower. We also saluted and worshipped these. We willingly did so by ourselves.'[162]

The LTTE also clearly invested in projecting its legitimacy among particular audiences in the international community. Foreign researchers, journalists, aid workers, and diplomats were invited into rebel-controlled territory to see the LTTE's organizational capacities.[163] During this 'tour'[164] the foreigners would usually pass the LTTE checkpoint at Omanthai, which was constructed like a national border, with flags, signs, and armed officers who controlled the vehicles. There would be customs staff in LTTE uniforms to check passports and formal procedures of tax collection would be carried out on vehicles transporting commodities. In the LTTE capital of Kilinochchi the foreign observers were able to see the different offices and institutions that the LTTE had established. Their visit would be very well organized and there was a special guesthouse where these LTTE guests would be hosted. Various films, other media, and documentation would be shown to present the sophistication of the institution-building efforts of the LTTE. For example, it distributed an organizational chart to one of the authors in 2004 to show the multiple departments within the LTTE's Peace Secretariat and Political Wing.

[160] Ibid.

[161] Klem, 'In the Wake of War', p. 73.

[162] Interview code 27 C1—Alankerni, Kinniya Division.

[163] One of the authors of this article was invited by the LTTE, in his capacity as an academic researcher, to travel into the Vanni in 2004.

[164] Although the various observers were aware of the sort of propaganda that this tour entailed, there is fierce debate about how to weigh and interpret these observations. For an insight into both sides of this debate, see Stokke, 'Building the Tamil Eelam state', and M. Sarvananthan, 'In pursuit of a mythical state of Tamil Eelam: a rejoinder to Kristian Stokke'. *Third World Quarterly*, vol. 28(6), 2007, pp. 1185–1195.

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At the international level the LTTE has been at the centre of a number of paradoxes in prevailing international norms.[165] On the one hand, there existed hostile international attitudes towards armed struggles against internationally recognized states. Insurgencies like the LTTE might thus become incorporated within a terrorist framing.[166] As such, the LTTE was banned under anti-terrorism legislation by the USA (in 1997), the UK (in 2001), and India (in 1991). Countries like Australia and Canada prohibited the LTTE's fundraising activities in 2002.[167] At the same time, however, countries like the USA and the UK also actively promoted negotiations between the LTTE and the Sri Lankan government.[168] By doing so they implicitly recognized the LTTE as a legitimate political actor with which to negotiate. As part of this effort, several LTTE delegations visited Western countries, including the Netherlands, France, Spain, Switzerland, and South Africa, to examine constitutional models and governance arrangements.[169] Particularly after the CFA in 2002 several Western countries established varying forms of contact with the LTTE's leadership.[170] This, taken together with the various terrorist listings, made relations between the LTTE and these countries both ambiguous and paradoxical.

### *Performances of heroism and martyrdom*

In terms of performance, Schlichte and Schneckener state that the 'respect and credibility that leaders and fighters might earn for their readiness to sacrifice their lives for a common cause might eventually lead to latent forms of legitimacy, at least within the targeted constituency'.[171] As elaborated by Hellmann-Rajanayagam, the death of a martyr may function to reaffirm the cohesion of a

[165] S. Nadarajah and D. Sriskandarajah, 'Liberation struggle or terrorism? The politics of naming the LTTE'. *Third World Quarterly*, vol. 26(1), 2005, pp. 87–100.

[166] Ibid.; M. V. Bhatia, 'Fighting words: naming terrorists, bandits, rebels and other violent actors'. *Third World Quarterly*, vol. 26(1), 2005, pp. 5–22.

[167] Nadarajah and Sriskandarajah, 'Liberation struggle or terrorism?', p. 95.

[168] Ibid., p. 97.

[169] Ibid.

[170] This was explained to one of the authors during an informal conversation with a former Dutch diplomat in the Netherlands who was involved in hosting these meetings.

[171] K. Schlichte and U. Schneckener, 'Armed groups and the politics of legitimacy'. *Civil Wars*, vol. 17(4), 2016, p. 418.

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particular group, to legitimize its convictions, and to strengthen its self-respect.[172] Suykens shows in his article on the Naxalites in India that the martyrs of the insurgency help followers to imagine the future and to shape both their prospects and those of the movement.[173]

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A number of authors consider the sacrifices made by its cadres as an important element in the LTTE's symbolic portrayal of its struggle.[174] As Roberts explains: 'martyrdom was a critical factor in drawing popular support among the Sri Lankan Tamil people. [The . . . ] devotional commitment indexed by the suicidal act was evaluated highly ( . . . ) by many a Tamil person.'[175] Bavinck notes that a kind of 'mourning industry' emerged in the North during the 1990s.[176] There were countless commemorations of fallen cadres where these heroes or martyrs were accorded the status of 'sainthood'.[177] Or, as Trawick identifies, regarding the interpretation of death: 'a person [LTTE cadre] who kills is just doing his job. A person [LTTE cadre] who dies is a hero.'[178]

The LTTE was indeed keen on commemorations of fallen cadres. As one of our respondents points out: 'The fallen cadres were commemorated every year, and we would also go there every year to commemorate them.'[179] The respondents of this study from the Vanni and in the uncleared areas of the East all maintain that most of the population attended these kinds of ceremonies. As one says: 'People went and participated in these ceremonies and they willingly did it. They wanted to pay their respects',[180] and another respondent mentions with regard to these commemorations: 'They [the civilian

[172] D. Hellmann-Rajanayagam, 'And heroes die: poetry of the Tamil Liberation Movement in Northern Sri Lanka'. *South Asia: Journal of South Asian Studies*, vol. 28(1), 2005, p. 115.

[173] B. Suykens, 'Maoist martyrs: remembering the revolution and its heroes in Naxalite propaganda (India)'. *Terrorism and Political Violence*, vol. 22(3), 2010, p. 384.

[174] M. Roberts, *Tamil Person and State: Essays*, Vijitha Yapa Publications, Colombo, 2014; M. Roberts, *Confrontations in Sri Lanka: Sinhalese, LTTE and Others*, Vijitha Yapa Publications, Colombo, 2009; P. Schalk, 'Resistance and Political Resistance in the Process of State Formation of Tamil-ilam', in *Martyrdom and Political Resistance*, J. Pettigrew (ed.), VU Press, Amsterdam, 1997, pp. 61–84; Thiranagama, *In my Mother's House*, pp. 214–222; M. Trawick, 'Reasons for violence: A preliminary ethnographic account of the LTTE', *South Asia: Journal of South Asian Studies*, vol. 20(1), 1997.

[175] Roberts, *Confrontations in Sri Lanka*, p. 222.

[176] B. Bavinck, *Of Tamils and Tigers: A Journey Through Sri Lanka's War Years—Part II*, Vijitha Yapa Publications, Colombo, 2014.

[177] Ibid., p. 11.

[178] Trawick, 'Reasons for violence', p. 176.

[179] Interview code KI 20—Jaffna town.

[180] Interview code 2.3—Kilinochchi.

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Tamil population] considered it as their tradition and as a part of their duties towards their motherland.'[181]

On the surface these commemorations only express sentiments of mourning and remembrance of the fallen. More essentially, however, these ideas help to construct and maintain a political community, which can be seen as a form of nation-building.[182] As one of our respondents puts it:

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> During public events, tiger flags were raised and symbols were worshipped. People were proud of this. All of us should salute the national flag of our soil. It is our duty and responsibility. Isn't it one of our special duties to perform *poojas* to the pictures and memorials of our heroes who sacrificed their lives for our race? People got involved in this activity with a lot of interest and enthusiasm.[183]

Other respondents mention how these events were related to 'our' leader, 'our' soil, and the sacrifices made, and that they should be respected and supported wholeheartedly:

> Our flag, the tiger flag and the symbols of every division are worshipped. That is our special quality. That is our debt of gratitude to our leader. We should have done a lot of virtuous deeds for getting on our soil such a brave Tamil son who has sacrificed his life for us.[184]

The sense of community was also emphasized by several respondents with regard to the achievements of the LTTE 'heroes':

> All the heroes are our brothers. So, the people and the Liberation tigers together celebrated it impressively displaying pictures and lighting lamps in the houses. The skills, abilities, and achievements of the heroes were revealed on the heroes' day. It is a day to be proud of.[185]

The respect of the LTTE and the civilian population for the 'fallen heroes' extended beyond commemorating them into supporting their remaining family members. As one of the respondents explains:

> The LTTE gave much respect to the fallen heroes. They even had a separate department to take care of their family members. (. . . ) It was called the 'Heroes welfare society'. The families would get help from the LTTE, in terms of medical or financial support.[186]

[181] Interview code 3.2—Kilinochchi.
[182] Hellmann-Rajanayagam, 'And heroes die', p. 117.
[183] Interview code—22 NC06—Mullaitivu.
[184] Interview code—20 NC04—Kilinochchi.
[185] Interview code 10 NB2—Mankulam.
[186] Interview code KI 20—Jaffna town.

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In other words, not only the LTTE cadres themselves, but also their family members continued to play a symbolic role in the larger struggle of the LTTE.[187] These families were often referred to as 'heroes families' and given particular advantages in its governance system.[188]

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### *Inscriptions*

In the LTTE's case it needs to be pointed out, finally, that the different forms of legitimation were enhanced through the LTTE's propaganda channels. As one of the respondents in this study says:

> The LTTE had their radio channel in Jaffna, Mullaitivu and Kilinochchi. (...) They were doing documentaries, films, and short films. They would release good films that would describe what was being achieved. That was the propaganda. These films were also taken on the battlefield. (...) They would show it very fiercely you know, they take all the Hindu songs/music, and they would get very vibrant.[189]

When asked about the songs that were used one of the respondents states:

> Things about the fight like 'we want our land back', or 'we have to fight'. (...) There are plenty of songs. It is like, they wanted to boost [their image], and they wanted to get that feeling in the community. They did it very deliberately.[190]

There was only limited media available at the time in the Vanni, and the LTTE decided what people were allowed to watch and what was forbidden.[191] As one respondent says: 'There was hardly any access to other media, we had to watch it. But like I said, most people also liked watching it.'[192] According to Brun, many of the propaganda films produced by the LTTE portrayed the soldiers of the Sri Lankan Army as alcohol abusers who danced while the Tamil people suffered.[193] Most films included a portrayal of the battle sites and the history of the

[187] As Thiranagama, *In my Mother's House*, p. 38, points out, the LTTE elevated itself as the supreme collectivity, absorbing individuals into its cause.
[188] Interview code 07 NA07—Pudukuduyirippu.
[189] Interview code KI 05—Trincomalee town.
[190] Ibid.
[191] Interview code KI 05—Trincomalee town.
[192] Ibid.
[193] C. Brun, 'Birds of freedom: young people, the LTTE, and representations of gender, nationalism, and governance in Northern Sri Lanka'. *Critical Asian Studies*, vol. 40(3), 2008, p. 407.

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movement, and showed the atrocities against Tamils and the LTTE's achievements in the struggle.[194] Many films cited the Black July pogrom of 1983 as justification for the movement's fight against the Sri Lankan government.[195] Through these propaganda channels the LTTE gained what Demmers calls the 'power to define': determining the 'legitimate' course of action.[196]



The LTTE invested many of its resources into maintaining cemeteries of the fallen, and more generally it made the administration of death central in its governance.[197] As Sangarasivan explains, the 'laying of bodies [of the LTTE heroes ... ] and the building of tombstones inscribe the presence of the honoured dead into the land [and] their physical substance coalesces with the soil of the land to create a culturally circumscribed sacred space'.[198] In other words, both spatially and physically the LTTE inscribed the death and sacrifice of the heroes for Tamil Eelam into the soil of the Vanni.

Finally, the question arises: how were these narratives, performances, and inscriptions maintained? According to Demmers, some political actors have greater 'powers to define' than others.[199] Gramsci coined the notion of 'hegemonic culture', in which the values of the dominant classes have become the 'common-sense' values of all.[200] One could question whether the hegemony of the LTTE's rule in the Vanni in fact imposed compliance on the common man. Particularly in the Vanni the LTTE possessed a hegemonic position in terms of disseminating the daily representations of the war and deploying practices of governance and statehood. The legitimation strategies of the LTTE were effective in the sense that it was able to define the dominant narrative and was able to perform and represent statehood and sacrifice, and that the population participated in it. The population was thus involved in recreating the narratives surrounding the liberation struggle—it participated in the institutions and the commemorations, and presented a variety of inscriptions. In this

[194] Ibid., p. 411.
[195] Ibid.
[196] Demmers, *Theories of Violent Conflict*, p. 137.
[197] See, for example: Hellmann-Rajanayagam, 'And heroes die', pp. 112–153; Thiranagama, *In my Mother's House*, pp. 214–215.
[198] Y. Sangarasivam, 'The Liberation Tigers of Tamil Eelam and the Cultural Production of Nationalism and Violence', PhD thesis, Syracuse University, p. 300.
[199] Demmers, *Theories of Violent Conflict*, p. 136.
[200] Ibid., p. 60.

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dynamic process these narratives, performances, and inscriptions were collectively created and maintained.



## Conclusion

The article has shown how the LTTE exercised de facto sovereignty and public authority in the areas under their direct or indirect control. Though this implied—in the words of Hansen and Stepputat—'the ability to kill, punish, and discipline with impunity',[201] there was also a bottom-up aspect to it whereby the LTTE attempted to acquire popular consent and compliance through mechanisms other than coercion. This constellation around the LTTE's de facto sovereignty and public authority was the first central argument of our article.

The LTTE's governance varied per sector. Whereas it monopolized justice and policing in the uncleared areas, in other sectors and geographical areas governance services were fulfilled more pragmatically. The LTTE allowed other actors—both state and non-state—to work to fulfil the basic needs of the population as long as this did not interfere with their military strategies and helped boost their legitimacy. Despite the fact that the military and political struggles of the LTTE were distinctively anti-state, concrete governance practices displayed various forms of political hybridity in which the governance practices of the LTTE and the Sri Lankan state overlapped, intertwined, and sometimes collaborated. Our study shows clearly that a focus on governance practices and mechanisms, as evinced in the Foucauldian notion of governmentality, is a better heuristic device than only looking at institutions per se. This has enabled us to discern the multiple interrelationships and manifestations of governance between the LTTE and the Sri Lankan state as well as international non-governmental agencies. This forms the second central argument of this article.

Our study further indicates that performing sovereignty and public authority by the LTTE was not confined to their ability to maintain law and order, and the instrumental delivery of public services, but also required a broader legitimation to assure compliance, if not popular consent. Next to the use of ideology and coercion, this involved several symbolic dimensions in which the rebel group

[201] Hansen and Stepputat, 'Sovereignty revisited', p. 296.

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legitimized both its struggle against the enemy and its rule over the population. Following Schröder and Schmidt, we discussed the role of narratives, performances, and inscriptions to understand how this came about in practice. A first element used extensively was a politico-historical narrative on the oppression of the Tamil people by the Sinhalese (state) and the necessity of a liberated Tamil Eelam. It also involved a political programme outlining the transformations envisaged under Eelam statehood. Through state 'mimicry' and state-like performance, the LTTE could show the people that it was able to effectively deliver a series of governance services. Another important element in the symbolic dimension of LTTE rule entailed the elevation of the struggle and the heroic status of LTTE cadres fighting against the government—and dying in the fight. Cemeteries, commemorations of the 'heroes', flags, and other national symbols were the visible inscriptions of the struggle and the sacrifices made, and were widely respected within the Tamil community. The various symbols were not only physically present in the public space, but were also disseminated by the media and through propaganda. In using symbolism, the LTTE implicitly and explicitly attempted to legitimize its rule over the Tamil population and the nascent statehood of its projected Tamil Eelam. Integral to the LTTE's efforts to exercise sovereignty and public authority were attempts to create, gain, and maintain a level of consent and legitimacy, both internally and externally, alongside the use of coercion, to ensure compliance. This forms the third central argument of our article.

The conclusion of our analysis is that a simple binary of state versus non-state actors is not suitable to grasp the empirical manifestation of LTTE governance. We distinguished a more differentiated picture in which state mimicry and state-like performance, parallel structures, hybrid forms of governance and co-optation, and different forms of legitimation were combined in a multiplex pattern that varied over time and place. We conclude that the LTTE's de facto sovereignty and public authority were based on a number of governance practices that were operated by the movement independently from the Sri Lankan state, while other practices took shape within the pre-existing political order and service provisioning by the state.



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# CHAPTER 6

# Article III - Rebel Governance and Legitimacy: Understanding the Impact of Rebel Legitimation on Civilian Compliance with the LTTE Rule.

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# Rebel Governance and Legitimacy: Understanding the Impact of Rebel Legitimation on Civilian Compliance with the LTTE Rule

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**ABSTRACT**
Based on extensive fieldwork in Sri Lanka, we analyze how the Liberation Tigers of Tamil Eelam (LTTE) acquired legitimacy and how legitimation impacts civilian perceptions of the rebels. Despite the LTTE's reliance on coercion to induce compliance, civilians also supported the LTTE and their imagined state of Tamil Eelam voluntarily. Different LTTE strategies and acts helped creating legitimacy. Effective forms of legitimation were rooted in Tamil nationalism, tradition, charismatic leadership, sacrifices made by LTTE cadres and the people's need for protection. However, the strong reformative socio-political agenda of the LTTE largely failed to engender legitimacy among the population.

## Introduction

This article focuses on the ways in which rebels acquire legitimacy among their constituencies and beyond. Once rebels become involved in governance and start to behave like a rebel government, they face similar legitimacy issues as incumbent governments, as they raise the expectations of civilians living under their control. Even if a rebel government relies upon coercion to implement its rule, it may still want to acquire legitimacy to increase civilian compliance, either by employing conscious and deliberate legitimation strategies or simply because legitimacy is accorded to them by the population for a variety of other reasons. The costs for a government or rebel group of relying only on coercion are usually high and its effects last only as long as the coercion is effectively applied, while an element of legitimacy may provide sustainability. The different

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forms of legitimation during periods of rebel governance and their mutually complementary or opposing effects on the compliance of civilian populations in rebel-held territories have remained under-researched in the current rebel governance literature.

Civilian compliance during civil war is usually based on a mixture of coercion and persuasion; on fear and sympathy (Kalyvas 2006, pp. 101–104). To explore the balance between coercion and legitimation, we investigate the case of the Liberation Tigers of Tamil Eelam (LTTE) in Sri Lanka. The LTTE is known for its use of coercion in ruling the Muslim and Tamil civilian populations in the territories under its military control.[1] In this article, we will demonstrate how, in addition to coercive techniques, the LTTE also induced civilian compliance in its quasi-state due to the legitimacy it possessed or acquired. Apart from forced recruitment, many sons and daughters of Tamil families joined the LTTE voluntarily as cadres or general members of the movement. Many families provided food and shelter to the LTTE cadres or supported the movement through financial means and local intelligence. Among those living in the Northeast, there was also respect for the LTTE leadership and admiration for the sacrifices made on behalf of the Tamil community. The movement used coercive techniques extensively, but also made significant efforts to create a broader sense of legitimacy among civilians that lived inside rebel-held territories.



Insights into LTTE governance have come from authors in various disciplines who investigated the LTTE's political governance project in Jaffna from 1990 until 1995, and in the Vanni from 1995 until the end of the war in 2009 (Stokke 2006, Sarvananthan 2007, Fuglerud 2009, Mampilly 2011, Klem and Maunaguru 2017, Terpstra and Frerks forthcoming). Mampilly showed how the LTTE was involved in the provision of various public services such as the police, judiciary, health care and education (Mampilly 2011). With regard to the police and judiciary, Mampilly asserts that his 'civilian informants confirmed that the rebel police had a high degree of legitimacy and viewed the force as an uncorrupt and important stabilizing factor in the region' (Mampilly 2011, p. 116). At the other end of the spectrum, Thiranagama (2011, p. 39) emphasises that one has to be careful with evaluations of legitimacy given the strong political repression that characterised the society in the LTTE-controlled territories. In more general terms, Wedeen stresses that one has to make a clear distinction between what social scientists in the tradition of Weber conceive as 'a charismatic, loyalty-producing regime', on the one hand, and an 'anxiety-inducing simulacrum' on the other (1998, p. 506).

We analyse coercive techniques as 'actions or practices of persuading someone to do something by using force or threats' (Stevenson 2010). Threats, intimidation and a show of force by rebels may induce civilian compliance, including by extortion, population expulsion and forced conscription. But in addition to coercive techniques, many rebel groups also deploy legitimation strategies, described as 'a series of actions – speech, writing, ritual, display – whereby people justify to themselves or others the actions they are taking and identities they

are expressing or claiming' (Barker 2001, 2003, pp. 163–164). In addition, constituents may themselves comply with rebel rule because 'doing so is believed to be right, fair and appropriate' (Whalan 2013, p. 56). We argue that even though the LTTE's rebellion was also based on coercion and an enforced agenda of social and political reform in the Tamil community, broader civilian compliance existed, shaped by legitimation based on Tamil nationalism, tradition, charismatic leadership, enemy images and sacrifices of LTTE cadres. Some of these sources were actively disseminated by the LTTE, others proved to operate on their own among the populace.

While we recognise that rebel governance is frequently 'multi-layered', involving influences of several parties, our approach is a 'single-layered' analysis.[2] This approach is well-suited, because a study on legitimacy requires an investigation into the effect of legitimation strategies on a specific target audience. We therefore focus on the perceptions and behaviour of those living inside territory under full or partial LTTE control from 1983 until 2009, although we recognise that the LTTE invested in its portrayal among an international audience too (Bhatia 2005, Nadarajah and Sriskandarajah 2005, Terpstra and Frerks forthcoming). Within a target audience legitimation strategies may resonate differently, for example, if we consider differences between elderly and youngsters, or different castes.

Segments of the Tamil population may have had their own reasons and inducements to do, or do not, accord legitimacy to the LTTE. In this connection, we consider legitimation a two-way process in which both top-down and bottom-up aspects play a significant role. It would be a mistake to believe that all legitimation effects observed emerged as a consequence of a calculated 'rational actor' behaviour on behalf of the LTTE. We indeed assert that the LTTE used a number of deliberate legitimation strategies, but recognise that other forms of legitimacy originated bottom-up or were a consequence of behaviour or acts that were not intended as a legitimation strategy, but nevertheless contributed to legitimacy. We also should not forget that the operations and behaviour of the Sri Lankan Armed Forces and of the Indian Peace Keeping Forces (IPKF) contributed to the legitimacy of the LTTE and the Eelam project.[3]

We are obviously aware that our contribution is entangled in a complicated context of war and a militarised society (Mel 2007). This makes it difficult to make clear-cut distinctions or cause-effect statements. Likewise, it is also not always possible to distinguish clearly the respective impact of coercion and legitimacy in engendering compliance. It is evident that the exercise of power by the LTTE was based on a combination of coercion and legitimacy, and one needs to keep in mind that they are interrelated both from the perspective of the LTTE and in the minds of the population, even though we distinguish them analytically. A final note we want to make in advance is that the war and the LTTE rule encompassed a long period of time with obvious variations internally and externally, and shifting military fortunes. Though we are well aware of these variations, we cannot treat them in-depth within the scope of this article, apart

from highlighting a few major events in our chronological section on the LTTE below. Moreover, the war has been documented extensively in the broader literature on Sri Lanka and we do not need these details for the sake of our main argument.[4]

Our contribution to the fields of Sri Lanka studies and rebel governance is threefold. First, our analysis of the specific elements of legitimation and how these can produce varying and opposing effects on civilian compliance has remained a relatively underexplored aspect in the current literature on rebel governance. We have added detailed data and insights to this literature making it more robust in terms of empirical substance. For Sri Lanka this data was still largely missing. Second, though Schlichte and Schneckener (2016) have dissected different sources of legitimacy, we have identified how these operate in a real case setting and also can complement or oppose each other. We go beyond the tangible top-down service provision dimension highlighted in much of the rebel governance literature and address the legitimising effect of the symbolic repertoire in a detailed manner. Third, we believe we collected fairly unique primary data that can especially elucidate the bottom-up aspects of rebel legitimacy by representing the views and opinions of the population in rebel-held areas in a more in-depth manner than done so far. Such a type of research was not possible during the LTTE's or Rajapakse's rule due to safety considerations for both researchers and interviewees.



Our findings are based on extensive fieldwork in the Northeast of Sri Lanka in 2014, 2015 and 2016. In 2014–15, we focused on LTTE governance and conducted a total of 76 semi-structured interviews of about two-and-a-half hours with community members in nine different locations in the Trincomalee district (33 interviews), 10 locations in the Batticaloa district (25 interviews) and 4 locations in the Northern province (18 interviews). A total of 20 key informants such as civil society leaders, community leaders, NGO workers, religious leaders, doctors, ex-LTTE cadres and supporters and local government officials were also interviewed. In 2016, we conducted 62 interviews about popular support for the LTTE and symbolic legitimation in the Trincomalee district and throughout the Northern Province. The locations included zones then under full control of the LTTE, government-controlled ('cleared') areas and grey zones. The interviews with key informants were done by ourselves, while we used a team of eight local field researchers for the semi-structured interviews, in view of language demands. This team was working for a local research NGO and wishes to remain anonymous. They were trained by us in several workshops, while we also held debriefing sessions. Notes were made of all interviews and the resulting Tamil reports were translated in English by a professional translator, after which they were coded and analysed by us with the help of NVIVO software. The translations and working with different researchers may have led to some loss of content and perhaps a less systematic probing then we ourselves would

have done. In order to redress, this we have triangulated our different data-sets where possible and also extensively used secondary material.

## Theoretical Considerations



### *Rebels and Civilians*

In theories on rebellion and insurgency in civil war, civilian collaboration is usually seen as a central concern for the strategic success of a rebel group (Kalyvas 2006, pp. 87–110). In the words of Mao Tse-tung: 'The richest source of power to wage war lies in the masses of the people' (1965, p. 186). On the basis of evidence collected from three continents throughout three decades, Fall shows that civilian support is the essential element of successful guerilla operations (1967, p. 345). Since civilians can provide food, information and be a source of new recruits, the leadership of rebel groups will attempt to consolidate support among its constituents. A rebel leader without followers or civilian support will probably not get far in achieving political and military goals.

However, the assertion that every insurgency needs popular support to achieve its objectives is contested. As O'Neill points out, there is a tendency in the literature on insurgency and counter-insurgency to equate all types of insurgencies with the 'protracted popular war' strategy (2005, pp. 45–67). In the 'conspiratorial strategy' for example, in which an insurgency seeks to remove the ruling authorities through a limited but swift use of force, broad-based popular support is not necessary for political or military success. While acknowledging these variations, we focus in this paper on an insurgency that followed a 'protracted popular war strategy' and invested in the compliance of its followers, whether through coercion or 'softer' forms of persuasion.

Consequently, we focus on the interactions between rebel elites and the civilian population during civil wars. As Kasfir points out, however, the process of engaging civilians is filled with obstacles, probably most prominently because the rebels are at war with the incumbent government (Kasfir 2005, p. 273). Military strategic considerations may, for example, force insurgents to retreat from territory where they have just built a positive relationship with the population. If anything, the relationship between the rebel leadership and the civilian population is contingent on the dynamics of war. The empirical study of patterns of interaction between the rebel group and the civilians will facilitate the understanding of the factors and dynamics influencing the use and effect of legitimation strategies in rebel governance.

### *Rebel Governance*

In this paper, we adopt the notion of governance to gain a better understanding of the interactions between rebels and civilians during civil war. As Kalyvas puts it: 'Insurgency can best be understood as a process of competitive state

building rather than simply an instance of collective action or social contention' (2006, p. 218). Insurgents attempt to develop 'counter-states' through 'political consolidation' (Kalyvas 2006, p. 218). Similarly, Kasfir explains that the 'relations between guerillas and civilians can be understood as problems of politics under special circumstances' (2002, p. 4). He adds 'guerrilla governance refers to the range of possibilities for organization, authority and responsiveness created from the daily interactions between guerrillas and civilians' (2002, p. 4). These interactions may vary from ad hoc arrangements to elaborate and enduring regulatory structures. These interactions may also vary from coercive measures to 'softer' measures inducing civilian compliance. Civilians may respond to these measures by agreeing to the insurgent's requests or refusing them. Passively or actively, civilians may demand adaptations of the governance structures (Kasfir 2005, p. 274). In other words, within this interaction both the rebels and the civilians are agents who shape governance structures, and at the same time the governance structure constitutes the opportunities for their own conduct. As we use it here, governance contains no prescriptive implications. Instead, governance comprises the conduct of rebel–civilian relations, regardless of morally good or bad behaviour or treatment by either side.[5]



According to Kasfir, a number of scope conditions must apply before we are able to observe the phenomenon of 'rebel governance' (2015, p. 25). First, rebels must control territory – even if that control is contested. Second, civilians have to reside in that area. Third, the rebel groups must have acted violently and continue their hostility or at least threaten to do so in the territory they govern. Kasfir (2015, p. 25) elaborates that if these conditions are met, at least some elementary form of governance usually emerges. Governance in itself does not equal 'popular support', although they may go hand-in-hand. The rebels must show the civilian population that their rule has some degree of predictability and that they have rules they enforce responsibly over time.

### *Rebel Legitimacy*

We follow Mampilly (2015) and Schlichte and Schneckener (2016) that rebel governance depends not only on instruments of coercion and service provision, but also on legitimacy in the minds of the ruled.[6] We will, therefore, investigate how the LTTE attempted to legitimise their existence, their rule and their use of coercion through various symbols of, and claims to, legitimacy. According to Suchman, legitimacy is a 'generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions' (1995, p. 574). Legitimacy involves the 'complex moral right of the state to impose rules on its subjects, while the latter agree to comply with such rules' (Podder 2013, p. 19). Political legitimacy resides in a 'tacit social contract' between state and society, or the ruler and the ruled (Podder 2013, p. 19). For rebel groups, unlike state actors, legality is usually not

a viable option as a formula for legitimacy (Schlichte and Schneckener 2016, p. 417). Despite the absence of juridical legitimacy or international recognition, rebel groups may hold varying levels of legitimacy among the members of a particular constituency (Mampilly 2011, pp. 48–92, Péclard and Mechoulan 2015).

Rebel groups can draw from different sources to legitimise their rule (Schlichte and Schneckener 2016, pp. 416–419). We highlight five legitimation strategies that are relevant to our argument. First, claims can represent the socio-economic and political aspirations of a community, for example, a social class, ethnic group or a clan. Rebel leaders claim their positions as representatives of these communities and their grievances. They give a (radical) voice to it. A second strategy projects outside threats and particular enemy images. By presenting the opponent as particularly brutal and inhumane, they may create solidarity and show that their (violent) actions are a necessity. A third element is the charisma of the successful warrior and leader. Charismatic authority exists if there is belief in the extraordinary quality of a specific person (Weber 1978, p. 241). Fourth, the readiness of leaders and fighters to sacrifice their lives for a common cause, may work to legitimise the rebel group towards its constituency. This is usually expressed through heroism and martyrdom. Fifth, the claims of rebel groups are often rooted in 'communal myth-symbol complexes' and popular belief systems, traditions and cultures. In Weber's explanation, command and obedience are legitimised on the basis of the sanctity of immemorial traditions, which govern the authority relationship (Weber 1947, p. 341).

For all these legitimation strategies it is important to underline that without the recognition of the followers the legitimacy of a movement or its ideas does not exist (Weber 1947, p. 359). Hence, the perceptions and practices of the civilians living inside the territory of the rebel group determine whether these legitimation strategies are working. To evaluate their effectiveness, we need to learn whether these legitimation strategies 'resonated' amongst the target audience (Benford and Snow 2000, pp. 619–622).

Whether these legitimation strategies should be conceived of as fully intentional, unintentional or somewhere in between is subject to debate and has already been alluded to in the introduction. At its very basic level, our reading is an existing intention on behalf of the LTTE leadership to strategically portray its struggle to various audiences, with the objective to achieve political and military results. One such audience was the international community. Part of the LTTE leadership travelled around the world to show what their perceived Tamil Eelam would look like and tried to convince their target audience that support for their cause was indeed necessary. For this purpose they also established an extensive propaganda machinery abroad, including internet. Another target audience, was the Tamil population living under full or partial control of the LTTE in Sri Lanka itself. The LTTE leadership was dependent upon the compliance of Tamil civilians to continue its struggle, particularly on the long run. In this connection Balasingham writes:

> While the Sri Lankan state was intensifying its military domination and respression in the Tamil homeland, the LTTE embarked on a plan of action to expand and consolidate the organisation (…). It was during this time a programme of political action was undertaken to mobilise, politicise and organise the broad civilian population towards the national cause (2004, p. 33).

In order to achieve civilian compliance the LTTE had to expand its coercive practices, intentionally, towards other 'softer' measures of persuasion: legitimation strategies. With a combination of coercion and legitimation strategies, compliance becomes what Podder refers to as 'quasi-voluntary', which is 'compliance that is motivated by a willingness to comply but backed up by coercion, in order to ensure that others will obey the ruler' (Podder 2017, p. 688).



## The LTTE – War, Discipline and Governance

The conflict between the government of Sri Lanka and the LTTE surfaced internationally as an overt, violent conflict in July 1983, when 13 Sinhalese soldiers were ambushed in Tirunelveli in North Sri Lanka by the LTTE. Riots broke out in Colombo killing thousands of Tamils (estimates go up to 3,000 casualties) and damaging the livelihoods and homes of probably 30,000. An estimated 100,000 Tamils were displaced in Colombo and 175,000 fled abroad.

The July riots in 1983 were a watershed in many ways. Wickramasinghe describes the repercussions of 'Black July':

> The riots of 1983 left a lasting imprint on the collective consciousness of the Tamil people. For many it led to exile and refuge in foreign lands, for others to a heightened sense of alienation from the state that spawned radicalism; for others it led to an erasure of identity, a refusal to be incorporated in a given identity. (…) The events of 1983 made 'terrorists'. For the insurrectionist groups they were a bonanza in that their ranks suddenly multiplied. (2006, p. 287)

Black July and its aftermath started a full-blown war that was to last over 25 years. The fight by the rebel groups between 1983 and 1987 became known as Eelam War I. Three other 'Eelam Wars' were to follow. Over the years the LTTE forcefully gained dominance over the other Tamil militant groups to the point where it claimed to be 'the sole representative of the Tamil-speaking population'. In order to reach that position, it decimated competing groups. Hundreds of cadres from these rival groups were killed from 1986 onwards (Wickramasinghe 2006, p. 289).

Between the 1980s and the end of the war, the military wing of the LTTE transformed from a guerrilla organisation to a type of regular army with a conventional fighting force (Richards 2013, pp. 16–17). By 2002, the military chain of command consisted of a deputy commander under Prabhakaran and a number of special commanders in charge of specific subdivisions including the LTTE army (the ground forces), the navy (the Sea Tigers), the air force (the Air Tigers) and the LTTE intelligence wing, as well as the Black Tigers, the LTTE's suicide commandos (Richards 2013, p. 16). The LTTE had a disciplined structure

with Prabhakaran as its supreme leader. The chain of command was authoritarian and hierarchical. All cadres were obliged to swear an oath of allegiance to the struggle for Tamil Eelam, and just as importantly, to Prabhakaran himself (Hussain 2010). Nothing significant in the LTTE happened without Prabhakaran's knowledge (Swamy 2002, p. 319).

Discipline in the LTTE military was extremely rigid. The LTTE cadres were obliged to follow a strict moral code of conduct, which included prohibition of cigarettes and alcohol, while relationships with the opposite sex were also regulated (Samaranāyaka 2008). Even a simple smile or wave to the opposite sex could lead to punishments from superiors.[7] In addition, LTTE cadres were not allowed to get 'too friendly' with civilians.[8] The performance of cadres during battle was closely monitored and any unsatisfactory results and breaches of the codes of conduct would be punished.[9] To avoid any leaks of information, cadres that passed LTTE military training would be provided with a cyanide capsule that they were instructed to swallow before being captured by the Sri Lankan Army (Roberts 2007).

In areas under its control (particularly in 'the Vanni'),[10] the LTTE set up its own administrative structures, such as the police, the judiciary and tax collection, while allowing the continuation of the Sri Lankan state services in the general administration and the provision of social services. These state services, however, functioned in close collaboration with, if not under the complete control of, the LTTE. As Kasfir points out 'the best example of the opportunity to elicit popular support on a patterned basis is the establishment of a zone safe from enemy attack in which civilians are not caught between two competing authorities' (Kasfir 2002, p. 7). In similar terms, Kalyvas points out that the possession of territorial control creates opportunities for rebel groups to generate loyalty that are not possible without a level of territorial control (2006, p. 128). The Vanni was exactly such a zone of full territorial control. The LTTE was able to establish and control a 'base' area up until the last years of the war in 2008/2009.[11] This was also facilitated by a cease-fire agreement (CFA) brokered by the Norwegian Government that was officially in force between 2002 and 2007. The agreement consolidated and 'froze' the territorial control of the LTTE. Though the CFA would have to be followed up by negotiations on a political solution, several rounds of talks soon ended in failure.

After the defection of Eastern Commander Karuna and his followers from the LTTE in 2004, the balance of power in the Eastern part of the island shifted to the Sri Lankan Government, while the CFA slowly unravelled due to countless violations by both sides. In 2007, President Rajapakse was able to regain military control of the East and evict the LTTE. After that, the tables turned against the movement. The Sri Lankan Government formally abrogated the CFA to pursue a military solution to the conflict. A bloody military campaign with high military and civilian losses, initially against fierce LTTE resistance (Eelam War IV), finally led to the defeat of the LTTE in May 2009 and the complete extinction of its military and political leadership, including supreme leader Prabhakaran.

## Coercive Techniques

As indicated above, the LTTE partly relied upon coercive techniques to induce compliance from the civilian population. As Kasfir explains, coercion can form the basis of a rebels' political order if civilians consistently obey rebel rules because they fear the consequences, with the rebel leaders commanding their compliance on a regular basis (2015, p. 38). Although many Tamils felt a deep sense of loyalty to the LTTE, the people would often talk about the Tigers in a nexus of respect and fear. LTTE violence and intimate surveillance were palpable in the everyday imagination of Tamil communities in the North (Bremner 2013, p. 48). Coercion and the use of force helped bring new recruits, including children, into the LTTE (Becker and Thapa 2004, p. 5), particularly in the Eastern Province. If a family resisted, threats and harassment could follow (Becker and Thapa 2004, p. 5). Towards the end of the war, forced recruitment and abduction became commonplace. Harendra de Silva, chair of the National Child Protection Authority, estimated: 'in 1994, I found that one in nineteen child recruits was abducted (…) in 2004, the reverse is true and only one in nineteen is a volunteer' (Becker and Thapa 2004, p. 16). This shows that the LTTE relied upon coercive techniques and legitimation strategies from the beginning until the end, but the balance between the two shifted over time. Particularly in the last years increased military pressure led to additional forced recruitment of fighters.

The LTTE communicated its demands through letters, house-to-house visits, radio announcements and community meetings. Refusals led to more coercion, including threats of violence, the burning of houses and abduction (Becker and Thapa 2004, p. 16). As one of our respondents from Kilinochchi puts it:

> the 'one person per family' rule was prescribed in order to increase manpower for the war and they forcibly recruited the youth into the movement. They kidnapped people and they imposed compulsory taxes. They collected funds forcefully, for example by abducting people and demanding ransom. They abducted or murdered people who were not in favor of the movement.[12]

As Kasfir further observes, rebels usually force civilians to 'choose between them and the existing government' (2002, p. 6). As a consequence, choices made by civilians during a guerilla war are never completely free from coercion, and hence, some level of coercion will always underlie rebel governance (Kasfir 2005, p. 272). The LTTE's battle for a Tamil nation was a homogenising, constraining discursive process that made it difficult for 'regular' Tamil people to dissent (Brun 2008, p. 420). There was particularly little room for criticism from the civilian population.[13] A shopkeeper from Mullaitivu (in the Vanni) told us: 'We were compulsorily bound to our flag, our symbol, our rule, our administration and so on'.[14] Another respondent stated:

> There was a gap between the citizens and the [rebel] state, so the citizens were not able to influence much of the rebel rule, as it was no democracy. It was imposed from above by the sole leader and the military and intelligence commanders.[15]

The LTTE did not allow others much say into its affairs. By making itself the sole representative of the Tamil people, the LTTE silenced competing Tamil voices (Brun 2008). With its assumed sovereign right to express the will of 'the Tamil people', there was little room for collective action from the people itself, unless it matched LTTE strategic interests (Orjuela 2004, p. 177) or was orchestrated by them.



The use of coercive techniques also became apparent from the LTTE's choices of identity exclusion. The Sinhalese, and at a later stage the Muslims, were excluded from the LTTE's governance project and the nascent LTTE state. Muslims (as another Tamil speaking community) and ethnic Tamils (Hindu or Christian) have strong historical and linguistic ties as communities living in adjacent areas (Sitrampalam 2005a). Initially, the LTTE comprised both Tamils and Muslims, but later they started to exclude Muslims and even forcefully expelled them from the Northern Province in 1990. A respondent of this study from Oddamavadi, a city in Batticaloa district explains:

> In the early years there also were Muslim LTTE cadres. But what they did after a while is killing their own Muslim cadres. Also those Muslim leaders that had a good reputation and gained support among the Muslim community here.[16]

Other respondents also explained how the LTTE pushed the different communities further apart and exacerbated minor tensions that existed between them. This was partly due to the suspicion of the LTTE towards the Muslims. As one of the Tamil respondents explains:

> Muslims were mainly living in army-controlled areas. So Muslims had contacts with the army. If we as Tamils had contacts with the Muslims, the LTTE would not like that, they would also suspect you. They would be afraid that you would pass on certain information to a Muslim who would pass that information on to the army. So the LTTE clearly created another enmity between Tamils and Muslims. That is what pushed us further apart.[17]

Apart from this friction between Tamils and Muslims, the unity of Tamil nationalism did also get fractured in the Eastern Province throughout the 1990s and 2000s (Fuglerud 2009, pp. 204–206). Within the Tamil population the social division between the North and East is an old one, based on variations in caste and cultural traditions. In the East, there is an image of the Jaffna Tamil being arrogant and high-handed (Fuglerud 2009, p. 206). This fraction became prominently apparent with the Karuna split when eastern Tamils shifted away from the LTTE.

## Legitimation Strategies

Legitimation strategies are employed by rebels to guide and inspire civilians living under their auspices. As such they provide an interpretation of events taking place, and they organise individual and collective experience in rebel-held territories. Rebels use legitimation strategies deliberately to justify their actions and to express their identities. As one of our respondents explained, the

LTTE had slogans about the struggle like: '"we want our land back", or "we have to fight"'.[18] He further elaborates: 'they wanted to boost their image, and they wanted to get that feeling in the community. They did it very deliberately'.[19] Below we analyse the LTTE's legitimation based on Tamil nationalism, tradition, charismatic leadership, enemy images and sacrifices of LTTE cadres. For each of these forms of legitimation, we explore the effects on civilian compliance and the perceptions of civilians inside LTTE-territory.



## *Tamil Nationalism*

Contestation in civil war often centres around identity and the politics of 'inclusion and exclusion' (Demmers 2016). This regards the question of 'defining who belongs and who does not belong to the nation (state), who is indigenous and who is foreign' (Hagmann and Péclard 2010, p. 554). The most common currency of violent imaginaries in late modernity are nationalism and/or ethnicity (Schröder and Schmidt 2001, p. 11). The LTTE used both as common identity markers for their envisaged Tamil Eelam – the independent Tamil state in the North and East of Sri Lanka that it insisted had to be established in order to protect the rights and security of the Tamil-speaking community.[20] In its political programme, the LTTE styles itself as 'the national liberation movement of the Eelam Tamils waging a relentless military and political struggle for the total independence of the Tamil homeland' (LTTE 2005, p. 292). It elaborates:

> The LTTE holds the view that Eelam Tamils possess all the basic elements that define a concrete characterization of a unique nation. We have a homeland, a historically constituted habitation with a well-defined territory embracing the Northern and Eastern Provinces, a distinct language, a rich culture and tradition, a unique economic life and a lengthy history extending to over three thousand years. As a nation we have the inalienable right to self-determination. (LTTE 2005, p. 299)

This emphasis on protecting and liberating the Tamil nation is a salient, recurrent theme in the LTTE's discourse and propaganda. In its struggle for a hegemonic position in the North and East the LTTE assumed the authority of defining what 'Tamilness' was, and presented itself as the 'sole representative' of the Tamil nation (Brun 2008, pp. 417–419). Symbols of the movement and symbols of the struggle for the independent state with a distinct national identity were conscious and well-planned components of the LTTE's symbolic repertoire that evolved over time.

How did those living under LTTE rule perceive these symbols? At meetings, they sang the Eelam national anthem ('Look the Flag is Rising'). A national bird, a national tree and a national flower also symbolised the separate nation. These symbols were known and respected by the public. According to a respondent from Kinniya: 'There was absolute royal respect for the national Tiger flag and the national flower, the November flower. We also saluted and worshipped these.

We willingly did so by ourselves'.[21] Being Tamil always involves some negative image of what a Tamil is not: Sinhalese (Brun 2008, pp. 411–412). Several of our respondents that lived in LTTE-controlled areas asserted that despite its authoritarian character they actually felt better represented under LTTE rule than under the Sri Lankan Government. In contrast to the government, the LTTE evoked feelings of attachment to the Tamil communities, based on family bonds, and ethnic identification. The LTTE cadres would be sons, daughters, cousins, brothers, sisters or former schoolmates to them, even though many were forcefully recruited. Tamil communities opted for the LTTE even if they would not (fully) endorse their modus operandi.[22] As one of our respondents in Jaffna points out: 'There were several negative things as well, but we respected that they were fighting for us, we respected that they were sacrificing their lives for us. Not everything was right, but we accepted that'.[23]

It has to be noted, however, that identity categories themselves are not static or fixed, but change over time, particularly during war (Butler 1997, p. 99, Thiranagama 2011). Due to the LTTE's rule the meaning of being Tamil changed in various ways and forced each Tamil to choose their loyalties. As Thiranagama (2010) explains, the LTTE was deeply concerned about 'traitors' within the Tamil community. Prabhakaran noted in a Heroes Day speech: 'The traitor is more dishonorable than the enemy'. The boundaries of the categories that defined treasonous acts in areas under LTTE control grew wider creating an ever-looming possibility of destructive punishment, which Thiranagama refers to as the 'intimate power' that the LTTE possessed towards both the cadres and the Tamil civilians (2010, pp. 139–140). In other words, the LTTE offered its subjects unity and meaning through the Tamil nation, but at the same time, it possessed an unbounded force of coercion to punish those Tamils who did not show the behaviour that the movement demanded (see also Klem and Maunaguru 2017, p. 648).

### *Traditional Sources of Legitimacy*

As Weber observed the 'validity of a social order by virtue of the sacredness of tradition is the oldest and most universal type of legitimacy' (1978, p. 37). The command of rebel leadership and the obedience of civilians living under rebel rule are then legitimised on the basis of the sanctity of immemorial traditions (Weber 1978, p. 215). References to common descent and the continuity of a collective memory were used by the LTTE leadership to legitimise its struggle for Tamil Eelam.

As Schalk rightfully notes there is a difference between 'historisation' for the historian and the activist. For the historian 'historisation' is often the conscious attempt to 'range a phenomenon into a continuity consisting of periods, or more generally the past and present' (Schalk 1997, p. 35). For the activist who wishes to support his or her political and/or religious movement, however, 'historisation'

may become a conscious attempt to use selected fragments of history to fulfil certain strategic interests. In similar terms Schröder and Schmidt point out how 'elements of history are decontextualized and reinterpreted as part of a communal legend' that serves to legitimise violent confrontations, thereby creating an 'imaginary of internal solidarity and outside hostility' (2001, p. 11). The LTTE claimed that their ideology was rooted in Tamil tradition and culture. However, they gave their own specific reading of that tradition and culture, embracing or emphasising particular historical elements and de-selecting or rejecting others (Schalk 1997, p. 35).



Schalk (1997, p. 37) states that the ideology of the LTTE was presented as a traditional one in the teleological sense: Prabhakaran saw the LTTE ideology and struggle as continuing in a long historical martial tradition. The name and logo of the insurgency, the 'Tigers', is an example. LTTE members would generally explain that the 'Tiger' refers to the old royal emblem of the Chola Kings (Hellmann-Rajanayagam 1994, p. 56). In the collective memory, those were great imperial Kings under whom Tamil culture and Tamil power expanded and flourished (Hellmann-Rajanayagam 1994, p. 56). Songs about the LTTE connected the greatness of Prabhakaran with these Kings. The LTTE created an image of Prabhakaran as able to step into their footsteps and conquer the north-east of Sri Lanka. The geographical borders for the imagined Eelam, the 'historical' homeland of the Tamil population, coincided with the areas where the Tamil-speaking community historically lived (Hellmann-Rajanayagam 1994, p. 57, Sitrampalam 2005b). In that sense, the LTTE presented the 'greatness' and 'sanctity' of these ancient Tamil Kingdoms in order to legitimise its claim to liberate and govern the Tamil population.

However, the ideology of the LTTE was not completely 'traditional', as it included revivalist and several contemporary elements (Schalk 1997, p. 40). Anti-colonial ideologies of Subhasism and Dravidism became main components, flavoured with elements of socialism. The LTTE's ideology was also an 'incitement to dedicate life to a cause' and 'a moral doctrine that teaches discipline' (Schalk 1997, p. 54). As Schalk explains:

> It is not an 'out-pouring' of a Tamil martial tradition. It projects roots, but it is not dependent on pre-colonial roots. (…) [Prabhakaran] sees the fighters as (free) *cutantira cirpikal,* 'artisans of independence'. I can see that their making use of the past is pragmatic and instrumental. The question they put is: What do we need of the past for shaping the present and the future? (Schalk 1997, p. 40)

However, even if the historicity of some of the claims by the LTTE might seem doubtful, they resonated within Tamil society. As Schröder and Schmidt highlight, the 'symbolic meaning of prior wars is re-enacted and reinterpreted in the present, and present violence generates symbolic value to be employed in future confrontations' (2001, p. 9). This legitimation strategy was particularly visible in notions such as 'sacrifice', 'martyrdom', 'our soil' and 'the motherland'. As Hellmann-Rajanayagam points out:

> They [the LTTE] are seen as the legitimate, traditional protectors of the people, because their rhetoric runs along lines which are (…) deeply entrenched and thus strike a related chord among the population: we protect *you, your nation, your honour, your women*. (Hellmann-Rajanayagam 1994, pp. 136–137)

Those living under the LTTE rule attended festivals and commemorations of the LTTE. One of our respondents noted that they 'considered them as their tradition and as a part of their duties towards their motherland'.[24] The LTTE used references to selected traditional elements in the Tamil society strategically, and those seem to have resonated among the civilian population. At the same time, however, the LTTE proposed several ways of living that broke with Tamil traditions, and entailed a different direction for social life under LTTE rule. These constituted a discontinuity with the past and were met with more resistance as discussed in the last section on the LTTE's sociopolitical reform.

### *Legitimation Through Charismatic Leadership*

The performance of charismatic leadership is another element legitimising a rebel group's rule (Schlichte and Schneckener 2016, p. 418). Leadership was one of the factors to shape and secure the emergence and expansion of the LTTE as a rebel movement (Staniland 2014, p. 149). As Richardson notes, 'Prabhakaran himself deserves much credit for providing the leadership skills and building the organization that achieved this transformation' (2005, p. 479). But, as Weber reminds us, without the recognition of followers the leader's special 'gift' of charisma does not exist. There is considerable evidence that many Tamil civilians considered Prabhakaran charismatic.

During our interviews, several respondents explained that they worshipped, and still worship, Prabhakaran:

> We accept Prabhakaran as our leader. We are proud to use symbols where our son's face is engraved. We […] stand up and salute when we see a picture of our leader. Our leader protects our motherland and the Tamil race.[25]

Another pointed out:

> Although we did not have the privilege of seeing our leader personally; an order from him is sufficient for us. We would give our life in that place. We will bow our heads to the Tiger flag. We salute our heroes. We worship the feet of our leader.[26]

More emphatically, 'We respected our leader's picture as our God'.[27] With regard to heroes' day, a respondent said: 'We would not have redemption until our leader comes and talks to us'.[28] The leadership of Prabhakaran provided a solid point of reference for the Tamil community. From the early days until the end of the war, the Tamil leader possessed a mythical status and guided the Tamil community in the northeast. In 2016, several respondents even stated that Prabhakaran was still alive and would return one day.

### *Legitimation Through Sacrifice and Martyrdom*

Reports of sacrifices of cadres were extensively propagated to induce compliance with the LTTE's cause. The death of a martyr may reaffirm the cohesion of a particular group, may legitimise the group's convictions and strengthen their self-respect (Hellmann-Rajanayagam 2005, p. 115). The sacrifices made by LTTE cadres were an important element in the LTTE's symbolic portrayal of its struggle. 'Martyrdom was a critical factor in drawing popular support among the Sri Lankan Tamil people. [The…] devotional commitment indexed by the suicidal act was evaluated highly […] by many a Tamil person' (Roberts 2009, p. 222).

On the individual level, new forms of Tamil identity came into existence. In the statemaking endeavour, new routes to status and power through self-images of glorious heroism emerged around those who were willing to sacrifice their lives for the Tamil nation (Thiranagama 2011, pp. 59–63). At the same time, this put a high pressure on those Tamils that did not join or support the LTTE, shifting them into identities of 'cowardice', 'selfishness' or even 'traitors', who chose themselves over the greater good of the Tamil nation and collective sacrifice (Thiranagama 2010, 2011, p. 38). Countless commemorations of fallen cadres took place in which these heroes or martyrs were accorded a type of 'sainthood' (Bavinck 2014, p. 11). Bavinck noted in his diary in Jaffna in 1994:

> For the Tigers, the practice of declaring special days of mourning or celebration forms a means to involve the general population more closely in their cause. Because of their complete control they succeed in this. Today I saw the plaited pal leaves and the black flags, which are the usual sign of such days, at several places in town. (2014, p. 15)

Another excerpt in Bavinck's diary concerns Prabhakaran's appreciation of the Black Tigers:

> Today is the day of the Black Tigers, the suicide commandos. Everywhere one sees flags, posters and little commemoration chapels with photographs of the fallen heroes. Loudspeakers are blaring martial music all day long. The great leader wrote an article in the papers in which he very idealistically calls these Black Tigers spiritual heroes, who give their lives for others. (2014, p. 20)

How did the civilian population respond to this legitimation strategy? One of our respondents explained: 'The fallen cadres were commemorated every year, and we would also go there every year to commemorate them.'[29] In reference to these commemorations another respondent mentioned, '[The Tamils] considered it as their tradition and as a part of their duties towards their motherland.'[30] The respect that the cadres and their families earned for their readiness to sacrifice their lives for a common cause created legitimacy among the Tamil constituency.

These performances helped construct and maintain a political community, which could be seen as a type of nationbuilding (Hellmann-Rajanayagam 2005, p. 117). One of our respondents elaborated this point:

> During public events, Tiger flags were raised and symbols were worshipped. People were proud of this. All of us should salute the national flag of our soil. It is our duty and responsibility. Isn't it one of our special duties to perform *poojas* to the pictures and memorials of our heroes who sacrificed their lives for our race? People got involved in this activity with a lot of interest and enthusiasm.[31]



Several other respondents also emphasised this sense of community with regard to the LTTE heroes:

> All the heroes are our brothers. So, the people and the Liberation Tigers together celebrated it impressively, displaying pictures and lighting lamps in the houses. The skills, abilities, and achievements of the heroes were revealed on the heroes' day. It is a day to be proud of.[32]

However, this legitimation strategy did not work effectively under all conditions. Though sacrifices often served to legitimise the LTTE's struggle against the Sri Lankan Government, Tamils questioned them too. In 2004, for example, resistance against forced recruitment led to struggles between the LTTE and the Karuna faction that had split off (Sanchez Meertens 2013, pp. 104–105). Some Tamil parents actively opposed recruitment of their children for this internal battle (Sanchez Meertens 2013, pp. 104–105). In other words, while the willingness of the LTTE to fight the Sri Lankan Government provided them with legitimacy, people were reluctant to sacrifice their children for a fight against the Karuna faction.

The exodus from Jaffna in 1995 provides another example. Civilians soon realised the LTTE did not continue to defend the people's homes on the Jaffna Peninsula. Instead, the LTTE withdrew and forced the civilian population to come with them (Thiranagama 2011, p. 67). This led to disappointment and resistance against the movement. As the University Teachers for Human Rights (UTHR) shows:

> In one of those long bread queues in Chavakachcheri one man blew up: 'We are being treated as slaves. If this is their behavior now, how would it be when we get Eelam?' Unlike in other times (…) others joined in. (…) the [LTTE] police arrived and ordered the first speaker to get into their vehicle. The man was vocal in his refusal. Finally he was dragged inside. (UTHR in Thiranagama 2011, p. 68)

Civilians perceived the move to withdraw completely from the Jaffna peninsula as selfishness of the movement, and not as a sacrifice. People openly criticised the exodus and the capacity of the Tigers to establish and run its Tamil Eelam – behaviour hardly ever shown in public earlier.

We must therefore conclude that the sacrifices of the LTTE cadres indeed served to legitimise the LTTE rule, but only to the extent that they were made in the struggle against the Sri Lankan Government. When such sacrifices served the 'motherland' and the 'Tamil nation', they were rooted within in a historical collective memory of the Tamil population. When they were not, they weakened the legitimacy of the Tigers.

### *Legitimation by Invoking Outside Threats and Enemy Images*

Many Tamils witnessed or suffered abuses by Sri Lankan security forces. Staying within LTTE territory also meant that Tamil civilians would experience the shelling by the Sri Lankan forces. Furthermore, government abuses prior to the cease-fire included unlawful detention, interrogation, torture, execution, enforced disappearances and rape (Becker and Thapa 2004, p. 5). Propaganda films produced by the LTTE portrayed the soldiers of the Sri Lankan Army as alcohol abusers who dance while the Tamil people are suffering (Brun 2008, p. 407). Most films also included a history of the movement and the portrayal of the battle sites. They showed the LTTE's achievements in the violent struggle and the atrocities against Tamils carried out by the Sri Lankan army (Brun 2008, p. 411). In many films, the Black July pogrom of 1983 was cited as the reason for the LTTE's struggle against the Sri Lankan state (Brun 2008, p. 411).

The LTTE decided what people were allowed to watch and what was forbidden. Only limited media was available at the time in the Vanni, and it was controlled by the movement.[33] As one respondent observed, 'There was hardly any access to other media, we had to watch it. But like I said, most people also liked watching it.'[34] Through its control over the propaganda channels the LTTE possessed what Demmers refers to as the 'power to define' the 'legitimate' course of action (2016, p. 137). The use of symbols and propaganda produced and reproduced a particular narrative to which no alternative was allowed. To disseminate these images the LTTE managed websites, a radio and propaganda machinery and organised parades, theatre and music shows. One of our respondents explained:

> The LTTE had their radio channel in Jaffna, Mullaitivu and Kilinochchi. (…) They were doing documentaries, films, and short films. They would release good films that would describe what was being achieved. That was the propaganda. These films were also taken on the battlefield. (…) They would show it very fiercely, you know, they take all the Hindu songs and music, and they would get very vibrant.[35]

How did the civilian population respond to this legitimation strategy? The history of abuses helped the LTTE to build and sustain credible enemy images of the Sri Lankan security forces that resonated strongly among Tamils. By presenting the Sri Lankan forces as brutal and inhumane, the LTTE tried to show that its own violence was needed and legitimate. A 1993 study of adolescents in Vaddukoddai in the North, for example, found that at least one quarter of the youths had witnessed violence personally. In response, many persons joined the LTTE, seeking to protect their families or to avenge real or perceived abuses (Becker and Thapa 2004, p. 5). As one of our respondents insisted:

> The LTTE was fighting to fulfil the aspirations of the Tamil people and seeking their freedom. People accepted them. The injustices and atrocities of the Sinhala army were increasing day by day. Under such a situation, the aim and activities of the Tigers were reasonable.[36]

Due to the ongoing hostilities the credibility of this threat was high. One of Thiranagama's respondents states:

> The Sri Lankan air force was bombing us. People were dying and the houses were being smashed. The Navaly Kovil (temple) was hit. In this situation when you see the bodies of those who have been killed brought past you, when you see them, then you feel like I must join the LTTE and fight against the Sinhala army and the Sinhala government. I thought about it, I came close to the decision to join.[37]

Most of the residents of the North and East would have witnessed the consequences of the Sri Lankan army's attacks on people close to them (Thiranagama 2011, p. 56). Consequently, the LTTE's invocation of outside threats and enemy images seems to have worked effectively as a legitimation strategy. They related to the experiences of those living in LTTE territory. Through the media, LTTE images stressing outside threats persuaded civilians that protection against the Sri Lankan forces should remain in the hands of the movement.

### *Sociopolitical Reform: Gender Roles and Caste – Challenges to Legitimation Strategies*

The LTTE also imposed sociopolitical reforms on the Tamil society. These reforms were not legitimation strategies intended to persuade the civilian population, but reflected on the one hand ideological convictions of the leadership and were on the other hand strategic choices to increase its opportunities to include a larger group of the Tamil community into the movement, in both civil and military functions. From the 1990s onwards the LTTE imposed new rules regarding gender and caste. Through this policy they included both women and civilians from all castes as potential members of the movement. In addition, the LTTE envisaged Tamil Eelam as a 'people's state' that was secular, democratic and based on socialist principles. This state was to be created by the will of the people and administered by the people (LTTE 2005, p. 308). The objectives of national liberation and social revolution were to 'integrate both national struggle and class struggle, interlink both national emancipation and socialist transition of our social formation into a revolutionary project aimed at liberating our people from both national oppression and social tyranny' (LTTE 2005, p. 309).

The LTTE claimed that it had 'inspired and awakened the Eelam national consciousness and organized and united all freedom loving, patriotic sons and daughters of Tamil Eelam to fight for the cause of national liberation and social emancipation' (LTTE 2005, p. 308). Hence, the LTTE's ideology combined both (LTTE 2005, p. 308). They referred to the 'principle of self-determination' with regard to the first, and to 'socialist transformation' with regard to the latter. The LTTE presented their objective as a fight against 'oppression', 'exploitation' and 'social injustice' that characterised the traditional Tamil society. While following certain traditional lines, the LTTE also deliberately attempted to reform Tamil society. Though members of the lower castes, youths and women could acquire

new positions in this envisaged society, for others (males, higher castes, older generations) these reforms threatened their positions in society and the status quo.

Some of these reform policies met resistance from Tamils. The LTTE was involved in a battle on two fronts during the early 1990s – the fight within Jaffna society and the fight against the Sri Lankan army (Hellmann-Rajanayagam 1994, p. 142). The LTTE confronted this challenge head-on. Schalk similarly observes:



> [The LTTE] grew up with this innate conservatism which certainly became an obstruction and obstacle to the changes that the LTTE wanted to introduce in Yalppanam [Jaffna]. The LTTE went against this mainstream conservatism. I observe especially its radical program for the benefit of women that indeed would change fundamental structures of Yalppanam society, like the caste system, legal system and the negative influence of religion. (Schalk 1997, p. 39)

Despite the LTTE's references to the traditional 'roots' of its struggle and its ideology, its ideology included in fact a number of very 'untraditional' reformative sociopolitical goals. For example, age is respected in traditional Tamil society and older people in society had difficulties with the disrespect that the young LTTE cadres expressed. As one of our respondents pointed out:

> I had a friend, a teacher that was living in the Vanni for a long time. He was a respected person. But since the LTTE rule youngsters would come by and show no respect to him. You know they had their guns around their necks and were thinking that they could do anything. For example they talked to him very impolitely: in singular person instead of plural.[38]

He adds that 'the younger people were making the rules and were not always respecting the authority of the elderly people in the communities'.[39]

Contrary to more traditional roles of women in the Tamil society, the LTTE actively promoted the emancipation of women. With regard to women's emancipation the LTTE political programme states:

> Tamil women are also victims of social oppression, oppression generating from their own social structure. The notorious practice of the dowry system, the male chauvinistic domination and other forms of socio-cultural practices that degrade women and deprive them of human dignity and equality are typical features of our repressive social system. Our liberation movement is committed to the emancipation of women from national and social oppression. The LTTE assures that the dowry system will be legally proscribed and the equality of status and opportunity for women will be constitutionally guaranteed. (…) Education will be made compulsory for all girls and the practice of sexual division of labor will be abolished. (LTTE 2005, pp. 312–313)

There are indications that the movement worked with relative success on a number of these issues. LTTE female cadres eventually went through the same training as their male colleagues and were fully deployed in offensive missions and as suicide commandos. Their attire and behaviour were far removed from those of a traditional Tamil girl from Jaffna. It is debatable whether this can be called emancipation or is in fact a form of subjugation to a male, nationalist and oppressive order (Frerks 2016, pp. 93–113, see also the references mentioned in

note 7). Samarasinghe contends that the LTTE started to recruit women because of a shortage of male recruits, while the liberation struggle was simultaneously presented by the LTTE as a strategy for emancipation (1996, p. 214). In particular, some of the more conservative families were displeased with the new roles their daughters would have to take up in society.

Furthermore, caste relations came under strong LTTE surveillance. While the LTTE was breaking the relations between Muslims and Tamils, it deliberately attempted to overcome the existing boundaries between the different Tamil castes. Without the Muslims, the envisioned LTTE state was to become united as one Tamil community regardless of the salient pre-war caste differences among various groups of Tamils. As Bremner puts it, a 'new history of a homogeneous nation was being superimposed upon existing relations' (2013, p. 48). For example, to enforce the homogeneity of the Tamil nation, the LTTE encouraged Tamil women to marry Tamil, and not Sinhalese or Muslim men.[40] Aside from that, in LTTE law discrimination on the basis of caste became a crime. Relatives that obstructed inter-caste marriages would be punished (Bremner 2013, p. 48).

Initially these caste policies were met with resistance from within Tamil society, particularly from the Vellala caste. As one of our respondents puts it,

> in those times […] we had a strong caste system in our society. Prabhakaran is Karayar, that means he belonged to the fishermen. But some other parties were from the upper class, the Vellala. So half the people, the upper class, did not like Prabhakaran.[41]

He adds:

> It [caste] was not erased. (…) the people they did not change, they have the mentality within them. This mentality of how can we accept a Karayar as our leader? That is their idea, but not all people would say that.[42]

Although the LTTE did not fully end caste, it was able to affect a much higher degree of mobility between castes than was possible before LTTE rule (Malathy 2013, Manoharan 2015). This policy resulted in significant representation of lower castes in the administrative, political and military wings of the LTTE (Manoharan 2015, p. 177). Manoharan speculates that the LTTE could have created a casteless society if it had continued to survive as a rebel ruler (2015, p. 178). The LTTE framed their mission so that it would not create enmity between the castes, and that the movement would be able to overcome caste differences. Though this did not appeal to all castes equally, it seemed to have served to avoid internal caste struggles within the LTTE. The LTTE consciously accommodated higher castes to avoid Vellala resistance.

Overall, we must conclude that the reform agenda of the LTTE hardly helped legitimise the LTTE or bring its envisaged Tamil Eelam closer. Rather, reform was part of the LTTE package that had to be accepted and followed. Though the reforms may have appealed to a small section of the Tamil population, generally it was not the reforms that helped the LTTE to legitimise their rule. Instead, legitimation was enhanced by claims surrounding common Tamil descent and

a common Tamil nation, sacrifices, martyrdom, charismatic leadership and the LTTE as protector from Sinhalese threats. The LTTE created a degree of compliance despite their proposed reforms, not by virtue of them. Yet, despite the resistance from within Tamil society, the reformative agenda provided the LTTE with some strategic advantages. It gained a larger fighting force by including Tamil women and Tamils from all castes. As they tended to be less conspicuous, women in particular provided strategic advantage to carry out activities as couriers, spies and reconnaissance soldiers (Frerks 2016, p. 105).



## Conclusion

We investigated the case of the LTTE to see how the movement legitimated its rule and how its struggle for Tamil Eelam enhances our understanding of the legitimation aspect of rebel governance. Our study confirms Kalyvas' argument that control creates possibilities for rebel groups to generate loyalty that are not possible without a level territorial control (2006, p. 128). Territorial control provides a rebel group with the opportunity to create a 'tacit social contract' with the civilian population. In the case of the LTTE the population may not have endorsed their modus operandi completely, but Tamils in LTTE-controlled territory accepted its rule and struggle as unavoidable vis-à-vis a Sri Lankan state that was invariably seen as inhumane and oppressive. LTTE propaganda actively tried to portray an enemy image of the Sri Lankan state that resonated with the people's own experiences. Beyond the rebel governance literature that has focused on the merely instrumental exchange of public services in exchange for types of civilian compliance (Weinstein 2006), this article has shown that symbolic repertoires of nationalism, tradition, charismatic leadership and the portrayal of sacrifices and martyrdom may significantly shape the character of rebel–civilian relations and engender legitimacy. The devotion of Tamil civilians to their leader is quite remarkable compared to other cases of rebel governance. Prabhakaran seemed to possess a type of God-like status. The martyr cult – through a mixture of coercion and persuasion, provided the LTTE a devoted segment of followers that were not necessarily only after future material gains.

Second, our study testifies to Kalyvas' argument that civilian compliance during civil war is usually based on a mixture of coercion and persuasion; on fear and sympathy (Kalyvas 2006, pp. 101–104). Our empirical evidence showed that broad-based compliance of Tamil civilians under the LTTE rule was exactly based upon such a mixture. Moreover, we showed that persuasion took place through a variety of material and symbolic forms of legitimation. Successful LTTE legitimation was based on Tamil nationalism, the needs of Tamil civilians for protection against the Sri Lankan state, the performances of charismatic leadership and the portrayal of sacrifices by LTTE cadres. Symbolism, tradition and the mimicry of state performances were essential elements of legitimation. A salient finding of our field studies is that LTTE symbols, traditions and remembrances remain

alive to this very day. They do not seem to have lost much of their appeal among the Tamil civilians, despite fundamental sociopolitical changes on the ground caused by the defeat of the LTTE. This observation shows that the LTTE's repertoire of legitimation strategies was effective. It did not rely only on force and coercion, as these are absent now, while many of our respondents still talked about the LTTE with admiration.

Not all LTTE legitimation strategies were equally successful, however. Its call for sociopolitical reform of Tamil society did not appeal to most segments of the Tamil civilian population. In fact, these policies were only successful to induce compliance from a small highly dedicated segment of LTTE-supporters. This shows that even though rebel groups may indeed use previously engrained local cultural references as Mampilly (2015, p. 91) notes, rebel groups may nevertheless choose to use ideological expressions that do not generate broad-based appeal. From a more strategic perspective this testifies to what Kalyvas highlights as the 'five percent rule' (2006, p. 103), according to which only five percent of a civilian population is actually necessary as active militant supporters.

Our study confirms that legitimacy is an essential feature of rebel governance. Rebels will generally be able to govern effectively if there is a 'tacit social contract' between them and the ruled. Examining different ways of legitimation, including deliberate strategies, and civilian responses to these improves our understanding of how rebel governance affects the relations of rebels and civilians. The article has shown that in order to secure compliance, rebel groups must carefully balance between 'change' by means of a reformative agenda and 'continuity' by means of adapting to historically contingent values, norms and beliefs. Overstretching the reformative agenda may work counterproductive in order to secure a stable form of compliance. Overall, the LTTE's legitimation strategies helped forge civilian compliance to its rule and its struggle for the imagined state of Tamil Eelam. Next to that, we also noted forms of legitimation which were not consciously driven by the LTTE, but emerged bottom-up or as a consequence of their acts or reputation among the population. In addition, legitimation took place in a war-related context characterised by violence and force. Whether these elements of the LTTE's legitimation, based on history, tradition, charisma, symbolism and sacrifice, will be re-enacted, adapted, reframed or rejected in future contestation over Sri Lanka's political dispensation is an important topic for future research.

## Notes

1. The LTTE directly governed segments of the Muslim population until they expelled the Muslims from the Northern Province in 1990. In the Eastern Province, the LTTE presence had mostly an indirect impact on the Muslims, but they also faced direct attacks, including the Kantankuddy massacre on 3 August 1990, where over 100 worshippers were killed. For a detailed study on the expulsion of the Muslims from the North and its consequences see: Hasbullah 2004.

2. See the introduction to this Special Issue.
3. A telling quote by Anton Balasingham from Indian journalist D. Singh reads: 'India's "enemy" was everywhere and at all times; they were heroes of the people and came from the people; they were nurtured, harboured and supported by the local people' (2004, p. 122).
4. The Sri Lankan conflict has been extensively documented in countless publications, i.a.: Frerks and Klem (2005), Goodhand and Klem (2005), McGilvray (2008), Peiris (2009), Spencer *et al*. (2015), Wickramasinghe (2006), Weiss (2011).
5. We follow Kasfir's explanation here, see: Kasfir 2002, p. 4.
6. See also a recent special issue in Small Wars and Insurgencies: (Duyvesteyn 2017).
7. Even though Prabhakaran initially opposed LTTE revolutionaries to get married in the earlier stages of the rebellion, this changed when he fell in love himself in the mid-1980s. He got married to Mathivathani – also known as Mathy – in 1985 and the restrictions on love and marriage for LTTE cadres were loosened compared to the early days of the insurgency (Swamy 2003). There is, however, quite some controversy on the notion of the 'armed virgin' and the respective roles of female subjugation and empowerment in the LTTE nationalist armed struggle (see i.a. Coomaraswamy 1996, de Alwis 1998, Balasingham 2001, Frerks 2016, Sumathy 2004).
8. Interview code: KI 05 – Trinco.
9. Interview code: KI 17 – Jaffna town.
10. 'Vanni', sometimes spelled as 'Wanni', is used as a term for the mainland districts of the Northern province, namely Kilinochchi, Mannar, Mullaitivu and Vavuniya. The other district of the Northern province, Jaffna, is a peninsula. The term is often used (in interviews and in contemporary literature) with reference to the LTTE-controlled areas in the Northern Province, excluding the Jaffna peninsula.
11. Some geographical areas were under full LTTE control, but over the course of the various Eelam Wars frontlines and control over territory did shift back and forth, particularly in the East (Gaasbeek 2010, pp. 132–133). In some periods this resulted into a patchwork of LTTE-controlled territories, grey areas, government-controlled territories (Gaasbeek 2010, pp. 132–133, Korf *et al*. 2010, p. 393). These frontlines were not always fixed as the LTTE would generally move in during the night time when the Sri Lankan forces withdrew to their camps. In other words, the LTTE rule and opportunities to govern were not necessarily homogenous across time and space (Korf *et al*. 2010, Terpstra and Frerks forthcoming).
12. Interview code: 3 – NA3.
13. As several respondents in Batticaloa remarked: 'they were reigning with the gun, so what could we do, it was our fate'.
14. Interview code: 23 – NC7.
15. Interview code: KI 17 – Jaffna town.
16. Interview code: KI 08 – Batticaloa district.
17. Interview code: KI 13 – Batticaloa district.
18. Interview code: KI 13 – Batticaloa district.
19. Ibid.
20. See Brun's discussion of Anton Balasingham's book War and Peace: Armed Struggle and Peace Efforts of Liberation Tigers. Balasingham claimed this book to be 'the definitive history of the LTTE's political struggle' (Brun 2008, pp. 405–408).
21. Interview code: 27 C1 – Kinniya.
22. A general attitude that we observed during our fieldwork in the Northeast was: 'as a Tamil person I could not be against them, although I did not necessarily agree with them'.

23. Interview code: KI 17 – Jaffna town.
24. Interview code: 2.4 – Pudukuduyirippu.
25. Interview code: 29 – C3.
26. Interview code: 23 – NC7.
27. Interview code: 30 – C4.
28. Interview code: 34 – C8.
29. Interview code: KI 20 – Jaffna town.
30. Interview code: 3.2 – Kilinochchi.
31. Interview code: – 22 NC06 – Mullaitivu.
32. Interview code: 10 NB2 – Mankulam.
33. Interview code: KI 05 – Trincomalee town.
34. Ibid.
35. Ibid.
36. Interview code: 15 – NB7.
37. Respondent 'Anthony' in Thiranagama (2011, p. 56).
38. Interview code: 2016 – K05. In Tamil polite speech requires use of the plural when a younger person addresses an older respected person.
39. Interview code: 2016 – K05.
40. Though it has to be noted that this was not a particular policy of the LTTE. Throughout the various community groups in Sri Lanka it is generally not strongly encouraged by the family to marry outside one's own ethnic group, caste or religion.
41. Interview code: 2016 – K01.
42. Ibid.

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# CHAPTER 7

# Article IV - Rebel Governance, Rebel Legitimacy, and External Intervention: Assessing Three Phases of Taliban Rule in Afghanistan

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# Rebel governance, rebel legitimacy, and external intervention: assessing three phases of Taliban rule in Afghanistan

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

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**KEYWORDS** Rebel governance; rebel legitimacy; external intervention; Taliban; Afghanistan

## Introduction

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

This article, therefore, focuses on how the Taliban has become involved in governance and how it has attempted to acquire legitimacy. Several authors have investigated questions of rebel governance and legitimacy over the past

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



The dynamics of rebel governance and rebel legitimacy, however, do not exist in isolation from other powerful actors. The actions/responses of the state are relevant to the analysis of rebel legitimacy as well.[6] Powerful external actors may also influence the relations between armed groups and civilians.[7] Much research has been devoted to the effects of external support to rebel groups[8] and the attempts of rebel groups to acquire international legitimacy and/or recognition.[9] In this article I shift the perspective and demonstrate how powerful external actors that support the incumbent government shape (though less directly) the dynamics of rebel governance and rebel legitimacy. The presence of foreign enemy forces is an important source of legitimacy for rebel groups and has remained relatively under-studied in the literature on rebel governance.

Rebel legitimacy is a function of present-day events but also of prior armed conflicts and societal tensions. As Schröder and Schmidt observe, 'the most important code of the legitimation of war is its historicity.'[10] In other words, the 'symbolic meaning of prior wars is re-enacted and reinterpreted in the present, and present violence generates symbolic value to be employed in future confrontations.'[11] It is therefore necessary to study rebel governance and legitimacy from a longitudinal perspective. Whereas current sources of legitimacy, such as service provision and protection, are an important part of the analysis, the legitimizing effect of prior events, and external interventions in particular, require further scrutiny. Omitting historical sources of legitimacy may lead to an incomplete understanding of rebel groups' legitimacy.

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

Previous research regarding the historical trajectory of the Taliban takes different positions in terms of continuity and change. As Ruttig notes, for

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

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

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

## Rebel governance and legitimacy during civil war

### *Rebel governance*

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

the conditions of civil war do not necessarily result in 'ungoverned spaces.'[19] Sometimes previous governance practices continue, and in other instances new governance practices emerge.

As Kalyvas notes, insurgency can be understood as 'a process of competitive state building.'[20] To gain a better understanding of the relationship between rebels and civilians during civil war, the concept of governance should not be understood as the prerogative of a formal government. I agree with Rosenau and colleagues (1992) and view governance as a more encompassing phenomenon. Governance embraces informal, non-governmental mechanisms of persons and organizations as well as formal institutions.[21] According to Kasfir, rebel governance is, at a minimum, 'the organization of civilians within rebel-held territory for a public purpose.'[22] As I define it, governance contains no prescriptive implications; it is comprised of the conduct of rebel-civilian relations regardless of morally good or bad behavior or treatment by either side.[23] Previous studies show how armed groups are involved in various governance sectors, including security, justice, education, health care, taxation, and utility services.[24] In this article I focus on the Taliban's two main governance sectors: justice and security.[25]



Changes regarding external involvement can create incentives for armed groups to become more prominently involved in governance.[26] After the withdrawal of external troops, power vacuums can emerge, which armed groups may exploit. In Sri Lanka, for example, the Liberation Tigers of Tamil Eelam (LTTE) suddenly controlled of much of the northern territories after the Indian Peace Keeping Forces (IPKF) withdrew in 1990. The Northern Jaffna peninsula came under full rebel control, and became the first locality that was *de facto*-governed by the LTTE.[27] The vacuum that external political actors leave behind provides opportunities for rebels to govern.[28]

## *The dynamics of rebel legitimacy*

### *Rebel groups and civilians*

Rebels that are involved in governance cannot take their relationship with the civilian population for granted. The dynamics of legitimacy are in a permanent state of contestation.[29] Even rebel groups that rely mainly on coercion to implement their rule may pursue legitimation practices to increase civilian compliance. According to Suchman, legitimacy is a 'generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions.'[30] Despite the absence of juridical legitimacy or international recognition, rebel groups may hold a level of legitimacy among a particular constituency.[31] While external legitimacy – i.e., how a rebel group is viewed and treated in the international arena – is an important element, particularly for secessionist movements,[32] I largely confine my analysis to the relationship between rebels and civilians but take into account external actors that support

the incumbent government as this influences the legitimation practices of the Taliban vis-à-vis civilians.

For analytical purposes, I distinguish two forms of rebel legitimacy, but I acknowledge that these forms of legitimacy may empirically overlap and intertwine. These two forms of legitimacy are pragmatic and moral legitimacy. Pragmatic legitimacy is based on the provision of services, protection, or even a willingness to share power, while moral legitimacy is based on 'narratives of goodness, compatibility with existing norms and moral codes,' and, for example, 'explicitly referenced against religion or ethnicity.'[33]

Pragmatic legitimacy includes the provision of basic services, sometimes referred to as 'delivery-based legitimation.'[34] Pragmatic legitimacy can also be based on the rebel group's ability to provide protection or a relatively stable social and political order. Especially in countries racked by civil war, the capacity of an armed organization to offer protection and stability is important to civilian populations.[35] Moral forms of legitimacy refer to a broader set of social norms and moral codes in society. As Schlichte and Schneckener note, rebels' claims to legitimacy are often tied to encompassing ideologies or worldviews.[36] This includes, for instance, religious ideas of a political order. Moreover, rebels' claims to legitimacy are often rooted in 'communal myth-symbol complexes,' popular belief systems, traditions, and cultures.[37] Furthermore, moral claims to legitimacy are often made in reference to external threats and established enemy depictions. By portraying the enemy as 'particularly brutal, inhuman and evil, the armed group aims not only to create solidarity but also to present itself and its violent actions as necessary, appropriate and comparatively less destructive.'[38] Crucially, without the recognition of followers, the legitimacy of a movement or its ideas does not exist.[39] Like the concept of power, rebel legitimacy is a relational notion, not a fixed attribute.[40]

### *Incumbent governments' responses*

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

### *Powerful external actors*

Powerful external actors affect the dynamics of rebel legitimacy too.[44] Some provide external support to rebel groups, such as military, moral, political, or

material support.[45] In this article, however, I focus on powerful external actors that side with the incumbent government. The intervention of the Soviet Union and the intervention of the coalition forces have been important factors fostering armed resistance over time.[46]



## Methodology

This article presents three case studies of rebel governance and legitimacy corresponding to three phases of Taliban rule. The first two phases are mainly based on document research. I relied on the vast amount of literature on the Taliban movement and the contemporary political history of Afghanistan. The third phase is mainly based on empirical evidence from fieldwork. Accordingly, this article combines a literature-based macro perspective with a more empirical micro perspective to connect past and present forms of Taliban rule.

The findings are partly based on various fieldwork trips by the author to Afghanistan since 2013. I conducted fieldwork in Kunduz province and Kabul in 2013 and 2016 in collaboration with various Afghan research organizations. In 2013, a total of 99 structured interviews were held with community members, militiamen, local elders, *jirga/shura* members, civil society representatives, Afghan Local Police (ALP) officers, and Afghan National Police (ANP) officers in Kunduz. On the German-led Provincial Reconstruction Team (PRT)[47] in Kunduz, I conducted in-depth interviews with police trainers, military staff, diplomats, and NGO workers. During the fieldwork conducted in 2016, I interviewed various analysts, NGO workers, diplomats, military staff, and informants from Kunduz and Kabul.

The latest set of interviews dates from late 2018. I cooperated with The Liaisons Office (TLO) in Kabul, and we developed a structured questionnaire with open-ended questions in order to investigate the experiences of civilians under Taliban rule. Researchers from TLO who were originally from Kunduz province conducted 20 structured interviews with civilians who lived under the direct control and/or influence of the insurgency in Chahar Dara district, Kunduz province. The themes covered during these interviews were the implementation of the Taliban's rule, modes of governance, governance interactions, service provision, and symbolism. Throughout 2018, local sources living under Taliban rule in Kunduz province were consulted to corroborate specific findings from interviews and open-source data. This sample of respondents is certainly not representative of Kunduz province or the population of Afghanistan. Nevertheless, the data provide unique insight into daily civilian life under Taliban rule. The data come with several limitations that should be kept in mind.[48] The triangulation of different sources has reduced but not eliminated these methodological concerns. The article proceeds with the analysis of the three selected phases of Taliban rule: early insurgency (pre-1996), semi-recognized statehood (1996–2001), and post-2001 insurgency (2001–2019).

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

### *Context of resistance: early Taliban 'fronts'*

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

The newly established PDPA regime was not only interested in ruling the country but was also keen to transform Afghanistan by revolutionary policies of land reform, education reform, and changes in family law.[54] The revolutionary regime of the PDPA attempted to clear the country of religious elements and opposing forces, including traditional landowners, the old military establishment, and the Islamic clergy.[55] The regime rejected the country's traditional Islamic symbols of legitimacy by striking religious salutations from government speeches and decrees, and it changed the color of Afghanistan's flag to red.[56] Overall, the regime legitimized its policies in Marxist terms.

From the beginning, revolts against the PDPA involved religious motives and, occasionally, religious forms of organization.[57] Prior to the 1979 Soviet invasion, the PDPA regime faced resistance since it was seen by many Afghans as 'godless' (*kafer*), but after the Soviet invasion, a nationalist element gained more prominence: the fight against an 'illegitimate foreign occupation'.[58] Hence, a crucial element in the mobilization of the broader public and its religious clergy was the arrival of Soviet troops in 1979–1980.[59] Overall, both Islamic resistance and nationalistic resistance were apparent in the 1970s and 1980s even before the Taliban existed as a separate movement.

What became known as the Taliban movement emerged from religious networks that were part of the wider resistance in the 1980s.[60] The primary motivation of the *mujahedeen* groups and the first-generation Taliban among them can be described as political and based on religious infrastructure. In the 1980s, the Taliban, led by their religious teachers, did not yet constitute a separate movement as we know it at the present time, but so-called 'Taliban

fronts' already existed amongst the *mujahideen*.[61] Early incarnations of these Taliban fronts were primarily *mullahs* leading their students[62] – *taliban* – as commanders.[63] These fronts consisted of madrassa- or mosque-centered networks. The Taliban fronts distinguished themselves from other *mujahedeen* groups by a more radically devoted form of religious *jihad*.[64] The ideologically heterogeneous resistance was re-interpreted as *jihad* after Pakistan officially and exclusively recognized seven Sunni Islamist resistance movements, known as the Peshawar Seven,[65] that exclusively received Western and Arab financial support.[66] The American Central Intelligence Agency (CIA) subcontracted its financial contributions through Pakistan's Inter-Services Intelligence (ISI), the country's main intelligence agency. The CIA's covert actions empowered the more radical factions of *mujahideen*, largely at the direction of the ISI.[67]

### Traces of governance and legitimacy during the Taliban fronts

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

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

### Soviet withdrawal and political fragmentation

The withdrawal of the Soviet Union in 1989 created a power vacuum. Political fragmentation and continued violence characterized the 1989–1994 period. Afghanistan descended into a brutal civil war between rivalling *mujahideen*

groups and other strongmen.[74] The war against the Soviet Union had already lasted for ten years, and its impact on Afghan society was severe. An estimated one to two million Afghans were killed during the war, and land mines and indiscriminate bombing injured hundreds of thousands more.[75] Hence, a whole generation grew up as refugees or as fighters.[76] With the Soviet Union gone, much of the territory was open to armed opportunists and radical preachers.[77] Local armed groups continued to fight over land, water sources, and mountain passes at different localities.[78] The various *mujahideen* groups became either players in the battle for Kabul or localized armed actors.[79] The multitude of commanders increasingly tolerated their fighters to loot and rape the civilian population, partly due to their inability to pay salaries and as an incentive to keep them fighting.[80]

The key individuals that would eventually establish the Taliban as a separate movement in 1994 were relatively passive between 1989 and 1994.[81] Those who would come to form the senior leadership after 1994 used to be village *mullahs* or worked in religious education and therefore returned to their home villages or original *madrassas*.[82] Some *mujahideen*, however, reconvened in 1993 and 1994 to discuss the chaotic situation in Kandahar. As Mullah Abdul Salam Zaeef – a key Taliban figure – interpreted the situation in early 1994, 'all over Afghanistan people faced the same situation; the entire province of Kandahar was crawling with rogue commanders and bandits lingering along the roads and cities.'[83] Allegedly, several *mujahideen* who operated in the earlier Taliban fronts approached Mullah Omar in 1994 with the request to respond collectively to the dire situation in Kandahar and other areas.[84] The founding meeting of what became the Taliban movement as we know it today took place in autumn 1994.[85]

The initially fragmented political landscape of the civil war slowly transformed from 1994 onward due to the battlefield successes of the Taliban. By 5 November 1994, Taliban fighters had taken over Kandahar city. Initially, the Taliban's actions were reactive and not based on long-term goals.[86] The movement, however, gained momentum and expanded from Kandahar province to Zabul, Helmand, and Uruzgan. It captured Herat in September 1995 and Jalalabad and Kabul in September 1996. The Taliban continued to target 'warlords who were deemed responsible for much of the destruction, instability, and chaos that plagued the country since the outbreak of the civil war.'[87] An anti-Taliban front formed too late and was far from monolithic as its members kept subverting one another.[88] These rivalries rendered the opposition relatively ineffective even after Kabul fell to the Taliban.[89]

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

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

### *Phase one findings*

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

## The Islamic Emirate of Afghanistan (1996–2001)

### *The Taliban captures Kabul, proclamation of the IEA*

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

### *Governance during the IEA*

The increased territorial control put the Taliban in a position to become more involved in governance.[94] During the IEA, the Taliban formed a two-track governance system, including a political–military leadership council based in Kandahar called the Supreme Council and an executive Council of Ministers in Kabul.[95] While the Supreme Council represented the Taliban as an insurgency, the Council of Ministers reflected the Taliban's efforts to transform into a state structure.[96] The Islamic clergy played a central role in the Taliban. In that sense, the Taliban's aspirations to govern marked a sharp break with long-standing Afghan political traditions. Despite the fact that religion had always played a significant role in Afghan politics, Muslim clerics had always functioned as servants of the state rather than its leaders.[97] Given the role of the *mullahs* in the resistance against the Soviets, the clergy rose from 'social inferiority to a position of political power.'[98] That system of governance built on the unofficial power that *mullahs* already possessed: 'the power of the sermon.'[99] The position of *mullahs* strengthened when the Taliban regime turned them into the 'eyes and ears' in the villages and started to emphasize the collection of *ushr* and *zakat*, the religious taxes that traditionally made up the *mullahs*' income.[100]

Although the Taliban has always claimed to implement *sharia*, there is an underlying ambiguity regarding its interpretation. As Otto notes, 'Like its counterpart "Islamic law" the term "sharia" is surrounded with confusion between theory and practice, between theological and legal meanings, between internal and external perspectives, and between past and present manifestations.'[101] There is not one static and uncontested *sharia*. There have been different interpretations throughout time, in various countries, and from various positions – e.g., lawmakers, judges, religious scholars, religious leaders, and academics.[102] In fact, all Afghan constitutions except the Constitution of 1980 already endorsed the supremacy of *sharia* in Afghanistan, but the Taliban's interpretation of *sharia* was different from that of previous regimes.[103]

During the IEA, the Taliban established its religious police, deployed by the Taliban's so-called Department for the Promotion of Virtue and the Prevention of Vice.[104] This department 'was given unlimited authority for the enforcement of all decrees issued by the Taliban Government.'[105] Its enforcement had a strong effect on public life, particularly for women. As Rashid notes, 'An announcement on Radio Kabul on 28 September 1996 stated that "thieves will have their hands and feet amputated, adulterers will be stoned to death and those drinking alcohol will be lashed." TV, video, satellite dishes, music, and games, including chess and football, were pronounced un-Islamic.'[106]

Particularly women were discriminated against and severely constrained by the IEA regime. The regime essentially controlled every aspect of women's behavior both in the private and public sphere.[107] As explained by Yassari and Saboory, women were

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



According to Edwards, the Taliban 'forced women in territory under their control to wear the burqa, the traditional Afghan head-to-toe veil that has a small patch of gauze over the eyes. They have declared that Saudi-style veils, which do not cover the eyes, are not allowed.'[109] The Taliban excluded women from all public places and enforced a strict code imposing the veiling and seclusion of women, and it banned all forms of entertainment.[110]

The IEA's implementation of the law stood in stark contrast with that of the communist regime and with the norms and values of large segments of the population. As Yassari and Saboory explain,

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

During the IEA, the Taliban enforced a religious regime with a severe and coercive interpretation of *sharia*.[112] This included a violent display of public punishments, coercing the population to follow the rules that, among others, prohibited music, shaving beards, and flying kites and ordered the exclusion of women from public life.[113] Viewing themselves as custodians of Islamic justice, the Taliban courts were an important institution to materialize the Taliban's vision.[114] Its implementation of *sharia* through the *mullahs* had not been so prominent in the past because the Afghan state had assumed some of these functions.[115] Now that the Taliban had captured state institutions, it implemented its rules more widely and comprehensively.

## *Legitimacy during the IEA*

### *Pragmatic forms of legitimacy*

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

> The commanders of the Taliban forces in Mazar-e Sharif did not stick to the agreement to share power with Malek Pahlawan and immediately introduced their interpretation of *sharia* law in the city instead. The Taliban soldiers closed the city's school as well as the university and tried to completely disarm all North Alliance militias, including Malek's. When some Wahdat units[118] resisted, an uprising against the Taliban broke out in one of the Hazara quarters and quickly seized the entire city. On 29 May, 1,000 to 1,500 Taliban soldiers were killed and nearly 3,000 captured.[119]



To give another example, on 17 October 1996, over one hundred women in Herat protested against the closure of bath houses.[120] The women were beaten and arrested by the religious Taliban police, and men were warned to keep their women inside their houses.[121]

### *Moral forms of legitimacy*

In April 1996, only a few months before the Taliban was able to capture Kabul, approximately 1,500 Islamic scholars from across Afghanistan gathered to meet. During this gathering, the Taliban's leader, Mullah Omar, was proclaimed the *Amir ul-Mu-mineen* ('Commander of the Faithful').[122] The proclamation aimed to project the universal nature of the movement that transcended tribal and ethnic divisions.[123] In its commissioned national anthem, the Taliban made no strong ethnic or Pashtun allusions; instead, it chose 'to refer to Islamic or other national symbols.'[124] The claimed legitimacy of the movement and its leadership was derived from Islam and was presented as standing in the tradition of previous caliphates.[125] The religious and political institutions merged into one person and one institution. As Strick van Linschoten explains, 'some of the most symbolic and powerful/potent moments and statements from during the Taliban's rule come when the distinction was blurred; Mullah Mohammad Omar's assumption of the title amir ul-mu'mineen is perhaps the best example of this – a mosque was the site of what was directly a merger between religious and political spheres of activity.'[126]

However, based on religious claims and sources, the Taliban's rule was not necessarily perceived as legitimate by the general public. Coercion strongly underpinned the Taliban's Emirate, which makes it questionable whether the extreme interpretations of religious sources attracted approval from the population.[127] Ibrahimi elaborates in that regard:

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

Moreover, in terms of legitimacy, the remaining perception of favoritism towards ethnic Pashtuns was a problem for the Taliban. The Taliban's

ideology potentially allowed the movement to overcome ethnic, political, and regional barriers, but in practice it failed to expand its core leadership beyond its parochial Pashtun base throughout these years.[129] As Ibrahimi explains,

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

In a similar vein, Edwards's study indicates that the Taliban specifically encountered resistance from non-Pashtun communities. Most non-Pashtun groups showed 'little willingness to relinquish their hard-earned autonomy.'[131] Moreover, the

> ... determination of the Taliban to impose their morality throughout the country ... further alienated groups with different and often considerably more liberal traditions (for example, with regard to female veiling and the right of individuals to worship as often and with whom they please) than those of the conservative and conformist Taliban.[132]

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

### Phase two findings

Although the Taliban proved to be militarily superior to its opponents during the 1990s, the movement faced several challenges once it was put to the test of governing the country. The Taliban was initially hailed for restoring order and security. Locally, this gave them a measure of pragmatic legitimacy. However, as the Taliban expanded its reach throughout the country, it became clear that its social and religious policies encountered fierce

resistance, particularly in larger cities and within non-Pashtun communities. Moreover, an essential form of moral legitimacy disappeared during this phase due to the lack of a clear external enemy.

## A return to ruling as insurgents (2001–2019)



Below, I discuss the third phase: the post-2001 insurgency. This analysis combines a macro perspective with a micro perspective of Chahar Dara district in Kunduz province.

### *US-led intervention, the Taliban reverts to insurgency mode*

After the US and its allies ousted the Taliban regime from power in 2001, the Taliban leadership went into hiding, watching the events in Afghanistan unfold. The Taliban initially contemplated an inclusion in the new political system, but that seemed impossible given the US 'no talks with terrorists' policy.[136] Instead, the Taliban reverted to a strategy of insurgency. As early as April 2002, Taliban messaging re-appeared in Afghanistan in the form of night letters and leaflets, in which the movement called upon the population to resist the new Afghan government and its international allies.[137] By mid-2003, the Taliban leadership had regrouped in Quetta, Pakistan. This is where the Rhabbari *shura*, also known as the Quetta *shura*, was established.[138] Based on a regional command structure, the initial council members were responsible for specific regions in Afghanistan.[139] During the resurgence phase of 2003 until 2005–2006, the Taliban re-emerged in most areas of Afghanistan.[140] In the first years, the structure transitioned from a state-like structure with ministries, a sub-national administration, and a security apparatus back to an insurgent or guerilla movement without a 'liberated zone' in which to establish a parallel government. Gradually, however, as its territory expanded, the Taliban became more involved in governance again.[141]

### *Governance during the post-2001 Taliban insurgency*

With fluctuations over time, the movement controlled more territory and re-established a parallel administration with provincial and district governors, judges, police, and intelligence commanders and a system of taxation.[142] Through its shadow judiciary and governors, the Taliban increasingly filled political spaces and regulated daily life in insurgent-controlled and contested territories.[143] The key development in governance has been the re-establishment and expansion of the Taliban's shadow judiciary.[144] By 2003, some of the Taliban courts had already re-emerged, though these were initially mainly reactive bodies that held sessions for specific events and issues.[145] If we consider Kunduz province, for instance, the Taliban judiciary was one of the main

mechanisms that resolved judicial cases by 2018, but the exact figures are unknown.[146] Due to increased territorial control in Kunduz province, the Taliban judiciary expanded its reach.[147] A respondent from Chahar Dara confirmed that the 'Taliban has courts and judges, who resolve disputes based on Islamic Sharia and rules,'[148] and another respondent noted,

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

In a recent study by the Afghanistan Analyst Network (AAN) in Dasht-e Archi district of Kunduz province, most respondents agreed that 'the Taliban "out-govern" the Afghan administration particularly in the justice sector in addressing disputes among local people.'[150] This is not because the Taliban judiciary system is perfectly organized but because the government justice system is essentially paralyzed, operating remotely from Kunduz city.[151] Locals tend to take their cases to Taliban courts because cases are generally 'adjudicated faster, without corruption and with satisfactory outcomes.'[152]

The Taliban continues to implement its interpretation of *sharia*. According to one of the respondents, the Taliban 'make people pray on time in order to stay in accordance to Sharia. [The Taliban] impose the veil, *Chadari* [burqa], on women in order to avoid *bi Hejabi* [unveiling]. Another example of their imposition is the prevention of people from playing music in their marriage parties. They even prevent the use of dollar currency.'[153] Another respondent noted that the Taliban 'prohibits youths to have smartphones. If anyone gets caught with a smartphone, the Taliban would severely punish that person.'[154] Another respondent mentioned that the Taliban representative in his village 'behaves respectfully with people and tries his best to resolve disputes. However, he hates government employees and always preaches that government employees are working for foreign infidels. When Taliban members commit a wrongdoing, he usually ignores the issue.'[155]

## *Legitimacy during the post-2001 Taliban insurgency*

### *Pragmatic forms of legitimacy*

Continuing its efforts from the IEA, the obvious area for the Taliban to rebuild its political legitimacy after 2001 was its judiciary.[156] It has used the judiciary to legitimize itself, condemning the corruption in the Afghan state and providing an alternative. Weigand indicates that the ability to resolve disputes is one of the main sources of legitimacy for the Taliban.[157] According to Weigand, 'What matters much more [to the people] is the perception of the

Taliban as being less corrupt than the state.'[158] Similarly, a respondent in my study explained, 'We do not have any issue with any group; the government and the Taliban do not differ much for us. We want a governing body that can keep people secure, and it should be in accordance with Islam. Otherwise, we have no problem with them; we just want peace.'[159] A Pashtun farmer from Chahar Dara noted, 'People like that there is no robbery … in this Taliban-controlled area.'[160] Similar to other insurgent courts, the Taliban courts act as a measure of legitimacy and reach as well as an instrument used to extend and entrench that legitimacy.[161]

### *Moral forms of legitimacy*

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

As in the earlier timeframes, the Taliban's policy has been to re-establish an Islamic system based on its interpretation of *sharia*. As Johnson notes, 'The Taliban continue to use Islamic piety, based loosely on the strict dogmatic Deobandi interpretation of Islam, to construct a jihadist image that evokes righteousness and greater justification to their violent anti-government military campaign.'[166] The Taliban's perspective continues to be that all Muslims have a duty to protect their religion if it is threatened.[167] A 23-year-old farmer in Chahar Dara echoed the Taliban's interpretations and his own perceived religious duty: 'We are Muslims and follow the holy Quran. Islam mandates us to stop the current corrupt government and withstand foreigners who intend to destroy our country and distance us from Islam.'[168] Others do not share the Taliban's religious interpretations and note, for example, that 'the Taliban have provided wrong interpretations of Jihad to locals, and they have brainwashed people through politicizing Islam and portraying a violent understanding of Jihad.'[169] In a similar vein, a 43-year-old Pashtun school teacher from Chahar Dara stated, 'We are all Muslims, and we know what Islam is, the principles have been taught to us … The Islam that Taliban represents is not the true one; they are extremists, while Islam in every aspect of life always encourages people to choose moderation. This is the reason people do not

always follow the rules that are enforced by the Taliban.'[170] According to a 28-year-old Uzbek from Chahar Dara, 'People have different opinions regarding the truth or falsehood of Taliban rules. Many believe the rules to be in compliance with Islam since they are uneducated and have insufficient religious knowledge. Meanwhile, the majority thinks that the current state is corrupt and non-Islamic, a sufficient reason that provokes many to fight against it.'[171] Regarding the rightfulness of the Taliban's interpretation of *sharia* and Islam in general, the expressions of the respondents oppose one another.



A common religious symbol employed by the Taliban is its white flag with black text. As one of the respondents noted, 'The only thing about Taliban that is common everywhere is their flag.'[172] Usually the flag is inscribed with the *shahadah*, the Islamic profession of faith, but sometimes it reads 'Islamic Emirate of Afghanistan.' Since 2001, the Taliban has focused more on this outlook. As Osman notes,

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

Furthermore, the Taliban uses *shabnameh*, the so-called night letters.[174] As Johnson explains, night letters 'have been a traditional and common instrument of Afghan religious figures, jihadists and rebels to encourage people, especially (but not exclusively) rural populations to oppose both state authority and regulations.'[175] Common symbolism the Taliban uses in these night letters and other correspondence include stamps of the Islamic Emirate of Afghanistan.[176] The stamps indicate the formal nature of the documents issued by Taliban representatives, such as local imams. As a respondent pointed out, 'the Taliban have a particular stamp that they use to validate their letters.'[177] Similarly, a 28-year-old Uzbek respondent noted, 'Local imams also have stamps. Once, I went before a governor to address a problem. He asked me for a letter from the mosque imam confirming that I was a resident of Chahar Dara. When I referred to the imam, he issued the letter and stamped it, confirming me as a resident of the district. The stamp is credible in all commissions and Taliban-related offices.'[178] A 35-year-old Pashtun farmer noted, 'The Taliban uses its own paperwork, such as summoning letters.'[179] Johnson emphasizes in his study on Taliban night letters that it is nearly impossible to evaluate how the Taliban's night-letter campaign has contributed to support for the Taliban, but he indicates that 'Taliban narratives have clearly resonated' and 'where their messages have not resonated with the populace, the Taliban has compensated by waging an effective intimidation campaign.'[180]

In the post-2001 timeframe, the Taliban has learned from earlier strategic misjudgments and tends to be more inclusive towards non-Pashtun communities. Particularly in the North, the Taliban has included different ethnicities. In Badakhshan, for instance, the Taliban started to recruit and install non-Pashtuns in key provincial positions and as fighters.[181] This is remarkable since Badakhshan was a stronghold of long-term Taliban rival Ahmad Shah Masoud and a province that was not conquered during the IEA regime before 2001. As Ali notes, 'From 2008, and in sharp contrast to behaviour exhibited during the Taleban regime (1994–2001), the Taleban leadership council offered most local posts to this new generation of local Taleban, instead of merely using Badakhshani recruits from Pakistani madrassas as foot-soldiers.'[182] The Taliban has often been characterized as a Pashtun movement, but currently it is more accurately a movement with many Pashtun members.[183]

Finally, in several of the interviews, the practice of bacha bazi[184] was mentioned. There is no clear legal definition of bacha bazi, but it generally refers to 'local powerful individuals keeping one or more boys, typically between 10 to 18 of age, for use as bodyguards, servants, dancers, and for sexual exploitation or other forms of harassment.'[185] Bacha bazi involves men in positions of power who exploit, enslave, and abuse young boys sexually or for entertainment.[186] Not every police chief is involved in bacha bazi, but it is a common practice.[187] Bacha bazi seems most prevalent in northern Afghanistan, where it is associated with local militias and state security commanders.[188] Human Rights Watch reported that perpetrators of the sexual abuse of boys are rarely prosecuted, which can be partly explained by taboos regarding the issue, but is primarily 'because the perpetrators are often members of powerful militias or have the protection of state security forces.'[189]

Based on the perceptions of the respondents, the Taliban positions itself as an organization that effectively counters bacha bazi and other 'forbidden practices.' A Pashtun farmer from Chahar Dara noted, 'People like that there is no robbery, that there is no gambling in this Taliban-controlled area. There is no bacha bazi. People's sons are not taken by force for bacha bazi because some government commanders take underage boys by force to their checkpoints where they sexually abuse them.'[190] Similarly, another farmer from Chahar Dara noted, 'bacha bazi is a very bad thing; it is not allowed by the Taliban. People love and support the Taliban for stopping bacha bazi. In the same way, people hate the government for being involved in bacha bazi, because we know that almost each commander of the police has one or more boys who they use for dancing and for sex.'[191]

Already during the 1990 s the Taliban opposed the practice of bacha bazi as one of its claims to a legitimate authority, and it continues to do so.[192] The Taliban deliberately refers to the actions of the Afghan security forces and pro-government militias as a source of its own legitimacy and uses them to justify its own policies.

### *Phase three findings*

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

## Conclusions

This article has made empirical and conceptual contributions. Empirically, it has shown that both pragmatic and moral forms of legitimacy have been relevant throughout these three phases of Taliban rule. In terms of pragmatism, the Taliban's ability to create a relatively safe and stable environment and to adjudicate disputes has been a legitimating factor for the movement. As Roy noted, if an actor in the context of the Afghan state appears as a relatively honest broker between local factions, clans, tribes, and ethnic groups, even if some are more favored than others, it can be a major source of legitimacy.[193] This finding also underpins Weigand's observation that 'the people's immediate concern is having any rule of law – regardless of its ideological sources.'[194] Moral sources of legitimacy, however, have certainly not been irrelevant. The Taliban's narrative of a 'justified' struggle in the name of Islam and against external interference has provided them with a level of legitimacy as well, particularly in reference to external forces. Overall, the moral forms of legitimacy were more prominent during the presence of external forces, while pragmatic forms became more prominent following their withdrawal and during periods of the Taliban's opponents' ineffective governance.

Complementary to the existing literature, this article has demonstrated the value of a longitudinal perspective on rebel governance and legitimacy. The post-2001 Taliban insurgency was not new to governing; it used prior networks, claims, and experiences. Several claims to legitimacy and policies continued albeit with small adjustments based contextual changes. Understanding rebel governance and legitimacy, therefore, also requires researchers to consider the contemporary history of armed conflict. As Schroder and Schmidt previously noted, the 'symbolic meaning of prior wars is re-enacted and reinterpreted in the present.'[195] During the Soviet timeframe, the pre-Taliban fronts mobilized based on a perceived legitimate struggle against an external

enemy that invaded Afghanistan. In the post-2001 timeframe, the foreign-enemy image re-appeared in the form of the international coalition forces. Together with the corruption and ineffective governance by the state, the narrative of a nationalistic and 'necessary' armed resistance has been revived.

Finally, this article has contributed to the existing literature by investigating how external intervention in support of the incumbent government affects the rebels' opportunities to govern and the dynamics of rebel legitimacy. It expands upon other studies that have either focused on external support for rebel groups or the strategies rebel groups employ to gain international legitimacy and/or recognition. External intervention has contrasting effects on rebel governance and specific forms of moral legitimacy. On the one hand, external intervention decreases the number of opportunities of rebel groups to govern; on the other hand, external intervention increases the potential resonance of moral forms of rebel legitimacy. The departure of external forces also has contrasting effects on governance and moral forms of legitimacy. Withdrawal can create more opportunities for rebel governance as it opens political space while simultaneously undermining specific earlier forms of moral legitimacy when the rebels had a clearly identifiable external enemy.

## Notes

1. Weinstein, *Inside Rebellion*; Mampilly, *Rebel Rulers*; Klem and Maunaguru, "Insurgent Rule"; and Hoffmann and Verweijen, "Rebel Rule."
2. Kasfir, "Rebel Governance."
3. Stel, "Governing the Gatherings," 20–30.
4. Schlichte and Schneckener, "Armed Groups and the Politics of Legitimacy"; Duyvesteyn, "Rebels & Legitimacy"; Schoon, "Building Legitimacy"; Terpstra and Frerks, "Rebel Governance and Legitimacy"; Worrall, "(Re-)Emergent Orders"; and Kasfir, "Foreword."
5. Terpstra and Frerks, "Rebel Governance and Legitimacy."
6. Schoon, "Building Legitimacy," 748.
7. Kasfir, Frerks, and Terpstra, "Introduction," 257.
8. O'Neill, *From Revolution to Apocalypse*, 142–48.
9. Huang, "Rebel Diplomacy in Civil War"; and Malejacq, "From Rebel to Quasi-State."
10. Schröder and Schmidt, "Introduction," 9.
11. Ibid., 9.
12. In general terms, the *mujahideen* can be characterized as a 'force of religious nationalists: communities – particularly those from rural areas – were motivated to participate in the jihad by religious fatwas sanctioning jihad, but also to protect their land, their villages, traditions and customs' (Strick van Linschoten, 2016, p. 112).
13. Ruttig, "How Tribal Are the Taliban?" 23–24.
14. Strick van Linschoten and Kuehn, *The Taliban Reader*, 1.
15. Edwards, *Before Taliban*; Barfield, "Establishing Legitimacy in Afghanistan"; Barfield, *Afghanistan*; Ruttig, "How Tribal Are Taliban?"; Strick van Linschoten

and Kuehn, *An Enemy We Created*; Strick van Linschoten and Kuehn, *The Taliban Reader*; Strick van Linschoten, "Mullah Wars"; Ibrahimi, "The Taliban"s Islamic Emirate of Afghanistan (1996–2001)"; Weigand, "Afghanistan"s Taliban"; Jackson, "Life under the Taliban Shadow Government"; and Johnson, *Taliban Narratives*.
16. Kalyvas, *The Logic of Violence in Civil War*, 5.
17. Kasfir, Frerks, and Terpstra, "Introduction," 259.
18. Kalyvas, *The Logic of Violence in Civil War*, 210–20.
19. Duyvesteyn et al., "Reconsidering Rebel Governance"; Kasfir, Frerks, and Terpstra, "Introduction," 258; and Murtazashvili, "A Tired Cliché."
20. Kalyvas, *Logic of Violence*, 218.
21. Rosenau et al., *Governance without Government*, 4.
22. Kasfir, "Rebel Governance," 24.
23. Kasfir, "Dilemmas of Popular Support in Guerrilla War," 4.
24. Mampilly, *Rebel Rulers*; Arjona, Kasfir, and Mampilly, *Rebel Governance in Civil War*; Duyvesteyn et al., "Reconsidering Rebel Governance"; Arjona, *Rebelocracy*; and Kasfir, Frerks, and Terpstra, "Introduction."
25. For a discussion on the Taliban's current involvement in other governance sectors, such as education and health care, or its taxation practices, see Jackson (2018).
26. Kasfir, Frerks, and Terpstra, "Introduction," 274.
27. Terpstra and Frerks, "Governance Practices and Symbolism," 1013.
28. See note 26 above.
29. Mampilly, *Rebel Rulers*, 56.
30. Suchman, "Managing Legitimacy," 574.
31. Terpstra and Frerks, "Rebel Governance and Legitimacy," 285.
32. Terpstra and Frerks, "Governance Practices and Symbolism," 1035–36.
33. Worrall, "(Re-)Emergent Orders," 715.
34. Schlichte and Schneckener, "Armed Groups and the Politics of Legitimacy," 418.
35. Kalyvas, "Promises and Pitfalls of an Emerging Research Program"; and Terpstra, "Statebuilding, Legal Pluralism, and Irregular Warfare."
36. Schlichte and Schneckener, "Armed Groups and the Politics of Legitimacy," 417
37. Ibid., 417.
38. Ibid., 417–18.
39. Kasfir, "Foreword," xiii.
40. Weber, *The Theory of Social and Economic Organization*, 359; and Kasfir, "Foreword," xiii.
41. Terpstra and Frerks, "Rebel Governance and Legitimacy," 281.
42. Ibid., 281.
43. Weigand, "Afghanistan"s Taliban," 376.
44. Huang, "Rebel Diplomacy in Civil War"; and Podder, "Understanding the Legitimacy of Armed Groups," 698–701.
45. See note 8 above.
46. Johnson, *Taliban Narratives*, 31–33.
47. The PRTs were invented by the United States. They generally consist of military compounds with military officers but also include diplomats and reconstruction experts who work together on reconstruction.
48. The security situation in Kunduz has been dire, particularly since the temporary fall of Kunduz city to the Taliban in September 2015. Common data collection challenges include the following: threats to the personal security of researchers

and respondents, scarcity of data, lack of monitoring of field surveyors, high staff turnover within research organizations, unsteady access to certain districts at certain points in time, incorrect expectations of researchers and respondents regarding data collection, multiple layers of interpretation in the data collection process, and social desirability in the answers of respondents.

49. Malejacq, "From Rebel to Quasi-State," 871.
50. Barfield, *Afghanistan*, 211.
51. Ibid., 215.
52. Johnson, *The Afghan Way of War*, 206.
53. Ibid., 207.
54. Barfield, *Afghanistan*, 225.
55. Safi, "The Afghan Taliban's Relationship with Pakistan," 14; and Barfield, *Afghanistan*, 225.
56. Barfield, *Afghanistan*, 225.
57. Ruttig, "How Tribal Are the Taliban?" 10.
58. Ibid., 10.
59. Strick van Linschoten and Kuehn, *An Enemy We Created*, 18.
60. Ruttig, "How Tribal Are the Taliban?" 11; and Safi, "The Afghan Taliban's Relationship with Pakistan."
61. Ruttig, "How Tribal Are the Taliban?" 11; Safi, "The Afghan Taliban"s Relationship with Pakistan," 15; and Strick van Linschoten and Kuehn, *An Enemy We Created*, 43–50.
62. 'Talib' literally translates to 'student." 'Taliban' or 'Taleban' is plural and translates to 'students.' *Mullahs* are religious leaders usually – at least at a very basic level – educated in Islamic traditions and Islamic law.
63. Strick van Linschoten and Kuehn, *An Enemy We Created*, 45.
64. Ibid., 45.
65. The Peshawar Seven included Hezb (Hekmatyar), Hezb (Hales), Jamiat (Rabbani), Harakat (Nabi Muhammadi), Ittehad (Sayyaf), Nejat (Mujaddedi), and Mahaz (Gailani) (Ruttig 2010, p. 11).
66. Ruttig, "How Tribal Are the Taliban?" 11.
67. Coll, *Directorate S*, 2.
68. Strick van Linschoten and Kuehn, *An Enemy We Created*, 46.
69. Giustozzi and Baczko, "The Politics of the Taliban's Shadow Judiciary, 2003–2013," 201; and Strick van Linschoten and Kuehn, *An Enemy We Created*, 47.
70. Strick van Linschoten, "Mullah Wars," 111.
71. Strick van Linschoten and Kuehn, *An Enemy We Created*, 46.
72. Ibid., 67.
73. Ibid., 43.
74. Johnson and Mason, "Understanding the Taliban and Insurgency in Afghanistan," 73.
75. Coll, *Directorate S*, 1.
76. Strick van Linschoten and Kuehn, *An Enemy We Created*, 66–67.
77. Coll, *Directorate S*; and Giustozzi, *Empires of Mud*.
78. Giustozzi, *Empires of Mud*, 50.
79. Staniland, *Networks of Rebellion*, 126–27.
80. Giustozzi, *Empires of Mud*, 83.
81. Strick van Linschoten, "Mullah Wars," 20.
82. Ibid., 20.

83. Zaeef, Strick van Linschoten, and Kuehn, *My Life with the Taliban*, 60–61.
84. Strick van Linschoten and Kuehn, *An Enemy We Created*, 114.
85. Zaeef, Strick van Linschoten, and Kuehn, *My Life with the Taliban*, 65. The Taliban movement garnered support of Pakistani authorities, but it was certainly not founded by Pakistan (Safi, 2018, p. 17). For example, alongside the inception of the movement in 1994, a Taliban office was opened in Quetta in Pakistan. One of the Taliban buildings there was used to 'recruit new fighters into the movement, another house was a place where injured Taliban were treated medically,' and a third building 'functioned as storage facility' (Safi, 2018, p. 18).
86. Strick van Linschoten and Kuehn, *An Enemy We Created*, 117.
87. Johnson and Mason, "Understanding the Taliban and Insurgency in Afghanistan," 74.
88. Giustozzi, *Empires of Mud*, 82.
89. Ibid., 82.
90. Giustozzi and Baczko, "The Politics of the Taliban's Shadow Judiciary," 203.
91. Giustozzi, *Empires of Mud*, 83.
92. Barfield, *Afghanistan*, 261.
93. Barfield, *Afghanistan*; Giustozzi, *Empires of Mud*; and Mukhopadhyay, *Warlords, Strongman Governors, and the State in Afghanistan*, 136.
94. Depending on the strictness of the definition, the Taliban ceases to be a rebel group or an insurgency once it capture the capital and the majority of Afghanistan's geographical territory. Nevertheless, for the sake of the longitudinal analysis in this article, I decided to expand the scope of the conditions and also consider the full timeframe of 1996–2001 a continuation of rebel governance and rebel legitimacy.
95. Ibrahimi, "The Taliban's Islamic Emirate of Afghanistan (1996–2001)," 947–48.
96. Ibid., 947–48.
97. Barfield, *Afghanistan*, 263.
98. Ruttig, "How Tribal Are the Taliban?" 12.
99. Ibid., 12.
100. Ibid., 12.
101. Otto, "Introduction," 23.
102. Ibid., 23–49.
103. Yassari and Saboory, "Sharia and National Law in Afghanistan," 312.
104. Edwards, *Before Taliban*, 302–3.
105. Yassari and Saboory, "Sharia and National Law in Afghanistan," 291.
106. Rashid, *Taliban*, 2000, 50.
107. Yassari and Saboory, "Sharia and National Law in Afghanistan," 292.
108. Ibid., 292.
109. Edwards, *Before Taliban*, 295–96.
110. Barfield, *Afghanistan*, 262.
111. Yassari and Saboory, "Sharia and National Law in Afghanistan," 292.
112. Ibrahimi, "The Taliban's Islamic Emirate of Afghanistan (1996–2001)," 955.
113. Rashid, *Taliban*, 2001, 303–4.
114. Strick van Linschoten, "Mullah Wars," 121.
115. Ibid., 121.
116. Barfield, "Problems in Establishing Legitimacy in Afghanistan," 288.
117. Barfield, *Afghanistan*, 261–63; and Weigand, "Afghanistan's Taliban," 363.
118. Hezb-e Wahdat is a political movement in Afghanistan. Like most Afghan political movements, it is rooted in the anti-Soviet resistance. Political

Islamism is its ideology, but it is mostly supported by ethnic Hazaras, who follow a Shia interpretation of Islam.
119. Wörmer, "The Networks of Kunduz," 22.
120. Rashid, *Taliban*, 2001, 163.
121. Ibid., 163.
122. Barfield, *Afghanistan*; Strick van Linschoten and Kuehn, *An Enemy We Created*. There is debate regarding why exactly this occurred (Strick van Linschoten and Kuehn, 2014, pp. 130–34). It was an important moment for the Taliban movement itself and how it was seen by the outside world. Some interpreted it as a sign that Mullah Omar was the legitimate person to establish an Islamic government in Afghanistan. Some Talibs who were present at the meeting allegedly stated that it served to diffuse internal rivalries within the movement, while others mentioned the push for Pakistani influence (Strick van Linschoten and Kuehn, 2014, pp. 131–33).
123. Strick van Linschoten and Kuehn, *An Enemy We Created*, 133.
124. Strick van Linschoten, "Mullah Wars," 101.
125. Strick van Linschoten and Kuehn, *An Enemy We Created*, 133.
126. Strick van Linschoten, "Mullah Wars," 27.
127. Barfield, "Problems in Establishing Legitimacy in Afghanistan."
128. Ibrahimi, "The Taliban's Islamic Emirate of Afghanistan (1996–2001)," 956.
129. Barfield, *Afghanistan*, 263.
130. Ibrahimi, "The Taliban"s Islamic Emirate of Afghanistan (1996–2001)," 955.
131. Edwards, *Before Taliban*, 301.
132. Ibid., 301.
133. Malejacq, "From Rebel to Quasi-State."
134. Barfield, *Afghanistan*, 263.
135. Ibid., 260.
136. Ruttig, "How Tribal Are the Taliban?" 19.
137. Strick van Linschoten and Kuehn, *The Taliban Reader*, 226.
138. Ibid., 227.
139. Ibid., 227.
140. Ruttig, "How Tribal Are the Taliban?" 19.
141. Jackson, "Life under the Taliban Shadow Government," 9.
142. Ruttig, "How Tribal Are the Taliban?" 21.
143. Giustozzi, "Hearts, Minds, and the Barrel of a Gun"; and Jackson, "Life under the Taliban Shadow Government."
144. Giustozzi and Baczko, "The Politics of the Taliban"s Shadow Judiciary, 2003–2013," 199.
145. Strick van Linschoten and Kuehn, *The Taliban Reader*, 227.
146. IWA, "Corruption and Justice Delivery in Kunduz Province of Afghanistan," 14.
147. IWA, "Corruption and Justice Delivery in Kunduz Province of Afghanistan," 14–15; and Ali, "One Land, Two Rules."
148. Interview code: 2018–13.
149. Interview code: 2018–05.
150. Ali, "One Land, Two Rules," 11.
151. Ibid., 11.
152. Ibid., 11.
153. Interview code: 2018–16.
154. See note 148 above.
155. Interview code: 2018 – 19.

156. Giustozzi and Baczko, "The Politics of the Taliban's Shadow Judiciary," 19–20.
157. See note 43 above.
158. Ibid., 376.
159. Interview code 2018–16.
160. Interview code: 2018–03.
161. Ledwidge, *Rebel Law*, 72.
162. Johnson, *Taliban Narratives*, 31.
163. Ibid., 32–33.
164. Ibid., 32.
165. Ibid., 36.
166. Ibid., 22.
167. Ibid., 24.
168. Interview code: 2018 – 12.
169. Interview code: 2018 – 20.
170. Interview code 2018 – 09.
171. Interview code: 2018 – 13.
172. Interview code 2018 – 14.
173. Osman, "Rallying Around the White Flag," 1.
174. Johnson, "The Taliban Insurgency and an Analysis of Shabnamah"; and Johnson, *Taliban Narratives*.
175. Johnson, "The Taliban Insurgency and an Analysis of Shabnamah," 318.
176. Interview code: 2018–12; 2018–15.
177. Interview code: 2018 – 19.
178. Interview code: 2018 – 13.
179. Interview code 2018 – 01.
180. Johnson, "The Taliban Insurgency and an Analysis of Shabnamah (Night Letters)," 339.
181. Ali, "The Non-Pashtun Taleban of the North."
182. Ibid.
183. See Strick van Linschoten, "Mullah Wars" 99.
184. The literal translation of bacha bazi from Dari is 'boy play.'
185. SIGAR, "Child Sexual Assault in Afghanistan," 1.
186. Jones, "Ending Bacha Bazi," 66.
187. Reid and Muhammedally, "Just Don't Call It a Militia"; and SIGAR, "Child Sexual Assault in Afghanistan."
188. Reid and Muhammedally, "Just Don't Call It a Militia," 42.
189. Ibid.
190. See note 160 above.
191. Interview code: 2018–01.
192. See https://www.pbs.org/wgbh/frontline/film/dancingboys/ (Accessed 11 June 2019).
193. Roy, "Development and Political Legitimacy," 173.
194. See note 43 above.
195. See note 10 above.

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# CHAPTER 8

# Article V - Opportunity Structures, Rebel Governance, and Disputed Leadership: the Taliban's Upsurge in Kunduz Province, Afghanistan

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

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

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In 2011, Kunduz province in Northern Afghanistan was under relatively firm government control with the backing of international forces and co-opted militiamen. Within four years, however, the tables had turned, and the insurgency made a gradual upsurge throughout several districts of the province. On September 28, 2015, after two months of intense fighting around the provincial capital, Taliban fighters walked into the streets of Kunduz city. They entered the city during an early morning assault, storming the regional hospital and clashing with security forces at the nearby university. The insurgents took over government buildings and the city's central prison. On the central roundabout of the city, a white Taliban flag waved as a sign of control. It was the first time since the fall of the Taliban regime in 2001 that the insurgents were able to seize a provincial capital. The Afghan government itself also confirmed that the city had fallen to the Taliban. Only with the support of U.S. airstrikes and Afghan Special Forces was the Afghan government able to regain control over the city after fifteen days. The Taliban also consolidated its insurgent rule throughout all districts of the province.

Remarkably, Kunduz fell even though the insurgents were vastly outnumbered, with an estimated force of only 500–1,000 Taliban fighters against about 7,000 government troops and allied militia members.[1] Under other circumstances, this should have provided the government side with clear military advantages. The timing was surprising, too. The assault on the city came only two months after the confirmed death of long-standing

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central Taliban leader Mullah Omar, resulting in factionalized fights within the Taliban's central leadership.[2] Despite the internal fragmentation, the Taliban was able to regain its stance in Kunduz city and consolidate its power throughout the province.

In this article, I investigate how the Taliban was able to consolidate its power in the province and why Kunduz city eventually fell to a faction of the Taliban insurgency. This requires an analysis of the Afghan government's capacities and actions in that period and an investigation of the actions of the armed opposition groups in Kunduz province. I will first use the analytical framework of opportunity structures[3] to analyze which circumstances enabled the upsurge of the Taliban. In the first section of the article, the relevant features of that opportunity structure are identified: (1) the openness to "new" actors due to the departure of international forces, (2) the instability of political alignments between the Afghan government and progovernment militias, and (3) the multiplicity of independent factions of power within the Afghan government. In the second and third sections of the article, I move beyond these structural opportunities to address the capacities and agency of the Taliban insurgency and show how the faction of Mullah Mansur consolidated its power. The article concludes that the Taliban's upsurge in Kunduz mainly emerged as a response to a fragmented political constellation of co-opted strongmen and militias, a dysfunctional incumbent government, and abusive militias. This coincided with an active strategy by the Taliban of messaging and infiltration, the administration of its judiciary, taxation, and eventually Mullah Mansur's push for the symbolic take-over of the provincial capital.

The article builds on fieldwork conducted in Kabul and Kunduz in 2013 and 2016 in collaboration with various Afghan research organizations. In 2013, a total of 99 structured interviews were held with community members, militiamen, local elders, *jirga*[4] and *shura*[5] members, civil society representatives, Afghan Local Police (ALP) members, and Afghan National Police (ANP) officers in Kunduz.[6] Moreover, in-depth interviews were conducted with police trainers, military staff, diplomats, and NGO workers at the German-led Provincial Reconstruction Team (PRT)[7] in Kunduz. During the fieldwork conducted in 2016, various analysts, NGO workers, diplomats, military staff, and informants from Kunduz were interviewed in Kabul. Throughout 2018, local sources in Kunduz province were consulted in interviews and by email to verify some of the details described throughout this article and to triangulate some of the findings from open source data.

## Theoretical Framework

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

### *Opportunity Structure*

The concept of "opportunity structure"[10] assumes that individual and collective action are facilitated or constrained within a larger environment of discursive, social,

and political opportunities.[11] Collective action against the Afghan government and pro-government militias by the insurgent Taliban in Kunduz is the focus of this article. I define an insurgent or rebel organization as a "group of individuals claiming to be a collective organization that uses a name to designate itself, is made up of formal structures of command and control, and intends to seize political power using violence."[12]



According to Tilly and Tarrow, contentious politics should be understood as "interactions in which actors make claims bearing on someone else's interest, leading to coordinated efforts on behalf of shared interests or programs, in which governments are involved as targets, initiators of claims or third parties."[13] Within contentious politics, we can analyze collective action through the frame of opportunity structures. If we analyze the features of a particular regime at a particular time and trace the changes, we can investigate how those features facilitate a particular outcome. The outcome studied in this article is the fall of Kunduz and the consolidation of the Taliban rule. Several features of an opportunity structure can be identified to analyze changes in political regimes and plausibly explain why a shift in regime happened in Kunduz province between 2011 and 2015. I follow Tilly and Tarrow by analyzing the following features of the opportunity structure: (1) the regime's openness to new actors, (2) the instability of political alignments, and (3) the multiplicity of independent centers of power.[14]

### Rebel Strategies, Organizational Capacity, and Rebel Governance

The Taliban's upsurge was facilitated by external opportunities. Understanding how the Taliban seized those opportunities, however, requires an analysis of internal organizational capacities and the motivations of the insurgency itself. On a strategic level, this involved the infiltration of new territories, messaging to the civilian population, and the governance practices of a rebel judiciary and taxation.

As Kalyvas points out, insurgency can be understood as "a process of competitive state building."[15] An insurgency such as that carried out by the Taliban indeed reflects a process of statebuilding, where the insurgency competes to provide governance to the population.[16] O'Neill speaks in this regard of "parallel hierarchies," referring to the creation of political structures or institutions to administer, organize, and rule a population in areas controlled by insurgents.[17] This becomes apparent by the Taliban's setup of a shadow administration in various provinces of Northern Afghanistan.[18] Insurgents assume state-like functions and thereby take advantage of situations of weak governance.[19]

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

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

## *Disputed Leadership*

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

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

## Kunduz Province: Demographics and Recent History until 2011

Kunduz province is located in Northeast Afghanistan.[28] Until 2015, it consisted of seven districts: Imam Sahib, Dasht-e Archi (also known as Archi), Khan Abad, Aliabad, Chahar Dara, Qal-e-Zal, and Kunduz city.[29] The population is estimated to be one million and consists of various ethnic groups. Approximately 34 percent of the population is Pashtun, 27 percent is Uzbek, 20 percent is Tajik, 9 percent is Turkmen, 5 percent is Arab, and 3 percent is Hazara.[30] Additionally, there are a few small groups of Baluch, Pashai, and Nuristani people.[31] Although the Taliban historically has its main Pashtun constituency in the South and East of Afghanistan, a relatively high number of Pashtuns

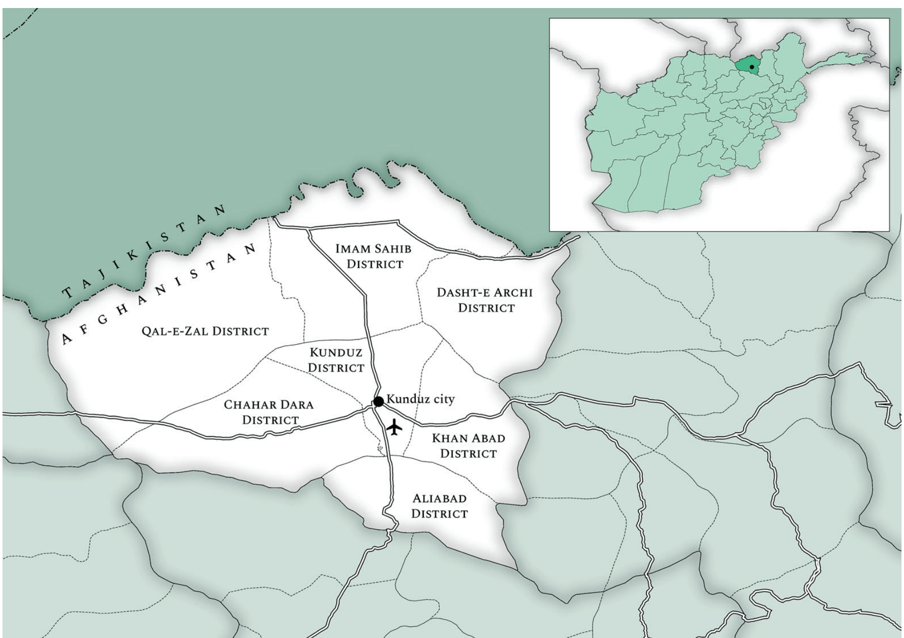


**Figure 1.** Map of Kunduz province.

are living in Kunduz province because of forced and voluntary migration in the nineteenth and twentieth century from the Southeast to the North.[32] Though the Taliban's strength and operations are concentrated in the South and the East, the Northern province of Kunduz remains an important strategic place for the insurgency as a gateway between Kabul and the border to Tajikistan and as a base to target the central Northern town of Mazar-i-Sharif.[33]

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

When the Northern Alliance and the U.S. coalition forces took over Kunduz province in 2001, the commanders and governors who ruled the province reflected the networks of powerbrokers that existed during the 1992–1997 period.[37] Moreover, in the wake of the Taliban regime's collapse, ethnic Pashtuns throughout the North faced widespread abuses, including murder, sexual violence, beatings, extortion, and stealing.[38] Pashtuns were specifically targeted because they were seen as closely related to the Taliban, whose leadership consisted mostly of Pashtuns from Southern Afghanistan.[39] In some

instances, affiliates of the new ruling elite captured Pashtun lands.[40] The Pashtun community mainly lost land in areas where it constituted a clear minority, such as the districts of Qal-e-Zal and Imam Sahib, but even in Archi and Chahar Dara, where it was better represented, some Pashtun lands were captured.[41] The Taliban would muster support among those excluded segments in the following decade and effectively challenge the existing power structures in a number of Kunduz districts.[42]



The Taliban insurgency made its first inroads back into the Pashtun-dominated areas of Kunduz in 2006.[43] The insurgency gradually started to invest more resources in North Afghanistan by setting up local cells from 2007 onwards and increasing its military operations. In parallel, the increased military pressure of the international forces in South Afghanistan also pushed the Taliban to move a larger part of its assets North.[44]

For the International Security Assistance Force (ISAF), the North was of increased strategic importance by 2008–2009.[45] Because its convoys from Pakistan were severely targeted, the Northern supply route for international troop contributions (through the Central Asian republics) started to attract more attention.[46] This in turn increased the strategic importance of Kunduz as a gateway to Kabul. In response to the insurgency and low capacity of the Afghan forces, a new solution of mobilizing antiTaliban militias was implemented in Kunduz in 2009. In the short term, these militia programs seemed successful. The Taliban's inroads into Kunduz territories were slowed down, and together with international forces, a status quo emerged by late 2010. Many Taliban commanders were killed, arrested, or ordered to return to Pakistan.[47] However, clandestine operators and local shadow organizations remained largely intact.[48]

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

In this section, I analyze the relevant features of the opportunity structure that facilitated the Taliban's upsurge and the eventual take-over of Kunduz city in 2015. I discuss (1) the openness to "new" actors due to the departure of international forces, (2) the instability of political alignments between the Afghan government and progovernment militias, and (3) the multiplicity of independent factions of power within the Afghan government.

### *Departure of International Forces*

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

the United States, which became more heavily involved in fighting around 2009–2010 to push back the Taliban's offensive at the time.[54]

In late 2013, however, the responsibility over the PRT in Kunduz was transferred to Afghan security forces, and international troops either withdrew or transferred to other bases. After the transfer, the ANSF increasingly experienced heat from an offensive Taliban insurgency throughout 2014–2015. The insurgency tested the ANSF's capacities to maintain territorial control.[55] The departure of international forces left a vacuum of territorial control for other power brokers to move in. An intelligence analyst in April 2011 predicted in this regard,



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

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

### *Unstable Political Alignments*

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

### *The Political Alignments Collapse*

After some early successes, the alignments between the militias and the Afghan government started to collapse. The failure of these militia programs opened opportunities for the Taliban. After the departure of international troops in 2013, the ALP constituted the last defense against the Taliban in most Kunduz districts.[63] In 2013 and 2014, it

became clear that the force was ill-equipped and regularly outnumbered, and that the degrees of loyalty toward the government were varying.[64] Delays in the payment of salaries and increased frustration about holding the frontlines against the insurgency were common. There were also notable concerns among ALP members about the duration of the ALP program.[65] Reportedly, many already considered surrendering to the Taliban in case of the program's closure.[66]



In September 2014, President Ashraf Ghani was inaugurated president of Afghanistan. He soon indicated that he was not keen on sustaining the militia programs and cut the funding of several, including those in Kunduz. Militias in the ALP program and important local strongmen like Mir Alam were therefore unwilling and partly also unable to keep territorial control in 2014 and 2015. As a Kabul-based analyst explained to me, referring to the months before the fall of Kunduz,

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

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

### *Abusive Militia Behavior Backfires into Taliban Support*

Despite short-term successes of the militia programs in 2009–2010, they backfired for another reason. A new wave of ethnic resentment occurred because of the militia programs, as Pashtun populations in Kunduz became targets of abusive Tajik- and, to a lesser extent, Uzbek-dominated militias, leading Pashtun communities to seek shelter with the Taliban.[69] The ALP was "hijacked" by local power brokers because the commanders rather than local elders and *shuras* channeled the recruitment process and the selection of ALP members.[70] The militias targeted Pashtun communities out of ethnic chauvinism and suspected support for the Taliban insurgency.[71] Like most armed actors during contemporary irregular wars, these militias faced the "identification problem"[72]: who was affiliated to the Taliban and who was not? This led to violence and abusive behavior toward Pashtun communities and civilians in general.[73]

The predatory behavior of the ALP and other militias drove Pashtun populations into the hands of the Taliban.[74] Nearly all my respondents in 2016 also explained how militia abuse contributed to Taliban support. As one them explained,

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

Another respondent from Kunduz stated,

> The Afghan Local Police – they are bad people. (…) A friend of mine is a tailor. One time, 1 km from his home in the morning, he crossed the road and he had an accident with the dog of the ALP. The ALP fired at him with mortars because of that dog! The

> ALP broke his leg; this happened three years ago. They could just do that because he was from a poor family.[76]

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



### *A Dysfunctional Afghan Government*

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

### *A Factionalized National "Unity" Government Paralyzed the ANSF*

After the 2014 presidential elections, disagreement emerged over the results between the candidates dr. Ashraf Ghani and dr. Abdullah Abdullah, with both candidates claiming victory. Then U.S. Secretary of State John Kerry flew in with the aim of defuzing an emerging political crisis. Kerry brokered an agreement for a National Unity Government (NUG) with Ghani as president and Abdullah in the role of national "CEO" that came into effect in September 2014.[82] The years following the agreement, however, showed a lack of clarity in the president and CEO's respective roles and responsibilities, creating severe internal tensions and governmental dysfunction.[83]

These internal tensions became manifest in the coordination between different ministries. Under the NUG power-sharing agreement, Abdullah's team appointed senior officials in the Ministry of Interior and therefore had an influence on the ANP.[84] President Ghani's team, however, appointed and controlled senior officials in the Defense Ministry and therefore the ANA.[85] Ghani also controlled the NDS, which is the most important military intelligence agency.[86] Coordination was lacking between these different ministries, and communication went vertically more than horizontally.[87]

The factionalized NUG jeopardized the responsiveness of the Afghan forces on the provincial level in Kunduz during the Taliban's upsurge in 2014–2015.[88] In December 2014 president Ghani appointed Mohammad Omar Safi, a Pashtun, as governor of Kunduz. Hamdullah Daneshi, a Tajik loyal to the Jamiat-e Islami party of CEO Abdullah, was retained as Safi's deputy governor and General Abdul Sabur Nasrati, also a Tajik from CEO Abdullah's camp was appointed as police chief.[89] The governor and the police chief soon got into fierce conflict, in the first place over 'illegal' local militias

operating in the province.[90] National level political contention about the abandonment of militia programs trickled down to the provincial level.[91] This created coordination problems on pressing security issues that should have been dealt with cooperatively by the ANP, ANA, and NDS.[92] Lacking unity, Afghan government forces were not able to respond swiftly and effectively against the upcoming insurgency.

Second, political tensions on the national level directly reinforced societal ethnic tensions amongst the population in Kunduz province. As Cecchinel observed, the Taliban "( … ) indirectly benefited from the presidential election crisis and rising polarization among groups supporting the two presidential candidates ( … )."[93] She further noted that in a "province where all of the country's ethnic groups are present and major political factions hold ground at the expense of others, insurgents have an easy game taking advantage of tensions that are constantly being fueled by feelings of being marginalized."[94] The Taliban was able to emphasize how the Afghan government and its aligned militias were corrupt, inefficient, and predatory, something that large segments of the population experienced in person.

## The Taliban's Strategy in Kunduz

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

### *Infiltration, Messaging, and New Strongholds*

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

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

Infiltration of Taliban operatives is known to have happened during the upsurge of the Taliban in Kunduz.[101] According to one of my respondents, an undercover Taliban presence existed in Kunduz city even during the times the city was mainly under government control:

> In the city area, there are also Taliban. They have a hiding system in the city; some Taliban commanders are there undercover. They work together with the Taliban outside the city. If some people do not accept the solution in the city, the undercover Taliban will place a bomb in the city. They will put different kinds of pressure.[102]



Moreover, as Azam Ahmed reported in 2014, the Taliban secretly visited Chahar Dara district at several instances to ask the local elders for support to push the government officials and government forces out. The local elders were susceptible to the proposals precisely because the governor of the Afghan government did not listen to their complaints.[103] In a similar vein, Cecchinel reported that complaints about the ALP abuses usually did not seem to go anywhere in the formal judiciary system.[104] In 2013, a number of community elders from different areas in Chahar Dara visited the district prosecutor's office to file a complaint against ALP commanders Najib, Ghafar Wahab, and Sayed Murad.[105] According to Cecchinel's report, these three ALP commanders were arrested and their cases were sent to the office of the public prosecutor of Kunduz province. However, the ALP commanders were soon released through the interference of "high-ranking officials".[106] Afterwards, Commander Najib "warned the residents of Chahar Dara of the dire consequences should they complain about him again."[107] One of the Ahmed's interviewees noted, "At least 20 elders would complain to the district governor every day ( … ). When the Taliban secretly came to us and asked for support to kick them out, the people agreed."[108] In summer 2014, the Taliban had overrun approximately 20 police checkpoints in the district, helped by villagers who had grown tired of the abusive local police forces.[109]

During the Taliban's upsurge in Kunduz, the messaging of the Taliban was relatively, but significantly, stronger and more convincing than the Afghan government's.[110] The Taliban dominated the flow of information, so the population did not believe that the Afghan government would respond swiftly and effectively against the Taliban's upsurge.[111] As a Kabul-based analyst explained to me,

> The Taliban was clearly doing a better job on this than the government. The government was basically not communicating anything at all. So the people of Kunduz had no idea what the response of the government would be. In the meantime the rumor spread that the Taliban were coming and would be taking over large parts of the districts. [112]

The minimal communication on the government's side helped the Taliban control the expectations of the inhabitants. Crucially, the Taliban's messaging focused less on the creation of an Islamic state and more heavily on the Kabul government's inability to defend Kunduz and protect its own interests.[113] The Taliban emphasized the Afghan government was working with foreigners—the "infidels"—and the same was said about the "puppets" of the ALP. As a Taliban fighter in Kunduz noted during an interview,

> When the Americans left [Kunduz], they left behind the Afghan Local Police. These *Arbakis* [Afghan Local Police] were disgusting human beings. They were wrongdoers. They were pedophiles. They oppressed the people.[114]

These messages resonated well with the population because there was little factual evidence that would justify future protection for civilians by the government forces.[115] On the contrary, the abusive progovernment militias only strengthened the impression that the government would not help the people.[116] As one of my respondents from Kunduz noted, the relatively safe "base areas" were within the Taliban strongholds:

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

The Taliban clearly chose a number of locations as appropriate strongholds, particularly in summer 2014 and 2015. Two key districts during the upsurge of the Taliban were Chahar Dara and Archi.[118] The Taliban took control of Archi in June 2015, and it became a major stronghold for the insurgency in Kunduz province as a whole. The Taliban established military training camps and a military commission in Archi before the attack on Kunduz city took place.[119] Moreover, Archi is the homeland of the Taliban commander who orchestrated the Kunduz assault in September 2015: Mullah Abdul Salam. According to Obaid Ali, a researcher at the Afghanistan Analysts Network (AAN), the main task of the military commission was to "draw up military operational plans, not only for Archi, but also for the other districts in the province."[120] Ali further noted, "It is difficult to estimate the exact number of fighters this commission controls. Local sources report between 800 and 1200 fighters in the district."[121]

Chahar Dara was another key district in the take-over of Kunduz city. The district has a longstanding insurgent presence of Taliban fighters. The Taliban took over the district in mid-June 2015.[122] According to Ali, the Taliban insurgency ruled the district for several days, but "local elders requested that their fighters be removed from the district center in order to prevent fighting with government forces during the harvest season."[123] Ali reported that the Taliban left the district center peacefully for a while to let the government officials return to their offices. Ali stated that this "arrangement lasted until the attack on Kunduz city, at which point government officials in Chahar Dara fled to Kholm district in neighboring Balkh province and the district once again fell to the Taleban."[124] Chahar Dara district certainly was one of the main strongholds of the Taliban in Kunduz. Chahar Dara is very close to Kunduz city, approximately about six kilometers away, and it was used as a stepping stone in September 2015 to enter the city areas.[125] Most of the Taliban fighters who entered the city were equipped from Chahar Dara district.[126] Throughout the district, the insurgency created a system of governance, including a judiciary, prisons, finance, and transport departments.[127] Further, the Taliban was known to have a military center and training center for new recruits in Chahar Dara.

## *Rebel Governance*

By late 2015, after the fall of Kunduz, the Taliban controlled about 80 to 90 percent of Kunduz province.[128] In 2015, the Taliban insurgency had an open presence and territorial control throughout the districts of Kunduz province, with only the central areas of Kunduz city and the main roads to the district centers remaining under government or progovernment militia control.[129] The Taliban gradually expanded its involvement in some governance sectors. We should not overestimate the governing capacities of the Taliban in Kunduz, but it was able to tax the population and administer its form of a judiciary. The Taliban also provided some protection to segments of the civilian population, mainly against the behavior of abusive militias. The Taliban aimed to provide a

relatively stable environment in the areas it controlled. What did these governance practices look like in organizational terms?

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

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

In contrast to the pre2001 Taliban, however, the resurgent Taliban insurgency somewhat shifted its ideological stance.[134] As Barfield noted,

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

The instructions by Mullah Akhtar Mansur and his deputy and now successor Mawlawi Hibatullah on how to govern Taliban territories were broad and general directives. Reportedly, under Mansur's regime, the commanders were told to "protect public infrastructure, treat the local population well, not hinder the activities of humanitarian organizations, and work to persuade enemies to surrender."[136]

How these general policy directives trickle down to lower ranks works out differently throughout provinces, districts, and localities. As Jackson explains, "the implementation of policies, even widely known and adopted ones, is far from uniform. While the Taliban shows more coherence than previously, even widespread and long-standing policies are subject to occasional rejection by local commanders."[137] Mullah Abdul Salam, the then shadow governor of Kunduz and strategist of the 2015 Kunduz siege was "able to go his own way on various issues in part because he had a strong personal power base: he was widely respected for his military prowess and also exerted strong control over the illicit economy in the North."[138] Taliban governance in Kunduz did not emerge as one unified set of rules but was embedded in localized networks and *ad hoc* resolutions, implemented by Taliban commanders and Taliban judges. Linkages to important civilian groups in Kunduz were very localized, whether the ties were religious, ethnic, or clan based. That is why there have been some instances of Taliban governance, recruitment, and participation by nonPashtuns, such as Tajiks and Turkmen.[139]

### The Taliban's Judiciary

As Baczko notes, the judicial system is generally the core institution of the Taliban's administration.[140] The Taliban seeks exclusiveness of authority, and this is key in the setup of its shadow government.[141] In most of the districts of Kunduz, there were one

or more Taliban judges active on behalf of the insurgency.[142] As one of my respondents from Kunduz noted,

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

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

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

The Taliban judges are not stationary but usually travel from one place to another. In some cases, not Taliban judges but local *mullahs* take-over part of the responsibilities on behalf of the Taliban.[145] The insurgency co-opts these local actors into its judicial system. The Taliban installed its own prisons throughout various districts, with the largest being in Archi district.[146] Inside Taliban-controlled territory, the Taliban defines the dispensation of justice, but it also does so in areas of contested control to infiltrate new territory.

The Taliban forbids the civilian population from using government courts. Civilians who approach government institutions to solve their disputes risk punishment by the Taliban. As one of my respondents from Kunduz city noted, "( … ) the [government] courts are still working in Kunduz. However, if the Taliban knows you go to the government institutions, they will threaten the person that goes there."[147] The insurgency established a localized monopoly on violence but also a localized monopoly on the execution of judicial verdicts.

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

> The Taliban shows up and the people know their faces, this in contrast to the government. The government is never present in the districts, so why go there? The people know the Taliban in the area, and they know they will take care of these things.[151]

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

### *Taxation*

The collection of taxes is an important element of state-making and generally leads to more elaborate civilian administrations.[153] Rebel groups that hold control over territory

and a population are likely to implement some form of taxation.[154] The Taliban generally taxes the population by the collection of *zakat* and *ushr*.[155] *Zakat* is one of the five "pillars" of Islam and generally understood as a religious obligation on Muslims to donate 2.5 percent of their disposable income to the poor.[156] *Ushr* - which literally means one-tenth - is a traditional Islamic tax on agricultural productions, and the sharing of 10 percent is seen as a religious duty.[157] It is different from taxation by the Afghan state. *Ushr* and *zakat* go to the Taliban, local commanders, religious organizations, or poor community members.[158] Survey data collected by Böhnke and colleagues shows that not more than 4 percent of the population in Kunduz paid taxes to the Afghan state between 2007 and 2015.[159] That same dataset shows that approximately one-third of the population paid *ushr* in 2007, and in 2015, this rose to approximately two-thirds of the population.[160] One of the explanations is that the Taliban and local militias were able to collect a large share of *ushr*.[161] When the Taliban reasserted its control from 2014 onwards, it started to increase taxation.[162]

Because the main economic activity in areas under Taliban control is normally farming, *ushr* is an important source of income.[163] In some areas, this also included the collection of a 10 percent tax from local shopkeepers and other small businesses.[164] On January 28, 2017, the *New York Times* reported that the Taliban had started to collect bills for Afghan utilities in the provinces of Kunduz and Helmand.[165] Haji Ayoub, an elder from Boz Qandahari village, north of Kunduz city, explained that the Taliban had stopped the government's electricity workers from collecting payments and started calling the people to come to the local mosque and pay to the insurgency.[166] Some of the aforementioned types of income allowed the Taliban to purchase weaponry and expand its operations.

Overall, the Taliban's involvement in governance served several purposes. First, it allowed the Taliban to fill a vacuum of authority by providing local communities some level of protection from abusive militias and by ensuring quick dispensation of justice. Through its involvement in governance, the Taliban created goodwill among the population at the expense of the abusive progovernment militias. This further increased the Taliban's opportunities to monitor events on the ground and control civilian behavior. Finally, through taxation, the Taliban was able to increase its revenue and financial resources. The Taliban had the ability to further consolidate its power through these governance structures, the Taliban had the ability to further consolidate its power through these governance structures in 2015[167] and later.[168]

## The Kunduz City Siege during a Transition in Taliban Leadership

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

returned to Kunduz province, where he resumed his position as Taliban shadow governor in 2013.[172]

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



## Transition in Taliban Leadership in Summer 2015

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

Who was Mullah Akhtar Muhammad Mansur? During the 1990s, Mullah Mansur served as a bureaucrat under the Taliban government.[179] He held the position of chief of aviation when Afghanistan had very few planes operating. In parallel, he was responsible for the tourism department in what had already been one of the world's least accessible tourist destinations at the time. Mansur was not one of the founders of the Taliban, but he became an increasingly important figure upon the return of the Taliban as an insurgency after 2001. From Pakistan, in 2003, the Taliban leadership created the *Rabbari shura*, also known as the *Quetta shura*, which originally consisted of ten members and announced the return of the Taliban insurgency in Afghanistan.[180] The *Rabbari shura* was headed by Mullah Omar, and Mansur was one of those first ten *shura* members.[181] In the years after, Mansur led the Taliban's activities in Kandahar province. In 2010, he was appointed the sole deputy of Mullah Omar.[182] Mansur was able to capitalize on Omar's legitimacy even after Mullah Omar died by keeping it a secret.

Since its inception, the Taliban movement had largely stuck together. Despite the flexibility and "looseness" of some networks on the lower levels, the movement had largely remained unified. This changed in 2015, once news of its deceased leader became public knowledge. One day after the publicly confirmed death of Mullah Omar and the announcement that Mullah Mansur had taken his position, two current

members, Hassan Rahmani and Abdul Razaq, and one former member, Muhammad Rasul, of the *Rabbari shura* expressed open disagreement with Mansur as the new leader.[183] As Osman explained, Mansur faced opposition from various sides: (1) armed opposition from Muhammad Rasul and Munsur Dadullah; (2) opposing members in the *Rabbari shura*; (3) dissidents on the Eastern front; (4) leaders in political office; (5) Mansur's long-term rival Qayum Zaker; and (6) Mullah Omar's son, Mullah Yaqoub.[184]



Mansur, therefore, had to make every effort to stabilize his newly acquired position, and he did. Some of these dissidents fell in line a few months later. Mullah Omar's eldest son and other family members initially opposed him but came around after they were offered some positions of influence.[185] Mansur's long-term rival Qayum Zaker pledged his alliance after reportedly receiving financial compensation.[186] Another essential ingredient that Mansur needed was a public show of battlefield success.

Given his vulnerable position as Mullah Omar's successor, it is not surprising that Mansur publicly claimed success for the Kunduz siege after it happened. Mansur spoke to the AP by telephone, stating the following:

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

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

## Conclusion

By bringing together the literature on contentious politics and rebel governance, this article has shown how the Taliban insurgency was able to consolidate its power throughout Kunduz province from 2011 to 2015. Despite the fact that Kunduz province was under relatively firm government- and progovernment militia control in 2011, Mansur's faction of the Taliban was able to seize control over the whole of Kunduz by September 2015. This was the first time a provincial capital fell back into the hands of the Taliban since the U.S.-led intervention started in Afghanistan in 2001. I have demonstrated how the Taliban's upsurge took place because of a favorable opportunity structure for the insurgency that coincided with sufficient organizational capacities and a sense of urgency during the disputed leadership of Mullah Mansur.

The upsurge of the Taliban in Kunduz emerged in response to the departure of international forces in 2013, which created what Tilly and Tarrow referred to as an openness to new actors.[189] It shifted part of the international responsibilities on to the antiTaliban militias. Second, the antiTaliban militias proved to be an effective solution for the Afghan government, but only in the short term. The militias upheld the status quo during the first years, but the militia programs backfired after the change of

administration from President Karzai to President Ghani. Because of unstable political alignments with the elites in Kabul, some militias defected, whereas others were unwilling to stand their ground. Moreover, the abusive behavior of several ALP militias toward civilian communities – condoned by, or even in collaboration with the ANP, paved the way for the Taliban insurgency to expand its influence. A third feature of the opportunity structure was the multiplicity of independent factions of power within the Afghan government. The factionalized NUG was plagued by uncoordinated responses in the security sector. The performance of the incumbent government was fragmented and poor, which enabled the Taliban to fill the political and military void.



In the case of Kunduz, the Taliban did not have to be superior over its competitors in all facets to be successful militarily; it had to possess enough resources and organizational capacities to make sure it would seize the opportunity that emerged in the years after the international troop withdrawal. The militia problem for the Afghan government was a gift to the insurgency in military terms. A substantial part of the civilian population was fed up with the abusive militia behavior at its doorstep. The Taliban generally followed a similar strategy to what it had used before, but this time it turned out to be more successful because the Taliban did not encounter as much resistance from Afghan forces as it had previously from international forces. The Kunduz case study indicates that the exit of a powerful external powerful actor from an area can shape a window of opportunity for an insurgency. The withdrawal from Kunduz opened spaces of territorial control and shifted alliances within complex networks of strongmen, militias, and Afghan government forces. Unstable political alignments between progovernment militias and the Afghan government opened opportunities for the insurgency to gain and maintain territorial control.

In the time frame studied, the Taliban insurgency can indeed be understood as "a process of competitive state building."[190] The Taliban insurgency not only competed with the Afghan government in military terms, but also by providing some form of governance to the population, as becomes apparent in the Taliban's setup of a shadow administration. The Taliban generally seeks to base itself in rural areas where it possesses a network or where the coalition forces and the Afghan government are weaker or absent. The Taliban infiltrated new territories and dominated the messaging to the civilian population. The Taliban's capacity to govern served several purposes. The Taliban filled a vacuum of authority through its quick dispensation of justice, and it provided local communities some level of protection from abusive militias. Through taxation, it was able to increase its revenue and its financial resources. Governance practices therefore contributed to the Taliban's military success, but they should be seen as one factor among others, such as the aforementioned external opportunities.

Even though the Taliban faced an internal leadership crisis in 2015, it was able to temporarily take-over the provincial capital of Kunduz with a relatively low number of fighters. This happened after the split in leadership that created a sense of urgency within the Mansur faction. Mullah Mansur pushed his faction forward in the wake of Mullah Omar's announced death to avoid further fragmentation within the Taliban's ranks. This can be seen as a show of potency and a means to acquire support from other Taliban commanders who were not yet certain about whom they would support.

Interestingly, factionalism on the Taliban's side had an empowering effect, in contrast to the factionalism of the Afghan government, which resulted in poor coordination among security forces in the province.



The Pashtun civilian communities in Kunduz in the years before the fall of Kunduz city were essentially caught between a hostile local power structure (the nonPashtun commanders and/or ALP recruited programs) from which they were politically excluded, and the Taliban on the other side. Within such a dynamic, they became, as a consequence, dependent on the Taliban for targeted protection.[191] This does not imply that they had warm sympathies for the Taliban; rather, it signifies that there was a lack of a middle ground with the Taliban, the only remaining alternative to a failing Afghan government. The Taliban used the grievances that these communities held against the progovernment militias to infiltrate the communities and to persuade them to cooperate with it or at least to not obstruct its advancement.

Theoretically, the article has brought together two strands of literature that generally do not directly speak to each other: (1) contentious politics and (2) rebel governance during civil wars. The two strands of literature proved to be complementary. Regarding the contentious politics literature, the insights into rebel governance helped to understand the organizational capacity of insurgent groups once they take on state-like functions. Regarding the rebel governance literature, the contentious politics framework helped in viewing rebel governance as an explanatory factor for why rebel groups may be successful or unsuccessful in achieving their political and military objectives. This article is the first attempt to bring these strands of literature together. It has also shown how rebel governance can be used not as a dependent variable but rather as one factor among other explanatory factors for the military success of insurgencies. Testing these processes and mechanisms more extensively from a comparative perspective is an endeavor worth undertaking in future scholarly work.

In terms of policy, a few general observations can be made on the basis of this case study on Kunduz province. First, the events in Kunduz from 2011 to 2015 show that a withdrawal or partial withdrawal of international forces can create a power vacuum. For armed actors on both the Afghan government's side and armed opposition's side, such a power vacuum can be an opportunity to reconfigure their positions, politically and militarily. In response to a withdrawal, some armed actors will attack, others will defect and/or shift their alliances, while others may remain relatively passive. Second, antiTaliban militia programs and other forms of intermediary measures of the international coalition forces to fight the insurgency may appear effective in the short term, but can be unpredictable in the long term. Third, for the Afghan government the Kunduz case study demonstrates that escalating factionalism within the Afghan government seriously hampers the coordination and maintenance of security on the province and district level.

## Notes

1. Interview code: KI2016 – 03, 30 March 2016, Kabul city; Joseph Goldstein and Mujib Mashal, "Taliban Fighters Capture Kunduz City as Afghan Forces Retreat," *The New York Times*, September 28, 2015.

2. Borhan Osman, "Toward Fragmentation? Mapping the Post-Omar Taleban" (AAN Dispatch, Afghanistan Analysts Network, Kabul, 2015).
3. Charles Tilly and Sidney Tarrow, *Contentious Politics* (New York: Oxford University Press, 2007); Marco Giugni, "Political Opportunities: From Tilly to Tilly," *Swiss Political Science Review* 15, no. 2 (2009), 361–67.
4. The term jirga is understood here as the institution that has historically resolved political, social, economic, cultural, judicial, and religious conflicts by making authoritative decisions. Jirga is "the product of Pashtun tribal society and operates according to the dictates of the Pashtunwali, an inclusive code of conduct guiding all aspects of Pashtun behavior and often superseding the dictates of both Islam and the central government." Lynn Carter and Kerry Connor, "A Preliminary Investigation of Contemporary Afghan Councils" (Agency Coordinating Body for Afghan Relief, Peshawar, 1989), 7. For the origins of the term, see, Ali Wardak, "Jirga – A Traditional Mechanism of Conflict Resolution in Afghanistan" (University of Glamorgan, Pontypridd, UK, 2003).
5. According to Carter and Connor (1989: 9), a shura is a "group of individuals which meets only in response to a specific need in order to decide how to meet the need. In most cases, this need is to resolve a conflict between individuals, families, groups of families, or whole tribes." For elaboration on informal justice institutions in Afghanistan, see, Noah Coburn, *Informal Justice and the International Community in Afghanistan* (Washington D.C.: United States Institute of Peace [USIP], 2013).
6. The Afghan National Security Forces (ANSF) consist of the ANP, which is the regular police force; the ALP, which are generally militias incorporated into the government forces; the Afghan National Army (ANA), which is the regular army; and the National Directorate of Security (NDS), which is the national intelligence agency.
7. The PRTs were invented by the United States. They generally consist of military compounds with military officers but also of diplomats and reconstruction subject matter experts who work together on reconstruction.
8. Tilly and Tarrow, *Contentious Politics*, 2007; Giugni, "Political Opportunities"; John Gledhill, "Disaggregating Opportunities: Opportunity Structures and Organisational Resources in the Study of Armed Conflict," *Civil Wars* 20, no. 4 (2018): 500–28.
9. Zachariah Cherian Mampilly, *Rebel Rulers: Insurgent Governance and Civilian Life during War* (Ithaca and London: Cornell University Press, 2011); Ana Arjona, *Rebelocracy: Social Order in the Colombian Civil War* (New York: Cambridge University Press, 2016); Nelson Kasfir, Georg Frerks, and Niels Terpstra, "Introduction: Armed Groups and Multi-Layered Governance," *Civil Wars* 19, no. 3 (2017), 257–78.
10. I am aware that the concept of "opportunity structure" originated in a longer scholarly tradition in which it has mainly been applied to analyze social movements and other forms of collective action in situations that would generally not be classified as civil wars. Tilly and Tarrow (2007), however, showed how the same concept can also be applied to instances of civil war to analyze the opportunity structure for other types of movements, such as insurgencies. See for overview of the application of the concept to armed conflicts: Gledhill, 2018.
11. Julie Berclaz and Marco Giugni, "Specifying the Concept of Political Opportunity Structures," in *Economic and Political Contention in Comparative Perspective*, ed. Maria Kousis and Charles Tilly (New York: Routledge, 2005), 15–32; Giugni, "Political Opportunities"; Tilly and Tarrow, *Contentious Politics*, 2007.
12. Paul Staniland, *Networks of Rebellion: Explaining Insurgent Cohesion and Collapse* (Ithaca and New York: Cornell University Press, 2014), 5.
13. Charles Tilly and Sidney Tarrow, *Contentious Politics* (Boulder, Colorado: Paradigm Publishers, 2007), 4.
14. Tilly and Tarrow, 57.
15. Stathis N. Kalyvas, *The Logic of Violence in Civil War* (New York: Cambridge University Press, 2006), 218.

16. Seth G. Jones, "The Rise of Afghanistan's Insurgency: State Failure and Jihad," *International Security* 32, no. 4 (2008): 17.
17. Bard O'Neill, *From Revolution to Apocalypse: Insurgency and Terrorism* (Dulles: Potomac Books, 2005), 116–21.
18. Antonio Giustozzi and Christoph Reuter, "The Insurgents of the Afghan North: The Rise of the Taliban, the Self Abandonment of the Afghan Government, and the Effects of ISAF's 'Capture-and-Kill Campaign'" (Afghanistan Analysts Network, Kabul, 2011), 19–20.



19. Jones, "The Rise of Afghanistan's Insurgency," 17.
20. Nelson Kasfir, "Rebel Governance – Constructing a Field of Inquiry: Definitions, Scope, Patterns, Order, Causes," in *Rebel Governance in Civil War*, ed. Ana Arjona, Nelson Kasfir, and Zacharia Mampilly (New York: Cambridge University Press, 2015), 24.
21. Arjona, *Rebelocracy: Social Order in the Colombian Civil War*, 45.
22. Stathis N. Kalyvas, *The Logic of Violence in Civil War* (New York: Cambridge University Press, 2006), 128; Arjona, *Rebelocracy: Social Order in the Colombian Civil War*, 48.
23. Ana Arjona, "Wartime Institutions: A Research Agenda," 58, no. 8 (2014): 1361.
24. Mampilly, *Rebel Rulers*, 19.
25. Arjona, *Rebelocracy: Social Order in the Colombian Civil War*, 3.
26. O'Neill, *From Revolution to Apocalypse*, 124–35.
27. O'Neill, 125–28.
28. See figure 1, a map of Kunduz province.
29. See also figure 1, a map of Kunduz province. Late 2015, President Ghani announced the addition of three more districts within the geography of the already existing seven districts: Aqtash, Gultapa, and Gulbad.
30. TLO, *Provincial Assessment Kunduz* (The Liaison Office [TLO], Kabul, May 2010), 87. These figures should be seen as a reasonable estimation. There are no official uncontested statistics on ethnicity.
31. TLO, *Provincial Assessment Kunduz,* 87.
32. Nils Wörmer, *The Networks of Kunduz: A History of Conflict and Their Actors, from 1992 to 2001* (AAN Thematic Report 02, Afghanistan Analysts Network, Kabul, 2012), 7–9.
33. See figure 1, a map of Kunduz province.
34. Wörmer, 13–20. In Kunduz province, the most important *mujahedeen* factions included *Jamiat-e Islami, Jombesh-e Melli, Hezb-e Islami, and Ittehad-e Islami*. For an excellent overview of the *mujahedeen* factions in Kunduz province specifically, see Wörmer (2012).
35. Wörmer, 33.
36. Wörmer, 38–40.
37. Wörmer, 2.
38. Peter Bouckaert, "Afghanistan – Paying for the Taliban's Crimes: Abuses Against Ethnic Pashtuns in Northern Afghanistan" (Human Rights Watch, Kabul, 2002), 43–44.
39. Bouckaert, 1.
40. Philipp Münch, "Local Afghan Power Structures and the International Military Intervention" (Afghanistan Analysts Network, Kabul, 2013), 15.
41. Münch, 15.
42. Münch, 1.
43. Giustozzi and Reuter, "The Insurgents of the Afghan North," 7.
44. Giustozzi and Reuter, 7.
45. See for example: Timo Noetzel, "The German Politics of War: Kunduz and the War in Afghanistan," *International Affairs* 87, no. 2 (2011): 400; Giustozzi and Reuter, "The Insurgents of the Afghan North," 7.
46. IISS, "Northern route eases supplies to US forces in Afghanistan," *Strategic Comments 16,* no. 5 (2010): 1-3.
47. Giustozzi and Reuter, "The Insurgents of the Afghan North," 14. Reportedly, half of the Taliban commanders in charge of the Kunduz region before early 2010 were killed and most of the remaining ones moved to Pakistan due to the United States 'capture-and-kill campaign' (Giustozzi and Reuter 2011, 29).

48. Giustozzi and Reuter, 14.
49. Noetzel, "The German Politics of War: Kunduz and the War in Afghanistan"; Giustozzi and Reuter, "The Insurgents of the Afghan North,"; Münch, "Local Afghan Power Structures and the International Military Intervention". The German engagement in Kunduz started as a low-risk stabilization operation. However, the deteriorating security situation and increased insurgent activity, particularly from 2008-2009 onwards, changed the realities on the ground (Giustozzi and Reuter 2011). Due to political, operational, and conceptual constraints, the Germans were slow to adapt to these changes in the local context (Noetzel 2011).
50. Münch, "Local Afghan Power Structures and the International Military Intervention," 68.
51. Philipp Münch and Alex Veit, "Intermediaries of Intervention: How Local Power Brokers Shape External Peace- and State-Building in Afghanistan and Congo," *International Peacekeeping* 25, no. 2 (2018): 274–79.
52. Jonathan Goodhand and Aziz Hakimi, "Counterinsurgency, Local Militias, and Statebuilding in Afghanistan" (Peaceworks 90, Washington D.C., USIP, 2014), 32.
53. Münch, "Local Afghan Power Structures and the International Military Intervention," 1.
54. Giustozzi and Reuter, "The Insurgents of the Afghan North," 27–32.
55. Lola Cecchinel, "Taleban Closing in on the City: The Next Round of the Tug-of-War over Kunduz" (AAN Dispatch, Afghanistan Analysts Network, Kabul, 2014); Thomas Ruttig, "ANSF Wrong-Footed: The Taleban Offensive in Kunduz" (AAN Dispatch, Afghanistan Analysts Network, Kabul, 2015).
56. "The Global Intelligence Files," *Wikileaks*, November 3, 2011, https://wikileaks.org/gifiles/docs/12/1227291_re-alpha-insight-germany-afghanistan-german-security-company.html (accessed September 16, 2018). Around 2009 Germany slowly became more open to accept the operational and tactical consequences of a COIN strategy, but a limited political will, limited experience, and operational constraints obstructed the effectiveness (see for example: Noetzel 2011).
57. Rachel Reid et al., *Just Don't Call It a "Militia": Impunity, Militias, and the Afghan Local Police* (Human Rights Watch, 2011).
58. Toon Dirkx, "The Unintended Consequences of US Support on Militia Governance in Kunduz Province, Afghanistan," *Civil Wars* 19, no. 3 (2017): 377–401. Jamiat-e Islami is a Tajik-dominated movement, founded by professor Burhanuddin Rabbani in 1968. It was one of the principal parties in the war against the Soviet occupation of Afghanistan in the 1980s. See for example: Human Rights Watch, *"Today We Shall All Die": Afghanistan's Strongmen and the Legacy of Impunity* (Human Rights Watch, 2015).
59. Goodhand and Hakimi, "Counterinsurgency, Local Militias, and Statebuilding in Afghanistan", 32–37.
60. Goodhand and Hakimi, 33.
61. Dirkx, "The Unintended Consequences of US Support on Militia Governance in Kunduz Province, Afghanistan."
62. Goodhand and Hakimi, "Counterinsurgency, Local Militias, and Statebuilding in Afghanistan," 2014; Dirkx, "The Unintended Consequences of US Support on Militia Governance in Kunduz Province, Afghanistan."
63. Cecchinel, "Taleban Closing in on the City."
64. Cecchinel, 4.
65. Cecchinel, 4.
66. Cecchinel, 4.
67. Interview code: KI2016 – 06, 2 April 2016, Kabul.
68. Interview code: KI2016 – 07, 3 April 2016, Kabul.
69. Goodhand and Hakimi, "Counterinsurgency, Local Militias, and Statebuilding in Afghanistan.".
70. Goodhand and Hakimi, 35.
71. Peyton Cooke and Eliza Urwin, "Security and Social Developments in Kunduz," (Peacebrief, Washington D.C., USIP, 2015).

72. Kalyvas, *The Logic of Violence in Civil War*, 89–91.
73. Reid et al., *Just Don't Call It a "Militia"*; Goodhand and Hakimi, "Counterinsurgency, Local Militias, and Statebuilding in Afghanistan"; Human Rights Watch, "*Today We Shall All Die*".
74. Adam Baczko and Gilles Dorronsoro, "The Militia System in Kunduz" (Paris: Network of Researchers in International Affairs [NORIA], 2016); Dirkx, "The Unintended Consequences of US Support on Militia Governance in Kunduz Province, Afghanistan."
75. Interview code: KI2016 – 06, 2 April 2016, Kabul.
76. Interview code: KI2016 – 07, 3 April 2016, Kabul.
77. The ANP in Kunduz condoned much of the ALP behavior. Therefore, these militias operated with relative impunity. Moreover, in some instances, the ANP itself was actively involved in operations that involved looting houses and abusing civilians, including for example the police chief Khalil Andarabi. See: Lola Cecchinel, "The End of a Police Chief: Factional rivalries and pre-election power struggles in Kunduz" (AAN Dispatch, Afghanistan Analysts Network, Kabul, 2014).
78. Georg Frerks and Niels Terpstra, "Assessing the Dutch Integrated Police-Training Mission in Kunduz Province, Afghanistan, 2011-2013," in *Expeditionary Police Advising and Militarization*, ed. Edward Westermann and Donald Stoker (Solihull: Helion & Company, 2018), 242–66.
79. Frerks and Terpstra, 263–66.
80. Interview code: KI2016 – 09, 5 April 2016, Kabul.
81. Interview code: KI2016 – 09, 5 April 2016, Kabul; Romain Malejacq, "Afghanistan Militias: After a Decade of Counter-Insurrection Efforts, What Role Do They Play?" The Conversation, https://theconversation.com/afghanistan-militias-after-a-decade-of-counter-insurrection-efforts-what-role-do-they-play-74727 (accessed May 1, 2017).
82. International Crisis Group, "Afghanistan: The Future of the National Unity Government," (Brussels: International Crisis Group, 2017), 2.
83. International Crisis Group, 2.
84. Interview code: KI2016 – 08, 4 April 2016, Kabul.
85. Interview code: KI2016 – 08, 4 April 2016, Kabul.
86. International Crisis Group, "Afghanistan: The Future of the National Unity Government."
87. Interview code: KI2016 – 09, 5 April 2016, Kabul.
88. Cooke and Urwin, "Security and Social Developments in Kunduz," 2; Daniel Fisher and Christopher Mercado, "Why Kunduz Fell," *Small Wars Journal*, 2016.
89. Bethany Matta, "The Failed Pilot Test: Kunduz' Local Governance Crisis" (Afghanistan Analysts Network, Kabul, 2015), 4.
90. Matta, 4.
91. One of president Ghani's promises to the population of Kunduz was to tackle the problem of militia abuse (Behany 2015). Governor Safi attempted to follow up on this policy, but faced resistance, particularly amongst Jamiat-affiliated strongmen that were represented in the ALP and other militias in the province.
92. Malejacq, "Afghanistan Militias."; Interview code: KI2016 – 03, 30 March 2016, Kabul; Interview code: KI2016 – 08, 4 April, Kabul.
93. Cecchinel, "Taleban Closing in on the City," 2.
94. Cecchinel, 2.
95. Thomas Barfield, *Afghanistan: A Cultural and Political History* (Princeton University Press, 2010), 329.
96. O'Neill, *From Revolution to Apocalypse*, 51.
97. Jones, "The Rise of Afghanistan's Insurgency," 15–26; Barfield, *Afghanistan*, 327.
98. Jones, "The Rise of Afghanistan's Insurgency," 34.
99. Antonio Giustozzi and Christoph Reuter, "The Northern Front: The Afghan Insurgency Spreading beyond the Pashtuns" (Afghanistan Analysts Network, Kabul, 2010), 4.
100. Giustozzi and Reuter, 4.

101. Amrullah Saleh and Ghulam Farooq Wardak, "The Kunduz Fact Finding Commission Report" (Kabul, 2015), 23; UNAMA, "Afghanistan Human Rights and Protection of Civilians in Armed Conflict: Special Report on Kunduz Province" (Kabul: UNAMA, December 2015), 1. Online available at: https://www.refworld.org/docid/566fd0e64.html (accessed September 3, 2018).
102. Interview code: KI2016 – 07, 3 April 2016, Kabul.
103. Azam Ahmed, "Taliban Are Rising Again in Afghanistan's North." *New York Times*, October 23, 2014.
104. Cecchinel, "Back to Bad: Chahrdara between Taleban and ALP - a district case study" (AAN Dispatch, Afghanistan Analysts Network, Kabul, 2013), 2.
105. Cecchinel, 2.
106. Cecchinel, 2.
107. Cecchinel, 2.
108. Ahmed, "Taliban Are Rising Again in Afghanistan's North." Interview quote from Mohamuddin, 55 years old, a farmer from Ain al-Majar village in Chahar Dara, as quoted in the *New York Times*.
109. Ahmed.
110. As noted by one of the respondents, the Taliban spread its messages in Kunduz through their networks of *mullahs*, by the use of loudspeakers at the mosques for example, or during gatherings inside the mosques (Interview code: KI2016 – 09, 5 April 2016, Kabul). For a better understanding of Taliban messaging in general, see for example: Thomas Johnson, *Taliban Narratives: The Use and Power of Stories in the Afghanistan Conflict* (London: Hurst, 2018); Thomas H. Johnson, "The Taliban Insurgency and an Analysis of Shabnamah (Night Letters)," *Small Wars & Insurgencies* 18, no. 3 (2007): 317–44.
111. Cooke and Urwin, "Security and Social Developments in Kunduz," 2.
112. Interview code: KI2016 – 09, 5 April 2016, Kabul.
113. Cooke and Urwin, "Security and Social Developments in Kunduz," 2.
114. Taliban fighter in Kunduz province, interviewed by Vice News, "Embedded in Northern Afghanistan: The Resurgence of the Taliban," last modified November 7, 2015, https://news.vice.com/video/embedded-in-northern-afghanistan-the-resurgence-of-the-taliban (Accessed 4 April 2017).
115. Cooke and Urwin, "Security and Social Developments in Kunduz," 1–4.
116. Interview code: KI2016 – 06, 2 April 2016, Kabul; Interview code: KI2016 – 07, 3 April 2016, Kabul.
117. Interview code: KI2016 – 07, 3 April 2016, Kabul.
118. See also figure 1, a map of Kunduz province.
119. Obaid Ali, "The 2016 Insurgency in the North: Beyond Kunduz City – Lessons (Not Taken) from the Taleban Takeover" (AAN Dispatch, Afghanistan Analysts Network, Kabul, 2016), 7.
120. Ali, 7.
121. Ali, "The 2016 Insurgency in the North," 7.
122. IWA, "Corruption and Justice Delivery in Kunduz Province of Afghanistan" (Integrity Watch Afghanistan, Kabul, 2018).
123. Ali, "The 2016 Insurgency in the North," 3.
124. Ali, 3.
125. Interview code: KI2018 - Z01, 24 September 2018.
126. Interview code: KI2018 - Z01, 24 September 2018.
127. Interview code: KI2018 - Z01, 24 September 2018.
128. Interview code: KI2016 – 07, 3 April 2016, Kabul; Interview code: KI2016 – 08, 4 April 2016, Kabul; sources provided to the author by UNOCHA.
129. Interview code: KI2016 – 07, 3 April 2016, Kabul; Interview code: KI2016 – 08, 4 April 2016, Kabul; sources provided to the author by UNOCHA.

130. Thomas Ruttig, "How Tribal Are the Taliban? Afghanistan's Largest Insurgent Movement between its Tribal Roots and Islamist Ideology" (AAN Thematic Report, Afghanistan Analysts Network, Kabul, 2010).
131. Ruttig, "How Tribal Are the Taliban?" 22.
132. Ruttig, 22.
133. Osman, "Toward Fragmentation? Mapping the Post-Omar Taleban," 11–12.
134. Barfield, *Afghanistan*, 327.
135. Barfield, 327.
136. Borhan Osman and Anand Gopal, "Taliban Views on a Future State" (Center on International Cooperation, New York, 2016), 15.
137. Ashley Jackson, "Life under the Taliban Shadow Government" (Overseas Development Institute (ODI), 2018), 27.
138. Jackson, 27.
139. Joseph Goldstein, "A Taliban Prize, Won in a Few Hours After Years of Strategy," *The New York Times*, September 30, 2015; Alex Strick van Linschoten and Felix Kuehn, *An Enemy We Created: The Myth of the Taliban/Al Qaeda Merger in Afghanistan, 1970-2010*, (London: Hurst, 2014), 311.; Interview code: KI2016 – 01, 29 March 2016, Kabul.
140. Adam Baczko, "Legal Rule and Tribal Politics: The US Army and the Taliban in Afghanistan (2001–13)," *Development and Change* 47, no. 6 (2016): 1425–26.
141. Antonio Giustozzi, *Koran, Kalashnikov, and Laptop: The Neo-Taliban Insurgency in Afghanistan* (Columbia University Press, 2008), 112.
142. Jackson, "Life under the Taliban Shadow Government," 19.
143. Interview code: KI2018 - Z01, 24 September 2018.
144. Interview code: KI2016 - 08, 4 April 2016, Kabul.
145. Interview code: KI 2018 - Z02, 18 October 2018.
146. Interview code: KI2018 - Z01, 24 September 2018.
147. Interview code: KI2016 – 07, 3 April 2016, Kabul.
148. See also: Niels Terpstra, "Statebuilding, Legal Pluralism, and Irregular Warfare: Assessing the Dutch Mission in Kunduz Province, Afghanistan," *Peacebuilding* (2019), DOI: 10.1080/21647259.2019.1620907.
149. Giustozzi and Reuter, "The Insurgents of the Afghan North."
150. Giustozzi and Reuter, 14.
151. Interview code: KI2016 – 06, 2 April 2016, Kabul. The respondent refers to places in Kunduz province that were under control of the Taliban for more than a few months. Particularly in those places where the Taliban has a longer-term presence, the Afghan government plays less of a role in the daily life of civilians. The Taliban becomes the *de facto* ruler of the area and the familiar point of contact rather than the Afghan government, which provides the Taliban with advantages in terms of intelligence.
152. Interview code: KI2016 – 06, 2 April 2016, Kabul.
153. Charles Tilly, *Coercion, Capital, and European States, AD 990-1992* (Blackwell: Oxford, 1992), 84–91.; Kasfir, "Rebel Governance – Constructing a Field of Inquiry: Definitions, Scope, Patterns, Order, Causes," 36.
154. Kasfir, "Rebel Governance - Constructing a Field of Inquiry: Definitions, Scope, Patterns, Order, Causes," 36.
155. Jan R. Böhnke, Jan Koehler, and Christoph M. Zürcher, "State Formation as it Happens: Insights from a Repeated Cross-Sectional Study in Afghanistan, 2007–2015," *Conflict, Security & Development* 17, no. 2 (2017): 107; Jackson, "Life under the Taliban Shadow Government," 22.
156. Jackson, "Life under the Taliban Shadow Government," 22; P. J Bearman et al., *The Encyclopaedia of Islam, Second Edition*, 2012. *Zakat* can be understood both as an act of worship and as a system of revenue-raising. There is however considerable disagreement among Muslim jurists over the details and specific interpretations of the laws of *zakat*.

157. Bearman et al., *The Encyclopaedia of Islam, Second Edition*. In the ancient Near East the payment of a tenth of one's goods or property to the Deity and King was widely practised (Bearman et al. 2012).
158. Böhnke, Koehler, and Zürcher, "State Formation as It Happens," 106–108.
159. Böhnke, Koehler, and Zürcher, "State Formation as It Happens," 107.
160. Böhnke and colleagues indicate that 34.1 percent of the population paid *ushr* in 2007, and 65.8 percent in 2015. These specific numbers provide a reasonable estimation, but with this type of quantitative data in the context Afghanistan several caveats should also be borne in mind.
161. Böhnke, Koehler, and Zürcher, 18; Cecchinel, *Taleban Closing in on the City*.
162. Jackson, "Life under the Taliban Shadow Government", 22; Lauren McNally and Paul Bucala, "The Taliban Resurgent: Threats to Afghanistan's Security" (Afghanistan report II, Washington DC, Institute for the Study of War, 2015), 21.
163. Shivan Mahendrarajah, "Conceptual Failure, the Taliban's Parallel Hierarchies, and America's Strategic Defeat in Afghanistan," *Small Wars & Insurgencies* 25, no. 1 (2014): 109.
164. Bill Roggio, "Taliban Control 3 Districts in Afghan Provinces of Wardak and Kunduz," *FDD's Long War Journal*, 2014, http://www.longwarjournal.org/archives/2014/10/taliban_control_3_di.php (accessed April 3, 2018).
165. Mujib Mashal and Najim Rahim, "Taliban, Collecting Bills for Afghan Utilities, Tap New Revenue Sources," *The New York Times*, January 28, 2017, https://www.nytimes.com/2017/01/28/world/asia/taliban-collecting-electricity-bills-afghan.html?_r=1 (Accessed June 5, 2018).
166. Mashal and Rahim.
167. McNally and Bucala, "The Taliban Resurgent," 21.
168. Mashal and Rahim, "Taliban, Collecting Bills for Afghan Utilities, Tap New Revenue Sources."; Interview code: KI 2016 – 06, 2 April 2016, Kabul.
169. Saleem Mehsud, "Kunduz Breakthrough Bolsters Mullah Mansoor as Taliban Leader," *CTC Sentinel* 8, no. 10 (2015), 30.
170. Mehsud, 30.
171. See for the profile of Mullah Abdul Salam: https://www.afghanistan-analysts.org/wp-content/uploads/2016/01/20151001-PROFILE-Mullah-Abdul-Salam.pdf, (accessed August 15, 2018). Additionally, see also reporting by the CNN, http://edition.cnn.com/2010/WORLD/asiapcf/02/18/pakistan.taliban/index.html (accessed August 15, 2018).
172. Ali, "The 2016 Insurgency in the North." See also the profile of Mullah Abdul Salam mentioned in the previous footnote.
173. Mehsud, "Kunduz Breakthrough Bolsters Mullah Mansoor as Taliban Leader"; Ali, "The 2016 Insurgency in the North"; Jackson, "Life under the Taliban Shadow Government."
174. Mullah Omar had been declared dead at several occasions, most notably in 2011, but also in several instances afterwards. See for example, https://www.nytimes.com/2011/05/24/world/asia/24omar.html (accessed August 19, 2018).
175. There is ongoing debate on the actual location where Mullah Omar passed away. Some sources indicate it was Karachi, Pakistan, whereas other sources indicate that it was in Zabul province in Afghanistan. There is, however, a consensus that he passed away in 2013. See for example, Bette Dam, "The Secret Life of Mullah Omar" (Zomia, Washington DC, 2019), 15.
176. See for example, Rod Nordland and Joseph Goldstein, "Taliban Leader Mullah Omar Died in 2013, Afghans Declare," *New York Times*, July 29, 2015, https://www.nytimes.com/2015/07/30/world/asia/mullah-omar-taliban-death-reports-prompt-inquiry-by-afghan-government.html (accessed August 1, 2018).
177. See for example: BBC, "Mullah Omar: Taliban Choose Deputy Mansour as Successor," July 30, 2015, https://www.bbc.com/news/world-asia-33721074 (accessed August 1, 2018).
178. Osman, "Toward Fragmentation? Mapping the Post-Omar Taleban," 2.
179. Joseph Goldstein, "Taliban's New Leader Strengthens His Hold With Intrigue and Battlefield Victory," *The New York Times*, October 4, 2015, https://www.nytimes.com/2015/10/05/

world/asia/kunduz-fall-validates-mullah-akhtar-muhammad-mansour-talibans-new-leader.html (accessed July 2, 2018).
180. Alex Strick van Linschoten and Felix Kuehn, *The Taliban Reader: War, Islam and Politics* (London: Hurst & Co, 2018), 227.
181. Osman, "Toward Fragmentation? Mapping the Post-Omar Taleban," 2.
182. Osman, 5.
183. Osman, 2.



184. Osman, 4–10; Mehsud, "Kunduz Breakthrough Bolsters Mullah Mansoor as Taliban Leader," 30–31.
185. Mehsud, "Kunduz Breakthrough Bolsters Mullah Mansoor as Taliban Leader," 30.
186. Mehsud, 30.
187. See for example: The Chronicle Herald, "Taliban Leader Says Capture of Afghan City Was 'Symbolic Victory' for Insurgents, September 30, 2015, http://thechronicleherald.ca/world/1314553-taliban-leader-says-capture-of-afghan-city-was-%E2%80%98symbolic-victory%E2%80%99-for-insurgents (accessed October 15, 2018).
188. IWA, "Corruption and Justice Delivery in Kunduz Province of Afghanistan," 10.
189. Tilly and Tarrow, *Contentious Politics*, 2007, 57.
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191. Goodhand and Hakimi, "Counterinsurgency, Local Militias, and Statebuilding in Afghanistan," 37.

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# CHAPTER 9

# Conclusion and Discussion

# 9 Conclusion and Discussion

This concluding chapter discusses the main findings, the academic contributions, possible avenues for future research, and the societal and policy implications of this dissertation. The main research question this dissertation has set out to answer is: How does rebel governance affect civilian compliance with a rebel group? The sub-questions are: (a) through what kind of historical trajectories did rebel governance emerge and transform? (b) what governance and legitimation practices did the rebel groups use to shape a social contract with the population? (c) how did civilians interpret and respond to these governance and legitimating practices?, and more specifically, (d) why did civilians comply or did not comply with the particular rebel group? Throughout this dissertation I have mainly focused on the Taliban and the LTTE. The peer-reviewed articles in this dissertation each presented their separate conclusions and contributions to the literature as stand-alone publications. At the same time, however, these articles have addressed different facets of my main research question and sub-questions. Below I summarize the main findings for each of the sub-questions after which I answer the main research question.



## 9.1 Conclusions and discussion: sub-questions

### *9.1.1 The emergence and transformation of rebel governance*

*(a.) Through what kind of historical trajectories did rebel governance emerge and transform?*

To answer my first sub-question about these rebel groups' historical trajectories, I briefly revisit how their objectives and engagement in various realms of governance developed over time. They governed effectively for various periods of time, but the differing historical context, ideology, and underlying strategic objectives, instigated variations in the character and duration of rebel governance as elaborated below.

**The LTTE**

From the early 1970s, young Tamils started to organize themselves in a variety of radical political groups in opposition to the Sri Lankan state. These groups did not only attack the Sri Lankan state, but each other too, aiming for exclusive leadership and ideological hegemony in the Northeast of the country. Vellupilai Prabhakaran established the LTTE as a separate organization in 1976. Throughout the 80s and 90s, the LTTE forcefully gained dominance over the other groups to a point where it claimed to be 'the sole representative of the Tamil-speaking population'. The conflict between the government of Sri Lanka and Tamil opposition groups surfaced internationally as a violent conflict in the month of 'Black July' in 1983. Sinhalese soldiers were ambushed by the LTTE and riots broke out in Colombo that killed thousands of Tamils. Black July is generally seen as the starting point of the protracted civil war that eventually lasted until the final defeat of the LTTE in 2009.

As described in Articles II and III of this dissertation, the LTTE started to govern in Northern Sri Lanka in the early 1990s. India had intervened in the Sri Lankan conflict in 1987, but only with limited success. Following the withdrawal of the IPKF in 1990, the LTTE gained control of much of the Northern territories. The Northern Jaffna peninsula came under LTTE control and became the first area to be fully governed by the LTTE. The IPKF withdrawal created a power vacuum and opened an opportunity for rebel governance to emerge. In 1990 the LTTE expelled the Muslim population from the Jaffna Peninsula, since the LTTE leadership had grown more suspicious of 'collaboration' by members of the Muslim communities with the Sri Lanka state. This expulsion created an ethnically homogeneous society in Northern Sri Lanka. After five years the LTTE moved its capital approximately 60 km Southeastwards where Kilinochchi became the new capital of the LTTE's state-like functions and symbolism.

As a secessionist rebel group, the LTTE's objective was to break away from the Sri Lankan state system and to create an independent state, which it referred to as Tamil Eelam.[22] This claimed 'homeland' consisted of the Northeastern part of the Sri Lankan island. The LTTE was ideologically motivated to create an independent state, for which it needed to create and/or coopt governance institutions. Hence, resonating with its secessionist credentials, the LTTE was focused on multiple governance sectors, beyond security and the judiciary only. Prabhakaran's leadership was not just militarily; it was also geared towards forms of state-building. In Kilinochchi, buildings with flags and signposts of various Tamil Eelam institutions covered the city's outline, such as the police office and LTTE courts, but several other institutions too.

The LTTE transformed from a small guerrilla organization in its inception phase to a conventional fighting force throughout the 1990s and 2000s. Although it continued to use guerilla tactics during its military operations in the jungle, it never returned to a full guerilla organization, not even in its final months in 2009 when defeat seemed near. The LTTE held on to its conventional fighting force and its vision of statehood until its final defeat. The state-like functions that the LTTE embodied, however, did not emerge through a neat, linear process. They varied over time, throughout space, and the coverage and depth of different governance sectors varied, as analyzed in Articles II and III of this dissertation.

**The Taliban**

As elaborated in Article IV of this dissertation, Taliban governance in Afghanistan traces back to the early Taliban fronts that were part of the *mujahideen* who fought against the Soviet regime and the Soviet Union's intervention. The early incarnations of these Taliban fronts were essentially *mullahs* leading their students – *Taliban* - as commanders. During the Soviet-Afghan war, the religious clergy operated *mujahideen* courts, in which religious leaders provided conflict mitigation, passed judgements, and issued edicts. The socialist regime (PDPA) faced resistance since it was seen by many Afghans as 'godless' (*kafer*). Following the Soviet

[22] As I discussed in the theoretical chapter of this dissertation, the strategies of rebel groups can be divided into two central types of objectives: rebel groups that aim to overthrow the central government (centre-seeking rebels); and rebel groups that attempt to carve out a discrete territory from the state (secessionist rebels) (Mampilly 2011, pp. 74–75).

intervention in 1979-1980, the resistance narrative became more nationalistic in nature because the intervention was perceived as an illegitimate foreign occupation. The arrival of Soviet troops was crucial in the mobilization of resistance by the public and the religious clergy. In the pre-1994 timeframe, this Islamic resistance and nationalistic resistance laid a foundation for the Taliban.



Mullah Omar established the Taliban as a separate organization in Kandahar province in 1994. The Taliban expanded its territorial control in the years that followed. In 1996 the Taliban proclaimed the 'Islamic Emirate of Afghanistan' and essentially operated like a state until the US-led intervention in 2001. The Taliban regime was ousted from power but not defeated; it retreated across the border into Pakistan. In the years that followed, the Taliban re-grouped and reverted back to a guerrilla organization in the 2000s. Throughout the 2010s, the Taliban increasingly controlled more territory in Afghanistan and became, once again, more involved in governance practices. The Taliban re-established parallel administrations with provincial and district governors, judges, police, and intelligence commanders, and a system of taxation.

The Taliban has been a centre-seeking insurgency rather than a secessionist one. Ideologically, its objective has been to implement its interpretation of *sharia* throughout the whole of Afghanistan. Coincidingly, it has fought against outside interference of non-Muslim forces that were seen to impede the establishment of the Taliban's envisioned Islamic Emirate of Afghanistan, such as the Western international forces. The judiciary has been the main governance institution to create that society ruled by *sharia*. It transitioned from a guerrilla organization in the beginning to a state-like structure with ministries, a sub-national administration, and a security apparatus during the late 1990s. It then reverted to a guerrilla organization in 2001 after which it increased its state-like functions again in the 2010s.

## Concluding remarks

As the articles in this dissertation have shown, both the LTTE and the Taliban initially emerged as small-scale guerilla movements and transitioned to governing rebel groups. Both groups were motivated to become involved in at least some sectors of governance. For the LTTE this involved multiple governance sectors. As a secessionist group, it wanted to demonstrate the potential of its state capacities. The Taliban's efforts were more exclusively focused on the justice sector, since that was the main institutional framework to establish its envisaged Islamic society based on the Taliban's interpretation of *sharia.* The LTTE was to a larger and lesser degree involved in various governance sectors from 1990 until 2008-2009, but several variations existed throughout time and space and in their coverage of different sectors. The Taliban's governance practices waxed and waned over time. The Taliban first governed from 1994 until 2001. Following the US-led intervention in 2001, the Taliban's rebel governance largely disappeared, but a few years later the Taliban resurfaced as insurgency and slowly became more elaborately involved in different governance sectors again, with a focus on the judiciary.

### *9.1.2 Governance and legitimation practices*

*(b.) What governance and legitimation practices did the rebel groups use to shape a social contract with the population?*

To answer my second sub-question, I will now discuss the main governance and legitimation practices of both rebel groups and how these practices were used to shape a social contract with the civilian population at the expense of the rebels' adversaries.

**The LTTE**

The LTTE employed several governance practices to shape a social contract with the population that lived under its control. In areas under its territorial control, the LTTE created a level of predictability and social order in public life by setting up its own administrative structures, such as the police, the judiciary, and tax collection. In parallel it allowed the continuation of service provision by the Sri Lankan state in sectors such as health care and education. The state services, however, functioned under the complete control of the LTTE. Through law enforcement and the continuation of services, the LTTE created a social contract whereby the population was expected to follow the LTTE rules, while the LTTE provided state-like functions and collective services.

The LTTE also employed various legitimation practices to shape such a social contract. For the LTTE, nationalism and ethnicity were key identity markers of its constituency. It claimed to fight for 'the Tamil cause'. The Tamil state of Eelam was envisaged as a national, independent, ethnically Tamil state. The LTTE insisted that Tamil Eelam was necessary to protect the rights and security of the Tamil-speaking community (which in earlier days included the Muslim Tamil-speaking community, but was excluded after 1990). The LTTE presented itself as the 'sole representative' of the Tamil nation; a recurrent theme in the LTTE's discourse and propaganda.

The national symbolism advocated by the LTTE was geared towards an independent state with a distinct national identity. It evolved over time in response to particular historical developments but was in some ways consciously planned as well. The Tamil Eelam police force, for example, used its own salutes, and participants of public LTTE events sang the national anthem. Through this nationalistic discourse, the LTTE aimed to bind the Tamil population to its cause. The 'one-person-per-family rule' was another way of entrenching the Tamil population into the movement. This meant that every Tamil family was obliged to provide at least one family member that would join the rebel group. The LTTE boosted the image of all cadres sacrificing their lives for the rest of the Tamil community, instigating a moral obligation to abide by the rules. The LTTE also invested resources into maintaining cemeteries of the fallen cadres during the war. It thereby inscribed the sacrifices of the fallen cadres for Tamil Eelam into the soil of the Northern territories.

**The Taliban**

The Taliban has employed several governance practices to shape a social contract with the civilian population. First, the Taliban has used its ability to establish law and order to create

such a social contract. At different instances in time the Taliban promised to create law and order amidst political fragmentation and looting by warlords that exploited segments of the population. Thus, the Taliban created the implicit understanding that the population should follow the Taliban's interpretation of *sharia,* while the group would create stability by disciplining and punishing people who did not abide by their rules. The Taliban performed state-like functions through its judiciary in particular.



The Taliban has also employed various legitimation practices to shape a social contract with the population. The Taliban has derived part of its legitimacy from religious sources. The Taliban's religious foundation is an extremist interpretation of Sunni, Deobandi Islamism. The first Taliban leader, Mullah Omar publicly assumed the title of *Amir ul-Mu-mineen* ('Commander of the Faithful') in 1996. Ever since, the Taliban has viewed the supreme leadership of Mullah Omar and that of his successors as standing in the tradition of historical caliphs.

Coincidingly, these legitimation practices have also been nationalistic in nature, directed at a perceived common foreign enemy. The purpose of the Taliban narratives has been to unite diverse segments of the civilian population against foreign occupation. Narratives have included references to past shared resistances against the Soviets, the British, Genghis Khan, and Alexander the Great. In the post-2001 situation, the claimed national-religious struggle has continued against the Western foreign troops that arrived in the country. The claimed legitimacy of the Taliban has, therefore, been embedded in a longer history of armed conflict and resistance against foreign troops in Afghanistan, as demonstrated in the longitudinal study of this dissertation (Article IV).

**Concluding remarks**

Both the LTTE and the Taliban did not only compete with the incumbent governments in military terms, but also in the provision of governance. In some governance sectors the existing state service provision was coopted by the rebel groups. Both rebel groups mimicked state-like functions to shape a social contract with the population. Through legitimation practices both groups attempted to bind the population to their cause. They presented themselves as the viable alternative to the incumbent government, while simultaneously trying to demonstrate how their struggle was justified, or even 'inevitable'. Both groups employed a symbolic repertoire of the nation-state. The Taliban has used a nationalistic-religious narrative with references to foreign interference. The LTTE's narrative was determined by nationalism, resistance against oppression by the state, and a claimed historical homeland with the right to self-determination.

### *9.1.3 Civilian interpretations and responses*

*(c.) How did civilians interpret and respond to these governance and legitimating practices?*

To answer my third sub-question, I will now discuss interpretations and responses of civilians to the aforementioned governance and the legitimation practices of both rebel groups.



**The LTTE**

Tamil civilian interpretations of the above-mentioned governance and legitimation practices in the Northeast often followed the LTTE's discourse on nationalism and separatism, but criticism and diverging views existed too. First, the population generally perceived the LTTE rule as something very similar to a state. The LTTE was seen as at least fulfilling the tasks of a state even though it was not recognized as such by the outer world. Furthermore, a general national sense of 'Tamilness' was alive in the communities of ethnic Tamils. There was a high level of respect for, and even worshipping of supposedly national symbols such as the Tiger flag and the national flower. The Tamil population participated in many public events, such as the LTTE's rallies, national days, and the singing of hymns to support the LTTE's cause. The Tamil civilians in my study regarded the common Tamil descent and nation, sacrifices, martyrdom, charismatic leadership, and the LTTE as protector from Sinhalese threats as most important. That is, these elements resonated particularly strongly among them. Yet, the LTTE's nationalistic master narrative resonated more among the ethnic Tamil population (who are usually Hindu or Christian), and far less among the Tamil-speaking Muslims.

Although many Tamils in the Northeast of Sri Lanka felt a deep sense of loyalty to the LTTE, they would talk about the Tigers with a mixture of respect and fear. The violence and surveillance of the LTTE were manifest in the everyday imagination of Tamil communities, particularly in the North. Although they feared the LTTE, it appears they hated the Sri Lankan government and army more.

As demonstrated in Article III of this dissertation, some of the LTTE's reform policies were met with resistance from the Tamil population. Despite the LTTE's references to the traditional 'roots' of its struggle, its ideology also included a number of 'untraditional' reformative socio-political goals. The LTTE's policies went against some mainstream conservative norms and practices that existed in Jaffna and other places throughout the North and East. Examples of these policies were the ways in which Tamil youths in the LTTE behaved toward the elderly, how women were empowered by the rebel group, and how the LTTE attempted to eradicate existing caste hierarchies in the Tamil society and prohibited the dowry system. These reforms were part of the LTTE package that had to be accepted and followed, but they did not help to legitimize the LTTE's rule. A degree of civilian compliance existed despite some of these specific reforms, not by virtue of them.

**The Taliban**

Civilian interpretations and responses to Taliban rule have varied strongly per locality and over time. With the withdrawal of the Soviet Union in 1989, Afghanistan descended into a brutal

civil war between rivalling *mujahideen* and other strongmen. The multitude of warlords and commanders increasingly tolerated that their fighters looted the population, partly due to their inability to pay salaries and as an incentive to keep them fighting. In that context, the Taliban was welcomed in several areas of Afghanistan for restoring a level of order and security. Taliban fighters tended to be more disciplined than other warlords and commanders. Such civilian welcoming of the Taliban's efforts to restore law and order has been pragmatic in nature, particularly in instances where the Taliban's opponents governed ineffectively.

During the Islamic Emirate of Afghanistan of 1996 until 2001, the Taliban came to govern the majority of Afghanistan's territory. In this new context it became clear that particularly in the bigger cities general civilian responses were less welcoming. The Taliban, who came from the countryside, entered bigger cities such as Herat, Mazar-e-Sharif, and Kabul with larger and modern communities that strongly opposed the conservative rules of the Taliban. As a consequence of the Taliban's expansion, then, these differences surfaced more clearly and on a larger scale than before. In the post-2001 timeframe, the country has been divided too, with segments of the population who have favored a return of the Taliban, while others have strongly opposed it.

Approximately 99 per cent of Afghanistan's population is considered Muslim, of which 85 to 90 per cent is considered Sunni and 10 to 15 per cent Shia.[23] The Taliban's interpretation of Sunni Deobandi Islamism is and was not necessarily perceived by all parts of the general public as legitimate. The Taliban's extremist interpretations have been welcomed by parts of the Sunni population, while others have not perceived it to be the true representation of Islam and preferred different directions and/or moderation. Amongst rural Pashtun communities especially but not exclusively, the Taliban's narrative of a 'justified' struggle against rogue commanders and external interference has provided the group with levels of legitimacy throughout different timeframes.[24] Pashtun communities have been more receptive to the Taliban's promises because they have usually been more heavily targeted by non-Pashtun warlords and commanders, such as Tajiks, Turkmen, and Uzbeks.[25] At the same time, that ethnic element should not be overstated since the Taliban has had non-Pashtun members, recruits, and commanders too.

The general supporters of the different Northern Alliance commanders have strongly opposed the Taliban's pursuits at various instances in time.[26] Most certainly, the Shia minority has not perceived the Taliban's interpretations of Islam as righteous. Ethnic Hazaras, who make up most of the Shia community in Afghanistan, have been particularly targeted by the Taliban and are usually against it. Finally, many women fear a further return of the Taliban to power

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[23] These figures should be considered a reasonable estimation, since statistics on the Afghan population are contested (Barfield 2010, pp. 23–24).

[24] See for example Article IV of this dissertation.

[25] See for example Article V of this dissertation.

[26] The term 'Northern Alliance' is generally used to refer to the coalition that is formally known as the United Islamic Front for the Salvation of Afghanistan. This was a coalition of high-level warlords and commanders fighting a defensive war against the Taliban regime in the late 1990s. Several Northern Alliance warlords/commanders cooperated with the United States to bring down the Taliban regime in 2001. Many of them have taken up high positions in different post-2001 Afghan governments. For more details on these actors, see for example: (Mukhopadhyay 2014, Malejacq 2020).

given the severe restrictions for women in public life that the Taliban implemented during the 1990s.

**Concluding remarks**

The LTTE governed a more homogenous population than the Taliban generally has done. Particularly after the LTTE expelled the Muslim population from the Jaffna Peninsula, the civilian population was ethnically homogeneous. For the LTTE it was relatively easier to establish a social contract with the population in territories under their control. The LTTE played into what the civilian community could potentially share in terms of an imagined national identity. The Taliban has not been as ethnically exclusive as the LTTE, where a Sinhalese commander in the LTTE's ranks would have been unthinkable.[27] In Afghanistan the armed conflict has been more fragmented with multiple centers of power and continuous shifts in alliances as shown in Article V of this dissertation. Multiple factions of former *mujahideen* and other warlords/commanders have continued to shape the military-political context of Afghanistan, where small groups of militias are loyal to their direct commanders in the first instance. Defections from one group to another have happened frequently. The civilian population living under Taliban rule at various instances in time has generally been more heterogeneous in terms of ethnic identity. The shared and imagined community living under Taliban rule has been less homogeneous, and the responses of civilians have been more fluid and pragmatic. With shifting frontlines, the civilian population has involuntarily remained at the mercy of the Taliban and its multiple opponents. Many civilian communities were and are left no choice but to respond pragmatically to the multiple parties in the conflict.

### *9.1.4 Civilian compliance*

*(d.) Why did civilians comply or did not comply with the particular rebel group?*

To answer my fourth sub-question, I will now turn to the motivations for civilian compliance with the two rebel groups. In both countries segments of the population complied, while other parts of the population did not. The exact quantifiable degrees throughout time are difficult to establish based on the qualitative methodology that I followed. Instead, this section discusses the variety of motivations behind civilian compliance. I discuss how motivations such as self-preservation, pragmatism, conviction, and opportunism, or a combination of these, have shaped civilian compliance.

**The LTTE**

Civilians complied with the LTTE both out of fear and sympathy. The credible threat of coercion underpinned LTTE rule. The rebel group communicated its policies through letters, house-to-house visits, radio announcements, and community meetings. Refusals to follow the

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[27] Some high-ranking LTTE cadres were however from mixed descent or had married Sinhalese women.

rules could lead to intimidation, threats of violence, and actual violence (e.g. burning houses and abducting people).

At the same time, my findings on Sri Lanka indicate that civilian compliance existed due to a deep entrenchment of the LTTE in the entire Tamil society. Tamil civilians opted for the LTTE rather than the central government.[28] This compliance was often based on convictions about the rights of Tamils as equal citizens in the Sri Lanka state, and due to their sense of belonging to the Tamil minority community. There were several policies and measures that Tamil civilians did not approve of, but in general they respected the fight of the LTTE cadres on behalf of the Tamil communities, who sacrificed their lives for the perceived greater good.

Non-compliance existed too. Many Tamils fled abroad, some resisted individually or collectively. Within the LTTE's system there were ways for civilians to negotiate about the LTTE's standard policies.[29] Civilian non-compliance took place in subtle or less subtle ways. Yet, long-lasting and large-scale collective action against the LTTE never existed. The rebel group kept a close watch on its critics and sanctioned disobedience.

**The Taliban**

Civilian compliance with the Taliban rule was also determined by both fear and sympathy. Coercion strongly underpinned the Taliban's Islamic Emirate in the 1990s, but also after 2001 the Taliban has been known to rule partly through intimidation, harsh punishments, and threats of violence.

My findings indicate that an immediate concern of civilians is having any type of rule of law in the midst of decades of civil war. One of the respondents strikingly noted, "we do not have any issue with any group; the government and the Taliban do not differ much for us. We want a governing body that can keep people secure, and it should be in accordance with Islam".[30] In various instances throughout the past three decades, the Taliban has been able to deliver that law and order at various localities. This has engendered civilian compliance out of pragmatism, in the 1990s but also during the post-2001 phase. Furthermore, there have also been mere ideological reasons for civilian compliance. Some civilians have perceived the Afghan government as a corrupt entity, supported by 'illegitimate' non-Islamic outside forces. Moreover, these outside forces have been perceived by some to distance the Afghan population from Islam. Moreover, Afghan civilians have lost friends and relatives as a result of night raids and air strikes by international forces, which for some has been a source of resentment towards the Afghan government and international allies, and a source of sympathy for the Taliban.

Non-compliance also existed in the 1990s, 2000s, and 2010s. Locally, this non-compliance consisted of subtle ways of circumventing rules in daily public life, but it also took place on a larger scale. Many people have fled their homes in response to Taliban incursions.

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[28] The hegemony of the LTTE with the defeat or absorption of other Tamil militant groups was crucial in creating that binary option with few alternatives beyond either the LTTE or the Sri Lanka government.

[29] For example, mothers of forcefully recruited child soldiers came to LTTE camps to ask for the release of their children. In some instances, the LTTE gave into the requests and released these children.

[30] Interview code 2018 – 16.

Large numbers of civilians have joined the Afghan government forces or pro-government militias to fight against the Taliban insurgency.

**Concluding remarks**

We know from the literature that rebel groups try to avoid defections of civilians to the opposing parties (Kalyvas 2006, Arjona 2017). One way to avoid defection is the use of selective violence or other forms of coercion. What becomes apparent in both cases is the element of coercion, or the credible threat thereof. This is not meant as a full explanation of civilian compliance with the rebels' rules, but rather as an underlying factor. The credible threat of coercion may have made civilians more inclined to obey the rules, but civilians may also have fled the rebel-held territories because of it. Both the Taliban and the LTTE instigated an atmosphere of fear through intimidation. It was relatively safer for civilians to comply with the rules, because they would be sanctioned by the rebel group if they did not. Civilian compliance is then – at least partly – motivated by self-preservation. However, as I concluded earlier and as I will explain further below, to establish long-term civilian compliance, reliance on coercion alone cannot suffice.

Strikingly, in both Afghanistan and Sri Lanka my findings indicate that civilians comply because the rebel group is considered the 'lesser of two evils'. Apart from fleeing the region or country altogether, following the rebel group out of mere pragmatism is then the only viable alternative. Some civilians comply with the rebel courts for example, because there is no alternative institution in terms of dispute resolution in these rebel-held territories. The population does not approve of all the actions that the particular rebel group undertakes, but there is practically no other option available to them. Civilian compliance then follows pragmatic motivations, which can be compounded with other motivations.

My research has further shown that segments of the civilian population complied with the rebel group out of ideological convictions. Sometimes these civilians are fully dedicated to the rebels' cause; in other instances the rebels' cause is the only viable option next to an incumbent government from which they feel completely distant, or which they strongly oppose. This is due to the government's long-lasting disenfranchisement and/or targeting of particular groups in society, corruption, or because the incumbent government is perceived to collaborate with illegitimate external forces. Ideologically, the rebel group can also be the 'lesser of two evils'. In Sri Lanka, for example, parts of the Tamil population were not convinced of all the social and political reforms that the LTTE implemented, but the rebel group was still closer to their convictions than the alternative of living under the rule of the Sinhalese-dominated Sri Lankan government.

Finally, opportunism has played a role too. For some people, compliance with the rebel group increased access to services and livelihood security. In other instances, it provided a quick route to status and power. In a civil war environment, a rebel group can enable youths to access a job, attain education, experience adventure, and achieve a certain status in society. Nevertheless, it should be noted that civilian conduct is shaped by a variety and mixture of layered motivations.

## 9.2 Conclusions and discussion: the main research question

Below I discuss my main findings in relation to the main research question: How does rebel governance affect civilian compliance with a rebel group? I conclude that governance practices have contributed to civilian compliance in both cases under discussion, but the relationship is usually complex and far from straightforward. Overall, we should bear in mind the temporal and spatial variations that may exist during civil war: not all civilians or rebels face similar risks and incentives at all times.



We established in the introduction that a level of civilian compliance is generally considered crucial for the political-military success of rebel groups during civil war (Galula 1964, Tse-Tung 1965, O'Neill 2005, Arjona 2016). This holds particularly true for rebel groups that follow a protracted popular war strategy (O'Neill 2005, pp. 49–55). In Mao's words, "The mobilization of the common people throughout the country will create a vast sea in which to drown the enemy (…)" (Tse-Tung 1965, p. 228). This strategy usually takes time and persistence.[31] My dissertation underlines that rebel governance practices are particularly important in the protracted popular war strategy. Rebel groups construct governance structures to institutionalize support, and they provide collective services to win over the general population. Through governance and legitimation practices, rebel groups tap into the population's ideological and material grievances and by shaping a social contract they detach the population from the incumbent government. As explicated below, this happens through the provision of security and the establishment of law and order, and the rebel groups' constructions and/or re-iterations of collective narratives, loyalties, and identities.

First, civilian communities are more likely to comply if the rebel group provides credible protection. In these instances, civilian compliance follows from self-preservation. This fundamental form of security governance proves to be crucial in generating civilian compliance. The possession of territorial control creates opportunities for rebel groups to shield the civilian population from rival parties, which instigates civilian compliance. It is in these so-called liberated zones, or base areas, that a rebel group can more easily create long-term compliance with its rule (Kasfir 2002, Arjona 2016). In those areas, civilians are not trapped between two or more competing authorities, and therefore it is less likely that they will be caught in the crossfire. In zones of contested control, on the other hand, civilians are more likely to face attacks by two or multiple warring parties. During instances of severe indiscriminate state violence, certain civilian communities seek shelter with the rebel groups against the incumbent government. In this way, my findings support observations made by Kalyvas (2006, p. 124) and Mampilly (2011, p. 54), who argue that a key way to secure civilian compliance is rebel protection from state incursions. For civilians, following the rebels' rules instead of opposing them, is the safer option in those cases. Bearing in mind, however, that rebel protection needs to be credible and effective for it to function. Particularly, because the presence of rebel

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[31] Contrastingly, in a conspiratorial strategy, the rebels attempt to remove the ruling authorities through a limited, but swift use of force (O'Neill 2005, pp. 46–49).

combatants may also cause more insecurity for civilians if they are wrongfully identified as rebels by rival parties.

Second, my findings show that the judiciary is a crucial and central rebel institution in the creation of civilian compliance. Where the dispensation of justice is lacking, limited, or malfunctioning, governing rebels can step in with a rebel judiciary. An effective rebel judiciary creates stability and predictability in rebel-held territories. For instance, the Taliban judiciary often contributes to stability and predictability in areas that the Taliban controls. Since the Taliban's governance practices have taken place in a context of political fragmentation and wide-spread corruption in the state judiciary, the civilian population has been more susceptible to actors that provide effective and accessible dispute resolution. Additionally, its judiciary has provided the Taliban with a means to monitor the civilian population and with an institution to delegitimize the Afghan government. The Taliban judiciary has thereby contributed to the Taliban's authority and to civilian compliance. With a combination of security governance and justice provision, rebels can offer relative stability in an environment torn by the effects of civil war.

Furthermore, through the performances of state-like functions in general, rebel groups make it credible to the civilian population that they are able to run a type of government. It testifies to their credibility, particularly for a secessionist group like the LTTE, but also for a center-seeking group such as the Taliban. That credibility is demonstrated by security and justice provision, the continuation or even improvement of collective service provision in sectors such as health care and education, but also by the more symbolic acts of governing, as discussed throughout this dissertation. To gain territorial control as a rebel group is one step, but to actually govern effectively adds another layer of credibility. What matters for civilian compliance is that these groups govern, but it is also important *how* they govern. While the provision of collective goods may easily be welcomed by most populations, the creation of new rules may instigate civilian resistance (Arjona 2017, p. 769). My findings show that it is important to which extent such policies reflect the convictions, habits, interests, and demands of the civilian population. The aspects of the rebels' policies that do or do not receive approval from the population vary. Although some people may strongly support rebels in their political opposition to the government, certain reformative policies may at the same time be too extreme or radical for segments of the population, as was explicated in Article III of this dissertation.

Once rebel groups control territory and become more permanently involved in the daily public and even private lives of civilians, their opportunities to define dominant discourses also increase. This is when the legitimation practices that justify rebel governance become particularly important. If there is a hegemonic reading of the situation that justifies the rebels' actions at the expense of their opponents, compliance with the rebel rulers becomes more likely.[32] This is sometimes referred to as an informational monopoly (Kalyvas 2006, p. 125). In various phases of the war in Sri Lanka, the LTTE had territories under its full control and therefore the 'power to define': the LTTE decided what the people would hear, see, and

[32] See for example Article II of this dissertation.

experience, thereby limiting the public space for dissent and collective resistance against the rebel group. During the Taliban regime of the 1990s, severe restrictions existed with regard to televisions, satellite dishes, music, and female education. These restrictions were religiously motivated, but as a consequence the Taliban gained a stronger hold on what the population would hear, see, and experience in their daily lives.



Moreover, authors that have studied violent conflict from a social identity perspective have acknowledged that perceived identity categories become more salient during civil war, particularly ethnic and national identities. As soon as group violence occurs and people are killed because of their identity, escalatory dynamics feed into an intensification of us/them divides, oscillating towards more hatred and protracted violent conflict (Demmers 2016, p. 50). This insight is important for an understanding of civilian compliance with a rebel group too. Even though parts of the civilian population did not want to collaborate with a rebel group initially, it may become impossible for them to maintain that position. Non-compliance may put them in the category of 'the enemy' once a demarcated us/them divide solidifies in the minds of the communities. For example, the notion of 'traitor' was prominent in the LTTE's public spaces. By not participating in LTTE rallies or public events, members of the population ran the risk of being seen as traitors with severe punishment as a potential consequence.

Without their rebel governance practices, the Taliban and the LTTE would have remained guerilla organizations instead of governing rebels throughout their lifespans. To refer back to the introduction, they would have resembled the 'roving bandits' type: rebels that travel around and loot the population (Olson 1993). They would not have experienced the effects of governance practices on civilian compliance. First, they would not have had the benefits of a so-called 'base area' with basic rebel institutions in which it was easier to create long-term civilian compliance. Secondly, they would not have been able to provide a stable and secure environment for the civilian populations. Thirdly, the envisaged independent state of Tamil Eelam and the envisioned Islamic Emirate of Afghanistan would both have been less credible if the LTTE and Taliban had not been able to show proof of their governing capabilities. Fourthly, it would have been harder for the rebels to create an informational monopoly and to dominate the discourse.

In relation to the main research question, we have established that both the LTTE and the Taliban became - in Olson's (1993) term - 'stationary' rebels since they institutionalized their rule and started to provide collective goods.[33] Moreover, I have shown how rebel governance practices affect civilian compliance. The question remains nevertheless if these governance practices have always been strategically beneficial for rebel groups. Stewart (2020) indicates on the basis of a quantitative study that rebel governance does not always contribute to rebel strength. My findings reinforce this nuanced view. Both the LTTE and the Taliban have had to divert some of their resources from military operations to civilian governance efforts. This most likely also led to some tactical losses throughout these civil wars. Furthermore, the LTTE's clinging on to state-like structures and conventional warfare eventually contributed to

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[33] As noted in the introduction of this dissertation, Olson (1993) makes a distinction between 'roving bandits' and 'stationary bandits'.

its own defeat. If the LTTE had reverted to a guerilla organization in the final stages of the civil war, its chances of resisting the Sri Lankan government's final attacks would probably have been better, although we will of course never be able to verify that alternative historical path.

My findings therefore demonstrate that flexibility and adaptation in rebel governance practices are strategically crucial. The strategic effectiveness of specific governance practices at least partly depends on the rebel groups' timing. Governance practices become more relevant once the rebel group progresses from small-scale guerilla resistance to a next phase of power consolidation, territorial/population control, or in a later stage even the strategic offense. The timing depends on the rebels' accurate estimates of the strength and future offenses of its opponent(s) at different localities. In sum, this means that rebels need to adapt to changes in the military and political environment, and need to do relatively better than the incumbent government, as highlighted in Article V of this dissertation. The Taliban, for instance, often tried to base itself in rural areas where the international forces and Afghan government were relatively weak. As I show in Articles IV and V, the Taliban's governance practices have been especially effective in those instances and localities where the Afghan government was perceived to be particularly corrupt, maltreating the population, and/or governing ineffectively.

Finally, the cases of both the LTTE and the Taliban demonstrate that these groups started to govern at least partly out of ideological conviction. The LTTE did so because of its fight for an independent state, while the Taliban did so to establish a society based on *sharia* rule. At the same time, both groups followed a popular war strategy and reaped some of the strategic benefits that rebel governance practices provided. Their involvement in governance, based on a sense of timing and political opportunity, was also strategically planned. Based on my findings, I conclude that ideology and strategy mostly coincided and therefore constituted two sides of the same coin.

## 9.3 Academic contributions

As preluded in the introduction and theoretical chapter of this dissertation, the academic literature on civil wars and rebel governance has advanced significantly over the years. Despite these advances, several knowledge gaps still remain. The knowledge gaps I identified in the introductory and theoretical chapters include a limited understanding of: rebel symbolism; legitimation and civilian compliance; longitudinal perspectives on rebel governance and legitimacy; and the relation between contentious politics and rebel governance. Additionally, I pointed out that more empirical evidence is required for an advanced understanding of rebel governance and legitimacy. I argue that my dissertation helps to fill these gaps. Below I discuss each of these academic contributions.

### *9.3.1 Rebel legitimacy and symbolism*

As indicated earlier, landmark studies have taken an economic perspective on rebel governance (Olson 1993, Weinstein 2006). However, as argued in the different articles of this dissertation, rebel governance also consists of distinctively symbolic actions, which requires an analysis that goes beyond an economic, transactional logic. Following Weber (1978) and in line with authors such as Schröder and Schmidt (2001) and Schlichte and Schneckener (2016), my studies have

indicated that rebel groups depend on legitimate claims to power, particularly to transform their coercive power into more permanent positions. However, rebel legitimacy is relational and dynamic. The interpretations and responses of different segments of the population indicate to what extent the civilian population believes the actions of the respective rebel groups to be legitimate (Kasfir 2019).



Building on Schröder and Schmidt (2001) and Stone (2011), I have shown the importance of symbolism in the politics of rebel governance. I have examined the functions of the narrative, performative, and inscriptive elements of rebel legitimation. For example, in Article II, I have shown how the LTTE performed and represented statehood and sacrifice and how parts of the Tamil population participated in these narratives, performances, and inscriptions. Rebel symbolism was simultaneously created by the rebel group and the active involvement of the population. In this dynamic process, these narratives, performances, and inscriptions were collectively created and maintained. Especially the symbolic power of sacrifice, martyrdom, and notions of heroism in rebel groups had not been discussed as such in the rebel governance literature.

### *9.3.2 Legitimation and civilian compliance*

According to Kalyvas, civilian compliance in civil war is usually based on a mixture of both coercion and other measures of persuasion; of both fear and sympathy (Kalyvas 2006, pp. 101–104). The articles in this dissertation support Kalyvas' argument but also present some refinements. In Article III, I depicted the effects of specific types of legitimation practices. I have shown how different types of legitimation practices affect civilian compliance during rebel governance: the effects can be complementary, but also oppositional. While some legitimation practices were well-received by the population, and contributed to civilian compliance, others were met with antagonism, resentment, and local opposition. I demonstrate the mutually complementary and opposing effects of specific legitimation practices on civilian compliance, something that has remained relatively under-studied in the rebel governance literature. The findings confirm that rebel groups often use previously engrained local cultural references as Mampilly (2015, p. 91) noted, but the rebel groups may nevertheless choose specific ideological expressions that do not generate broad-based appeal, but are part of the leadership's convictions.

### *9.3.3 Longitudinal perspective on rebel governance and legitimacy*

Article IV analyzed rebel governance and legitimacy from a longitudinal perspective. Such a perspective is important because legitimation practices often refer to prior armed conflicts and societal tensions. As Schroder and Schmidt remind us, "the most important code of the legitimation of war is its historicity" (2001, p. 9). Article IV provides a better understanding of the historical sources of legitimacy, which has been missing particularly in studies on rebel governance and legitimacy that take an international relations or political science perspective. Furthermore, Article IV demonstrates the effects of external intervention and withdrawal on the dynamics of rebel governance and legitimacy. Building on Worrall's (2017) distinction between pragmatic legitimacy and moral legitimacy, Article IV has shown how moral forms of

legitimacy resonated especially during instances of external intervention, while pragmatic forms of legitimacy became more relevant after the withdrawal of external forces and during instances of the Taliban's opponents' ineffective governance. Moreover, the article shows how external intervention in support of an incumbent government decreases the opportunities for rebel groups to govern, while it increases the potential moral sources of rebel legitimacy. The withdrawal of external forces gives rebels opportunities to govern, while it diminishes the resonance of some specific moral sources of legitimacy. I concluded that external intervention and withdrawal shape rebel governance and legitimacy, but in surprisingly contrasting ways, which in itself is a new finding in the rebel governance literature.

### *9.3.4 Contentious politics and rebel governance*

Article V of this dissertation contributes to recent studies on the strategic aspect of rebel governance. As Stewart (2020) notes, we still need to better understand under which circumstances rebel governance does or does not contribute to rebel strength. In order to enhance our understanding, I explored the connection between the rebel governance literature and the existing literature on contentious politics in Article V. I used the concept of "opportunity structure", well-known in the tradition of contentious politics, and applied it to the Taliban insurgency. The concept of "opportunity structure" assumes that individual and collective action are facilitated or constrained within a larger environment of discursive, social, and political opportunities (Tilly and Tarrow 2007, Giugni 2009). The contentious politics framework helped to explore the strategic aspects of rebel governance.

Article V shows that the governance practices of the Taliban served several purposes. It provided local communities some level of protection from abusive militias, which boosted the rebels' authority and engendered civilian compliance. Through taxation, the Taliban was able to increase its revenue and its financial resources. The governance practices therefore contributed to the Taliban's military success, but they should be seen as one factor among others. The Taliban took benefit of a window of opportunity in the wake of the international troop withdrawal from Kunduz province. The Taliban did not have to be superior over its competitors in all facets to be successful; it had to possess sufficient resources and organizational capacities to seize the opportunity that emerged after the international troop withdrawal. In other words, it just needed to do relatively better than the Afghan government, both in terms of its military offenses and in terms of governance.

### *9.3.5 Hybrid governance*

Although I had initially not identified this as a knowledge gap in the literature, the findings of this dissertation also underscore the hybridity of rebel governance practices, particularly in governance sectors other than security and justice. In health care, education, and maintenance services for example, existing local bureaucracies were coopted by the rebel groups, rather than fully re-created. These observations support the literature that has shown how rebel governance emerges out of pre-existing bureaucratic structures, whereby the state and the non-state overlap and intertwine in forms of hybridity (Boege *et al.* 2009, Stel 2017a). My contribution in this regard is that the continuation of collective services, even if provided through state

bureaucracies, can have a legitimating effect for the rebel group that controls it. In these hybrid arrangements, the rebels are able to control the provision of collective services, able to meet specific civilian needs, and take the credit for this provision without having to spend financial resources on it.

### *9.3.6 Empirical contributions*



In general, the empirical evidence about the experiences of civilians under rebel rule is still relatively limited given the difficulties of gaining access to these (post-)conflict zones. Empirical insights in the LTTE's rebel governance and legitimacy have come from authors such as Fuglerud, Klem, Mampilly, Stokke, Sarvananthan, and Thiranagama (Stokke 2006, Sarvananthan 2007, Fuglerud 2009, Mampilly 2011, Thiranagama 2011, Klem 2012). In addition to that existing literature, this dissertation has assessed the impact of the LTTE's governance and legitimation practices on civilian compliance, something that had not been empirically studied before. Furthermore, in the recent rebel governance literature, few academic studies examine the Taliban's rebel governance and legitimacy. No specific chapters were devoted to the Taliban's rebel governance and legitimacy in prominent recent collected volumes or special issues on rebel governance and legitimacy (Arjona *et al.* 2015, Duyvesteyn 2017, Kasfir *et al.* 2017). Nevertheless, in the academic and 'grey' literature authors such as Ali, Giustozzi, Baczko, Weigand, and Jackson have empirically studied the Taliban's governance and legitimacy (Giustozzi and Baczko 2014, Weigand 2017, Jackson 2018, Ali 2019, Giustozzi 2019). My empirical contribution lies mainly in the newly collected interview data from Kunduz province which enabled me to understand how the Taliban governs and legitimizes its rule in this area of Afghanistan.

This newly collected empirical evidence is the final general contribution of this dissertation. Based on eight months of fieldwork in both countries, this dissertation contains a large collection of interview data on governance, legitimation practices, and symbolism of the LTTE and the Taliban. Particularly, the evidence on civilian interpretations and responses to specific governance and legitimation practices, and the use of symbolism, has filled a gap in the existing empirical data. The collection of empirical evidence is crucial for what Ragin (1994) refers to as a dialogue between ideas and evidence, which was discussed more elaborately in the methodological chapter of this dissertation. Throughout my dissertation I was able to build on existing research and I hope that other researchers will build on my empirical findings and use these to deepen our general understanding of rebel governance too.

## 9.4 Possible avenues for future research

Based on my research in past few years and that of this dissertation more specifically, I identify four important avenues for future research. The first avenue is methodological innovation. Both quantitative and qualitative researchers have investigated questions of rebel governance and legitimacy. Those two methodologically different strands of research have only to a limited extent informed one another. This divide can be bridged with sufficient collaborative efforts. A future research avenue would, therefore, involve a methodological approach of mixed methods in which both qualitative and quantitative methods can inform one another. Nelson Kasfir has

already started the ground-work by building a data-base in which approximately fifty historical and contemporary rebel groups are coded on the basis of one codebook, using insights of existing studies on each of the cases. I contributed to the coding of the Taliban in his database based on existing literature and my qualitative research. Once that database is complete, a whole new area of comparative research possibilities will emerge. The studied governance and legitimation practices can then be more extensively and comparatively analyzed in other cases too.

A second research avenue worth exploring is rebel-state collaboration. I came across several examples of these collaborations during my research and I discuss these on the Sri Lanka case in article II. Although the incumbent government and rebel groups fight each other militarily, they may at the same time collaborate on specific governance concerns, which I referred to as hybrid governance. A suggestion for future research is to take this a step further and systematically analyze the motivations of different actors to collaborate or not in one or more governance sectors. The aim would be not only to understand how, but also why different state actors collaborate with rebel groups in the provision of governance and vice versa. This research avenue speaks directly to the literature on political hybridity in conflict zones (Boege *et al.* 2009, Reyntjens 2016, Stel 2017a).

A third future research avenue is the relationship between the intervention/withdrawal of external troops and rebel governance/legitimacy. I explored this relation in Article IV and based my findings on the interventions in Afghanistan. The article shows how external intervention in support of the incumbent government has contributed to the moral legitimacy of the Taliban. In Afghanistan, it would be very interesting to further analyze what specific actions of external troops contributed to the legitimacy of rebel groups. Comparatively, it would be important to investigate if the findings will be similar or dissimilar to other interventions/withdrawals. For example, to study the intervention in Mali – to which the Netherlands also contributed troops - and its effects on the legitimacy of the Tuareg rebellion. This research avenue would be embedded in the literature on peace and state building interventions (Lemay-Hébert 2009, Paris and Sisk 2009, Autesserre 2014, Mukhopadhyay 2014, van der Borgh *et al.* 2018, Malejacq 2019).

Finally, a promising future research avenue is the legacy of rebel legitimacy in post-conflict settings, both in cases of a rebel defeat and in cases of negotiated settlements. How do dominant rebel discourses and narratives shape post-conflict environments? How do prior sources of rebel governance and legitimacy affect the state institutions once the war has ended? How do rebel governance practices affect the positions of rebel groups and the incumbent governments during peace negotiations? These questions speak to the research of Sprenkels and Wiegink for example, on the transformation of wartime forces into post-war political contenders (Sprenkels 2018, Wiegink and Sprenkels 2020). In the context of Sri Lanka and Afghanistan, these questions are highly significant too. Although the LTTE was militarily defeated in 2009, it is important to understand better if elements of the LTTE's legitimation practices are re-enacted, reframed or rejected in Sri Lanka's future political landscape. In Afghanistan, these questions are important during peace negotiations between the Afghan

government and the Taliban in order to understand how rebel governance feeds into peace settlements or power sharing arrangements.[34]

## 9.5 Societal and policy implications



The academic findings of this dissertation also carry societal and policy implications. Throughout my PhD-trajectory I have attempted to bring academic insights into the public debate and into policy debates were this was directly relevant. For instance, through commentaries in the Dutch newspapers *Volkskrant* and *Nederlands Dagblad,* and the Dutch radio channel *NPO Radio 1*, I used my Afghanistan expertise to interpret social and political developments surrounding the Taliban, and the consequences of international troop presence and withdrawals. Another example is the expert background report on the political and security situation in Kunduz province 2010-2018 that I wrote for the post-mission evaluation of the Dutch Police-training Mission in Kunduz. This evaluation was carried out by the IOB, the evaluation unit of the Dutch Ministry of Foreign Affairs and presented to the Dutch Parliament. Below, I highlight the main societal and policy implications of my dissertation.

First of all, this dissertation strengthens the debunking of the 'ungoverned spaces' and 'fragile states' policy debates (Boege *et al.* 2009, Murtazashvili 2018). Although these ideas were academically discredited years ago, they are still salient in foreign policy at the present time. Rather than viewing areas of limited statehood as 'ungoverned territories', the findings of my dissertation reiterate that rebel-held territories can be very organized and that actual 'unruled' territories hardly ever exist during civil wars (Kasfir *et al.* 2017). Public life continues to be governed, just not always by state actors and/or state bureaucracies. Moreover, the articles show that particularly the rebel-held safe zones can be stable and orderly. I revealed parts of the social and political life in rebel-held zones that had remained less visible or hidden. Amongst others, these insights are relevant for (I)NGOs and humanitarian organizations working in rebel-held territories, but also for the formulation of foreign policy in general.

Secondly, my dissertation shows that rebel groups can be involved in a large variety of actions, among which the provision of governance services. The variety and multiplicity of actions that rebel groups perform emphasize the necessity of understanding these groups beyond pre-determined or simplistic narratives that risk misinterpretations of empirical realities. When President George W. Bush in the wake of the September 11 attacks carried out by al-Qaida, stated "Either you are with us or you are with the terrorists", he created a simplistic binary frame that shaped interpretations of many state and non-state acts of violence around the world. Following that binary, the US government then excluded the Taliban leadership from talks about the establishment of a new Afghan government.[35] It was only in the 2010s that genuine attempts were made to find diplomatic and political solutions with the Taliban in Afghanistan.

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[34] At the time of writing, the negotiations between the Afghan government and the Taliban had not yet started officially.

[35] See for example George W. Bush's remarks to the World Coalition for Anti-Terrorism Efforts on 11 March 2002: "Part of that cause was to liberate the Afghan people from terrorist occupation, and we did so. In Kabul, a friendly government is now an essential member of the coalition against terror".

Although we need to recognize that groups such as the LTTE and the Taliban have used terrorist tactics and are directly responsible for a high number of terrorist attacks in Sri Lanka/India and Afghanistan/Pakistan, we also need to understand why these groups have had a large following amongst segments of the civilian population. In this dissertation, I have shown how we can analyse and understand civilian compliance during instances of rebel governance. This was based on ground-level empirical evidence from within these conflict zones and with considerable attempt to do justice to the complexity of these situations. My research has shown that civilians comply with these governing rebel groups for a variety of reasons, such as self-preservation, pragmatism, convictions, and/or opportunism. Those findings stipulate that civilians living under the regime of these groups and complying with their rules cannot simply be reduced to radicalised or fundamentalist followers of terrorism.

Thirdly, in relation to state-building interventions, a few general policy-relevant observations can be made based on my research. My dissertation emphasizes the importance of legitimacy during state-building interventions. For capacity building programs in state institutions, it is essential to ensure that these institutions are considered legitimate in the perception of the population. As I argued elsewhere, effective state-building lies "not only in the increased capacity of state institutions but also in the ability of external actors to generate support for the operation among the local population inside and outside of government-controlled territory" (Terpstra 2019, p. 20). Support for the incumbent government is essential for a successful and sustainable state-building process. For example, if the capacity of the state's judiciary system increases, but remains flawed by corruption, interventions of institution building will be counterproductive. Understanding the legitimacy sources of both state actors and rebel groups is essential for well-informed foreign policy. Not in the least because these rebels are *de facto* governing territories of geopolitical significance around the world, for example in Afghanistan, Iraq, and Somalia.

A final policy implication is about 'exit strategies' of external interventions. At the time of writing, my findings are applicable and relevant to the current planned international troop withdrawal from Afghanistan in 2020-2021, and similar situations. The articles in this dissertation show that withdrawals create power vacuums. Such power vacuums instigate new configurations of power, both for armed actors in the incumbent government and for rebel groups. A window of opportunity presents itself for a rebel group to step in. Effective rebel governance emerged or expanded both in Sri Lanka and Afghanistan following the withdrawal of external forces. An upsurge of the insurgency happened in Sri Lanka after the IPKF withdrawal in 1990 and in Kunduz province, Afghanistan, after the withdrawal of international troops from the province in 2013. At the same time, the Taliban is likely to lose its common external enemy frame following the withdrawal of international troops, and will thereby lose a basis of its current moral legitimacy. The large coalition of international forces has not been able to defeat the Taliban militarily during the past two decades, which signifies that the Taliban are here to stay. Understanding the political governance agenda of groups such as the Taliban, therefore, provides concrete inroads for possible diplomatic and political solutions to the armed conflict beyond counter-terrorism policies.

# APPENDICES

Bibliography

Summary
(in het Nederlands)

Acronyms and
Abbreviations

Glossary

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## Summary (in het Nederlands)

Dit proefschrift gaat over rebellenbestuur en legitimiteit in Afghanistan en Sri Lanka. Het proefschrift onderzoekt hoe de Taliban in Afghanistan en de Tamil Tijgers in Sri Lanka de door hen gecontroleerde gebieden en de daarin woonachtige bevolking bestuurden. Het proefschrift bestaat uit vier reeds gepubliceerde wetenschappelijke *peer-reviewed* artikelen en een boekhoofdstuk in een bundel. Deze reeds gepubliceerde artikelen en het boekhoofdstuk worden ingeleid met een introductie, een theoretisch hoofdstuk en een methodehoofdstuk. De reeks wordt afgesloten met een concluderend hoofdstuk waarin de onderzoeksvragen beantwoord worden en de implicaties van het onderzoek uiteen worden gezet.

Bestaande journalistieke en wetenschappelijke beschouwingen van burgeroorlog portretteren conflictgebieden dikwijls als plaatsen van chaos en wetteloosheid. Vaak wordt er gesproken over zogenaamde '*failed states*' en '*ungoverned spaces*'. Dit proefschrift laat zien dat er in rebellengebieden niet zozeer chaos en wetteloosheid heerst, maar er vaak wel degelijk een politieke- en sociale orde met vormen van dagelijks bestuur bestaat. In het proefschrift wordt dat geconceptualiseerd als rebellenbestuur; het vervult *de facto* de belangrijkste functies van de natiestaat, maar wordt niet internationaal als staat erkend. Een rebellenbestuur belichaamt de functies die in de moderne tijd vooral worden toegeschreven aan de soevereine staat. Het gaat daarbij om veiligheidstaken, een rechtssysteem, onderwijs, gezondheidszorg, belastingheffingen, infrastructuur, en collectieve voorzieningen. Bestuur betekent overigens niet dat het daarbij gaat om 'goed bestuur' in normatieve zin van het woord. Aangezien er doorgaans geen juridisch erkende basis is voor het bestuur, compenseren rebellengroeperingen dat met legitimerende praktijken in de vorm van symbolisch en performatief handelen. Het proefschrift onderzoekt hoe deze rebellengroeperingen bestuurden en in hoeverre zulke bestuurlijke- en legitimerende praktijken een effect hebben op de medewerking van de bevolking. De hoofdvraag is dan ook: Welk effect heeft een rebellenbestuur op de medewerking van de bevolking aan een rebellengroepering?

Op basis van in totaal acht maanden veldwerkonderzoek in Sri Lanka en Afghanistan staan respectievelijk de Tamil Tijgers en de Taliban centraal als empirische casussen in het proefschrift. Gebaseerd op nieuw verzameld en reeds bestaand empirisch materiaal worden de bestuursfuncties en legitimeringspraktijken van beide rebellengroeperingen geanalyseerd. Vervolgens wordt er nagegaan in hoeverre de bevolking dat bestuur legitiem acht(te) en wat de motivaties waren (en zijn) om in meer of minder mate medewerking te verlenen aan deze rebellengroeperingen.

De Tamil Tijgers werden als beweging opgericht in 1976 en in 2009 door de Sri Lankaanse overheid militair verslagen. De Taliban werd als organisatie opgericht in 1994 en is actief tot op de dag van vandaag (schrijven najaar 2020). Het proefschrift laat zien hoe zowel de Tamil Tijgers als de Taliban in meer en mindere mate bestuurstaken op zich hebben genomen. Het proefschrift beschrijft veranderingen qua bestuur en legitimiteit – door de tijd heen, per geografisch gebied, en per bestuurssector. De Taliban en de Tamil Tijgers hebben zich gericht op het winnen van de militaire strijd en tegelijkertijd op het stichten van een door de eigen ideologie geïnspireerde sociale- en politieke orde. Voor de Tamil Tijgers was het belangrijk om te laten zien dat ze in staat waren om het Noordoosten van Sri Lanka te besturen,

omdat het uiteindelijke doel was daar een onafhankelijke staat te creëren: het zogenaamde 'Tamil Eelam'. Voor de Taliban was en is het belangrijk om te laten zien dat het kan besturen, omdat het doel is een Islamitisch Emiraat te stichten in heel Afghanistan, wat van 1996 t/m 2001 tijdelijk reeds het geval was.

Naast de bestuurlijke dimensie staat het begrip legitimiteit centraal in het proefschrift. De vraag hierbij is of, en door wie, de Tamil Tijgers werden, en de Taliban worden gezien als een legitieme politieke actor. De Tamil Tijgers probeerden legitimiteit te bereiken middels een nationalistisch narratief over de discriminatie en onderdrukking van de Tamil bevolking door de Sri Lankaanse overheid. Het uitvoeren van verschillende staatfuncties door de Tamil Tijgers in het Noordoosten van Sri Lanka en de symboliek daar omheen waren belangrijk in het creëren van legitimiteit. Daarnaast was het charismatisch leiderschap van Prabhakaran (de hoogste militaire- en politiek leider van de Tamil Tijgers) en de martelaarscultus rondom de rebellenstrijders van belang gedurende deze decennia. De Tamil Tijgers konden in gebieden waar de Tamil bevolking hoofdzakelijk aanwezig was, rekenen op veel steun. Dit had te maken met de verharde scheidslijnen in de maatschappij tussen wat beschouwd werd als de etnisch Tamil en etnisch Singhalese delen van de bevolking. De medewerking van de Tamil bevolking aan de Tamil Tijgers was echter ook gevoed uit angst voor represailles. Kritische geluiden werden onderdrukt. Naast een zeker respect voor de strijders, heerste er angst onder de Tamil bevolking om als verrader geclassificeerd te worden, wat kon gebeuren bij een (volgens de Tamil Tijgers) te kritische houding ten aanzien van de rebellengroepering.

Het begrip legitimatie heeft in het geval de Taliban een breder discours dan etniciteit. Het proefschrift laat zien dat de nationalistische agenda (tegen vormen buitenlandse inmenging) en religie (Islamitische maatschappij gebaseerd op Sharia) een grote rol speelden en nog altijd spelen in het beleid van de Taliban. De Afghaanse overheid is in verschillende fasen van het conflict geportretteerd als een marionet van (ongelovige) buitenlandse machten (zoals de Sovjet-Unie of de Verenigde Staten), en daardoor als niet-legitiem. Grote delen van de bevolking waren en zijn het ideologisch niet eens met de extreme opvattingen van de Taliban, maar oordeelden toch dat de Taliban in sommige aspecten beter presteert dan de Afghaanse overheid, bijvoorbeeld als het gaat om het tegengaan van corruptie in het rechtssysteem.

De bevindingen van het proefschrift laten ook zien dat de uitvoering van een rebellenbestuur altijd gestoeld is op een combinatie van geweld (of de geloofwaardige dreiging daarvan) en legitimeringspraktijken. Medewerking van burgers aan de rebellengroepering vindt dus deels plaats onder de druk van (de dreiging tot) geweld en omdat er een vorm van draagvlak is voor de politieke agenda van deze groeperingen. In veel gevallen is de achtergebleven bevolking het niet met alle acties van de rebellengroepering eens, maar wordt het rebellenbestuur gezien als de '*lesser of two evils*' in vergelijking met de formele regering.

De conclusie van het proefschrift laat zien dat het creëren van een rebellenbestuur over het algemeen bijdraagt aan de medewerking van de bevolking aan een rebellengroepering. Het effect is niet altijd direct of causaal aan te tonen, maar wat het proefschrift laat zien is dat er verschillende mechanismen te identificeren zijn die meer inzicht geven in het verband tussen rebellenbestuur en medewerking. Ten eerste, als het rebellenbestuur zorgt voor de veiligheid van een bepaald deel van de bevolking, is de medewerking van dat deel van de bevolking waarschijnlijker. Dat deel van de bevolking verleent dan medewerking vanuit zelfbehoud. Ten

tweede, als het rebellenbestuur een functionerend rechtssysteem creëert, is medewerking waarschijnlijker, met name daar waar het rechtssysteem van de bestaande overheid sterk corrupt is en/of disfunctioneert. De rebellengroepering biedt daarmee relatieve stabiliteit en orde, een groot goed voor kwetsbare gemeenschappen in een oorlogssituatie. Ten derde, door bestuursfuncties op zich te nemen toont een rebellengroepering haar niet-militaire capaciteiten wat vertrouwen kan opwekken bij de bevolking. Dit kan tevens bijdragen aan de geloofwaardigheid van de politieke agenda van de rebellengroep. Dit staat in tegenstelling tot rebellengroeperingen die dorpen langs reizen op roof- en plundertochten. Ten slotte, zodra het rebellenbestuur sterker en omvangrijker wordt, kan de rebellengroepering steeds meer bepalen welke informatie er bij de bevolking terecht komt en zal het gemakkelijker worden om inlichtingen te verzamelen en de bevolking te monitoren. Hierdoor kan de rebellengroepring een meer autoritair systeem optuigen waarbinnen het moeilijker wordt voor de bevolking om zich tegen de groepering te keren. Medewerking wordt dan (deels) verleend uit angst en zelfbehoud.



Strategisch gezien is de flexibiliteit van het rebellenbestuur van groot belang. Het rebellenbestuur creëert strategische voordelen, met name doordat er meer medewerking en steun vanuit de bevolking zal ontstaan. De focus van de Taliban op de implementatie van *sharia* wetgeving is ideologisch maar ook strategisch ingegeven. Juist omdat een effectieve alternatieve Taliban rechtspraak de corruptie en andere gebreken van het Afghaanse staatsrechtsysteem blootlegt en ondermijnt. Echter, het heeft geen strategisch nut om het rebellenbestuur ten koste van alles in stand te houden. In sommige gevallen kan de groepering zich beter terugtrekken in onherbergzaam gebied om te zorgen het niet verslagen wordt. Zo kunnen tactische verliezen geïncasseerd worden zonder dat de hele strijd verloren gaat. Het leiderschap van de Tamil Tijgers bijvoorbeeld, was dusdanig verknocht geraakt aan het idee van de Tamil staat, dat het in de laatste jaren voor de militaire nederlaag in 2009 moeilijker terug kon schakelen van conventionele oorlogsvoering naar guerrilla tactieken.

De wetenschappelijke bijdragen van het proefschrift aan de bestaande literatuur over burgeroorlog en rebellenbestuur zijn theoretisch en empirisch van aard. Theoretisch gezien laat het proefschrift ten eerste zien hoe symboliek een centrale rol speelt in rebellenbestuur. Het gaat daarbij dikwijls om de '*mimicry of the state'*: het nadoen, maar niet exact kopiëren van staatsfuncties. Bijvoorbeeld via symbolische instituties, parades, logo's, en formulieren, maar ook vormen van opoffering voor 'het grotere goed'. Ten tweede laat het proefschrift zien hoe specifieke legitimeringspraktijken de medewerking van de burgerbevolking bewerkstelligen, terwijl andere vergelijkbare acties dat effect niet hebben. Sommige legitimeringspraktijken kunnen te radicaal zijn of te veel tegen de bestaande normen en waarden van de maatschappij of gemeenschappen ingaan en daardoor juist weinig bijval genereren. Een derde bijdrage van het proefschrift is het longitudinale perspectief op vormen van rebellenbestuur en de legitimiteit. Het laat accentverschuivingen van rebellenbestuur door de tijd heen zien en het effect van internationale interventies op rebellenlegitimiteit. Een vierde bijdrage is het samenbrengen van de literatuur over *contentious politics* en die over rebellenbestuur, wat innovatieve aanknopingspunten oplevert om de strategische dimensie van rebellenbestuur te onderzoeken.

De bevindingen hebben ten slotte beleids- en maatschappelijke relevantie op ten minste vier vlakken. Ten eerste laat het proefschrift zien dat rebellengroeperingen een grote variëteit aan soorten gedrag vertonen, waaronder dus het uitvoeren van dagelijks bestuur. Iets wat vanuit een meer politiek gestuurd en normatief 'terrorisme perspectief' grotendeels aan het gezichtsveld onttrokken zou blijven. Het laat daarmee zien dat de binaire interpretatie van niet-statelijke groeperingen zoals vaak gepropageerd in het post-9/11 tijdperk een sterke simplificatie van de werkelijkheid is. Ten tweede laten de bevindingen zien dat er een grote variëteit aan motivaties bestaat voor een bevolking om medewerking te verlenen aan een rebellengroepering, waaronder zelfbehoud, pragmatisme, ideologische overtuiging, en/of opportunisme. Het is daarom niet accuraat om de bevolking die medewerking verleent aan een rebellenbestuur te reduceren tot een fundamentalistische groep volgers van terrorisme. Ten derde, laat het onderzoek zien hoe belangrijk het begrip legitimiteit is bij internationale interventies en vredesmissies. Het vergroten van capaciteit in het overheidsapparaat alleen lost onderliggende problemen van legitimiteit niet op, te denken valt daarbij aan de situatie in Afghanistan. Ten vierde, laten de bevindingen zien dat het vertrek van buitenlandse troepen een machtsvacuüm kan creëren waar rebellen gebruik van kunnen maken, bijvoorbeeld door dat grondgebied over te nemen. Tegelijkertijd kan het vertrek van buitenlandse troepen ook rebellenlegitimiteit verminderen aangezien het narratief van een gedeelde vijand minder overtuigend wordt of zelfs in het geheel niet meer toepasbaar is. De bevindingen van het proefschrift tonen aan dat juist een beter begrip van de politieke agenda en het bestuursmodel van groeperingen als de Tamil Tijgers en de Taliban ingangen kan bieden tot diplomatieke en politieke oplossingen in gewapende conflicten.

## Acronyms and Abbreviations

| | |
|---|---|
| **AAN** | Afghanistan Analysts Network |
| **ALP** | Afghan Local Police |
| **ANA** | Afghan National Army |
| **ANP** | Afghan National Police |
| **ANSF** | Afghan National Security Forces |
| **AUP** | Afghan Uniformed Police |
| **CANS** | Civil Authority of the New Sudan |
| **CFA** | Ceasefire Agreement |
| **CIA** | Central Intelligence Agency |
| **COIN** | Counter-insurgency |
| **CPAU** | Cooperation for Peace and Unity |
| **DRC** | Democratic Republic of Congo |
| **EUPOL** | European Union Police Mission to Afghanistan |
| **FP** | Federal Party |
| **IEA** | Islamic Emirate of Afghanistan |
| **ICRC** | International Committee of the Red Cross |
| **IOB** | Directie Internationaal Onderzoek en Beleidsevaluatie (Policy and Operations Evaluation Department, Ministry of Foreign Affairs, the Netherlands) |
| **IPKF** | Indian Peace Keeping Force |
| **IPM** | Integrated Police-training Mission |
| **ISAF** | International Security Assistance Force |
| **ISI** | Inter-Services Intelligence |
| **LRA** | Lord’s Resistance Army |
| **LTTE** | Liberation Tigers of Tamil Eelam |
| **NATO** | Northern Atlantic Treaty Organization |
| **NDS** | National Directorate of Security |
| **NGO** | Non-governmental Organization |
| **NRA** | National Resistance Army |
| **NUG** | National Unity Government |
| **NWO** | Netherlands Organization for Scientific Research |
| **PDPA** | People’s Democratic Party of Afghanistan |
| **PLO** | Palestine Liberation Organization |
| **PRT** | Provincial Reconstruction Team |
| **RCD** | Rally for Congolese Democracy |
| **RDS** | Rural Development Society |
| **RPF** | Rwandan Patriotic Front |
| **SLAF** | Sri Lankan Armed Forces |
| **SPLM/A** | Sudan People’s Liberation Movement/Army |
| **TLO** | The Liaisons Office |
| **TULF** | Tamil United Liberation Front |
| **UIC** | Union of Islamic Courts |
| **USIP** | United State Institute of Peace |

## Glossary

*Amir ul-mu-mineen* - ‘Commander of the Faithful’. Several Islamic leaders have assumed this title throughout history, including the Taliban’s first central leader Mullah Omar and his successors.

*Arbakai* – a tribal community police force that protects their community from outside threats and implements decisions of a local *jirga* (Jones and Munoz 2010, p. 27).

*Fatwa* - opinion on a point of law, the term law applying, in Islam, to all civil or religious matters (Bearman *et al.* 2012).

*Jihad* – the term contains multiple meanings, but in the context of this dissertation it refers to military action with the claimed objective of the expansion of Islam and/or of its defense (Bearman *et al.* 2012).

*Jirga* - in the context of Afghanistan it refers to the institution that has historically resolved political, social, economic, cultural, judicial and religious conflicts by making authoritative decisions (Carter and Connor 1989, p. 7).[36]

*Kafir* – term used in Islam to refer to ‘un-believers’.

*Layeha* - the Taliban’s strategic code of conduct for its commanders and fighters (Johnson and DuPee 2012).

*Mujahedeen* – persons performing *jihad.* In the context of Afghanistan it is generally used in reference to the guerrilla-type Islamist armed groups fighting during the Soviet-Afghan war.[37]

*Mullahs* - religious leaders educated - at least at a very basic level - in Islamic traditions and Islamic law.

*Pashtunwali* – inclusive code of conduct guiding all aspects of Pashtun behavior and often superseding the dictates of both Islam and the central government (Carter and Connor 1989, p. 7).

*Shabnameh* – night letters. Night letters are a “traditional and common instrument of Afghan religious figures, jihadists and rebels to encourage people, especially (but not exclusively) rural populations to oppose both state authority and regulations” (Johnson 2007, p. 318).

*Shahada* - the Islamic profession of faith. The act of declaring “There is no god but God, and Muhammad is the Messenger of God” (Bearman *et al.* 2012).

*Sharia* – in a jurisprudential context it means Islamic law. It is also used to “refer to legislation, legitimacy, and legality in modern Arabic literature” (Wardak 2003b, p. 5). It designates a “rule of law, or a system of laws, or the totality of the message of a particular prophet” (Bearman *et al.* 2012).

*Shura* – ‘council’. In the context of Afghanistan it refers to a group of individuals that meets in response to a specific need. In most cases, this need is to “resolve a conflict between individuals, families, groups of families, or whole tribes” (Carter and Connor 1989, p. 9).[38] The Taliban uses types of *shuras* for a variety of representative structures, including those at the top level (for example the Quetta *shura*), but also those at the regional, provincial, district, and local level (Giustozzi 2019, p. 14).

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[36] For the historical origins of the term in Afghanistan see: (Wardak 2003a).
[37] For a more elaborate discussion on the meaning of the *mujahedeen* in Afghanistan, see: (Ruttig 2006, Bhatia 2007).
[38] For elaboration on this term in the context of Afghanistan, see: (Coburn 2013, pp. 13–14).

*Taliban* – ‘Talib’ literally translates to ‘student’. ‘Taliban’ or ‘Taleban’ is plural and translates to ‘students’. Since the end of the 20th century it is commonly used in reference to the Islamist group in Afghanistan that goes by this name.

*Ushr* – literally means one-tenth. It is a traditional Islamic tax on agricultural productions, and the sharing of 10 percent is seen as a religious duty (Bearman *et al.* 2012).



*Zakat* - one of the five ‘pillars’ of Islam and generally understood as a religious obligation on Muslims to donate 2.5 percent of their disposable income to the poor (Bearman *et al.* 2012, Jackson 2018, p. 22).[39]

[39] Zakat can be understood both as an act of worship and as a system of revenue-raising. There is however considerable disagreement among Muslim jurists over the details and specific interpretations of the laws of zakat (Bearman *et al.* 2012).

## Acknowledgements

Writing a dissertation can be challenging and lonely at times, but I have been lucky enough to have been surrounded by an incredible group of colleagues, friends, and family. They have been around to support me in a sheer variety of ways. Obviously, I needed to carry out most of the work, but without their support, I would not have been able to complete this dissertation.

More than anything, I wish to express my gratitude to my supervisors. My promotor **Georg Frerks** has been a great support throughout and was always willing to go the extra mile. Georg has been a real mentor, not only in terms of the research content, but also by helping me grow as a professional academic. He guided me through sensitive research topics and showed me the finesses of doing field work in difficult places. At crucial moments, he guided me in the right direction through constructive criticism, always with the right amount of empathy. With his long-term experience and expertise, Georg has been a true source of inspiration and learning. **Nora Stel** soon joined the supervisory team. With her academic rigor and constructive criticism about methodology and theoretical relevance, Nora showed me the art of doing good science and writing articles for high-quality journals. Academically and personally, Nora has been a great supporter throughout the years, for which I am truly grateful.

At Utrecht University I had the privilege to work in an inspiring academic environment. My PhD project was institutionally embedded in the section History of International Relations and Conflict Studies (GIB/CS) at the Department of History and Art History. As this dissertation demonstrates, institutionalization matters, but the individuals within those institutions are just as important. Academically, I felt at home at the GIB/CS section and on a personal level new connections and friendships emerged. I thank all of the colleagues at the GIB/CS section for making it an inspirational work environment. Of the 'Conflict Studies family' I owe big thanks to **Ali Aljasem, Chris van der Borgh, Jolle Demmers, Mario Fumerton, Lauren Gould, Boukje Kistemaker, Bart Klem, Ariel Sanchez Meertens, Luuk Slooter, Lotje van Uhm,** and **Lieneke de Visser,** who guided and inspired me in terms of field work, academic literature, and teaching. Furthermore, in the larger 'GIB family' special thanks go to **Yannick Balk, Eleni Braat, Laurien Crump, Lorena De Vita, Isabelle Duyvesteyn, Liesbeth van de Grift, Susanne Keesman, Peter Malcontent, Stefanie Massink, Trinke Palm, Jacco Pekelder, Ozan Ozavci, Rene Rouwette,** and **Joep Schenk** for inspiring talks, coffees, and unforgettable GIB-outings. I am especially grateful for the support of **Beatrice de Graaf**, who inspired me to explore political violence closer to home and supported me to make academic insights relevant for society and policymaking. Furthermore, I thank **Jan Welling**, **José van Aelst**, **Tom Gerritse, Maria Nasab** and **Marjolein Hamer** for their great support. However, hardship hit our department too. Our wonderful colleague and friend **Ralph Sprenkels** passed away in 2019. Ralph's inspiring feedback was important for this project too. I have always felt a great deal of respect for Ralph as a person and as an academic. I miss him dearly; may he rest in peace.

I am especially grateful for the support of my fellow PhD-roommates inhabiting room 102.B at the Drift 6 in Utrecht. Over the past years this included **Toon Dirkx, Francesca Hooft, Annelot Janse, Wouter Klem, Erik de Lange, Melle Lyklema, Alessandra Schimmel,** and **Jorrit Steehouder.** Particularly, our after-work tradition of drinking beers and eating nachos at 'De

Zaak' was very enjoyable and contributed substantially to my mental sanity. I will make sure the 102.B working spirit continues under the motto 'never busy, always productive', at instances compounded by the phrase 'I am cognitively there'.

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Furthermore, I owe gratitude to the board members of the **Netherlands-Sri Lanka Foundation**. The Foundation provided a unique platform of cultural and knowledge exchange between Sri Lanka and the Netherlands. I thank the board members **Ranjith Jayasena, Remco Raben, Alicia Schrikker, Dilip Tambyrajah,** and **Lodewijk Wagenaar**.

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I thank the broader academic community of conflict studies scholars inside and outside of the Netherlands and everyone else I was lucky enough to meet at various conferences throughout the world. First and foremost, I am grateful for the discussions I was able to have with **Nelson Kasfir.** Nelson has been a true intellectual mentor guiding me through the rebel governance research like nobody else could have. Furthermore, Nelson hosted me at Dartmouth College in the fall of 2018, for which I am truly grateful. Furthermore, I greatly enjoyed the lunch-meetings of the **Amsterdam Conflict Club (ACC)** founded and chaired by **Abbey Steele.** The discussions with **Ursula Daxecker, Daniel Gomez Uribe, Corinna Jentzsch, Jana Krause, Romain Malejacq,** and many other members contributed greatly to my academic thinking and development. In the last phase of my PhD, **Sebastian van Baalen**'s feedback was of great help improving the last article of my dissertation.

September 2020 I joined a different department of Utrecht University: the Utrecht School of Governance (USG) and its advisory section USG Consultancy. At USG I thank **Paul Adriaanse, Aline Bos, Scott Douglas, Lauren Fahy, Paul 't Hart, Leonie Heres, Alex Hoppe, Jo Luetjens, Mirko Noordegraaf, Marie-Jeanne Schiffelers, Merbel Slothouwer, Martijn van der Spek,** and **Cornelie Vermaas,** for making me feel welcome in a new intellectual community.

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## Curriculum Vitae


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### Profile

Niels Terpstra is Assistant Professor at the Utrecht School of Governance (USG) and Advisor at USG Consultancy. His research focuses on political violence, governance, rebellion, terrorism, international cooperation, and (inter)national security. Niels Terpstra recently finished his dissertation at the History of International Relations and Conflict studies section of the History and Art History Department, Utrecht University. The public defence of his dissertation will take place in April 2021. Over the past years, he combined the work on his dissertation with several advisory and evaluation projects. He was involved in projects for the Netherlands Ministry of Justice and Security, the Ministry of Foreign Affairs, and peace organization PAX. In 2018 he was invited by the US Embassy in the Hague to participate as expert in an IVLP program on (counter)terrorism in the United States. Niels has further commented at various occasions on political developments in Afghanistan on NPO Radio 1 and in several Dutch national newspapers. Academically, Niels has published articles and book chapters with publishers like Taylor & Francis, Cambridge University Press, Wolters Kluwer, and Routledge. In 2018 he was awarded the Hofvijverkring Fellowship. In 2013, Niels received the J.C. Baak MA thesis prize for research on the enhancement of peaceful societies, awarded by the Royal Holland Society of Sciences and Humanities.

### Academic publications

- Terpstra, N. (2020) Rebel governance, rebel legitimacy, and external intervention: assessing three phases of Taliban rule in Afghanistan, *Small Wars & Insurgencies,* 31(6), pp. 1143-1173.
- Terpstra, N. (2020) Opportunity Structures, Rebel Governance, and Disputed Leadership: The Taliban's Upsurge in Kunduz Province, Afghanistan, 2011-2015. *Studies in Conflict & Terrorism.*
- Frerks, G. & Terpstra, N. (2018) 'Assessing the Dutch Integrated Police-training Mission in Kunduz Province, Afghanistan 2011-2013'. In: Stoker & Westermann (Eds.) *Expeditionary Police Advising and Militarization.* Solihull: Helion & Company, 242-266.
- Terpstra, N. & Frerks, G. (2018) 'Governance practices and symbolism: *de facto* sovereignty and public authority in Tigerland'. *Modern Asian Studies,* 52 (3), pp. 1001-1042.
- Kasfir, N., Frerks, G. & Terpstra, N. (2017) 'Introduction: Armed Groups and Multi-layered Governance'. *Civil Wars,* 19 (3), pp. 257-278.
- Terpstra, N. & Frerks, G. (2017) 'Rebel Governance and Legitimacy: Understanding the Impact of Rebel Legitimation on Civilian Compliance with the LTTE Rule'. *Civil Wars,* 19 (3), pp. 279-307.
- Dirkx, T. & Terpstra, N. (2017) Book review: Strategic Narratives, Public Opinion, and War - Winning Domestic Support for the Afghan War. *Militaire Spectator*, 186 (1), pp. 35-36.
- Dirkx, T. & Terpstra, N. (2016) 'Niet-statelijke actoren in gewapende conflicten'. In: Müller, E., de Graaf, B. & Frerks, G. (Eds.) *Conflict: over conflict en conflictbeheersing.* Handboeken Veiligheid, Alphen aan den Rijn: Wolters Kluwer.
- Duyvesteyn, I., Frerks, G., Kistemaker, B., Stel, N., and Terpstra, N., (2016) 'Reconsidering Rebel Governance'. In: Lahay, J. and Lions, T. (Eds.) *African Frontiers: Insurgency, Governance and Peacebuilding in Postcolonial States*. London and New York: Routledge, 31–40.

### Professional publications

- Noordegraaf, M., Heres, L., Terpstra, N., Bos, A. & E. Kolthoff (2020) *Krachtige lerende netwerken: Samenwerkend leren in interorganisationele netwerken voor de aanpak van terrorisme en criminaliteit.* Den Haag: Wetenschappelijk Onderzoek- en Documentatiecentrum (WODC), Ministerie van Justitie en Veiligheid.

- Dirkx, T. & Terpstra, N. (2019) *Developments in the Police and Justice Sectors in Kunduz Province, Afghanistan, 2010 – 2018: A Literature Review.* Den Haag: Directie International Onderzoek en Beleidsevaluatie (IOB), Ministerie van Buitenlandse Zaken.
- Terpstra, N. & T. Dirkx - "En nu een vredesakkoord tussen de Taliban en de Afghaanse regering". Article in the Dutch newspaper *Nederlands Dagblad* (5 March 2020).
- Terpstra, N. & T. Dirkx - "Trump helpt de Taliban met overhaast vertrek". Article in the Dutch newspaper *De Volkskrant.* (27 February 2019).
- Noordegraaf, M., Schiffelers, M.-J., Douglas, S., Rossem, J.W. van, Terpstra, N., Graaf, B. de, Kummeling, H. (2017) *Nood breekt wet? Terroristische dreiging, noodtoestand en maatschappelijke effecten.* Den Haag: Wetenschappelijk Onderzoek- en Documentatiecentrum (WODC), Ministerie van Justitie en Veiligheid.
- Terpstra, N. (2017) *Policing in conflict-affected areas: some observations from the Human Security Survey in South Sudan and Iraq.* PAX for Peace - Protection of Civilians Blog.
- Terpstra, N. (2016) *Assessing IS as a State: A Comparison of Rebel Governance.* ERC - Securing Europe Blog.
- Terpstra, N. & Frerks, G. (2016) *Rebel Governance: the cases of the LTTE and Hezbollah.* Policy brief for the Gerda Henkel Stiftung, Düsseldorf.
- Fumerton, M., Frerks, G., Terpstra, N. & Dirkx, T. (2015) *Independent Quality Assurance Team's (IQAT) Evaluation Report of the "2014 Final Assessment of the Dutch Integrated Police Training Mission in Kunduz, Afghanistan".* Kabul: CPAU.
- Terpstra, N. & T. Dirkx - "Afghaanse werkelijkheid vernietigt Haags Luchtkasteel". Article in the Dutch newspaper *De Volkskrant.* (30 October 2015).
- *Afghaans polderen*: a Dutch column for the magazine OneWorld on the Afghan presidential elections in 2014. Published by NCDO (Centre for Global Citizenship, 6 October 2014).
- Terpstra, N., Willems, R., Frerks, G. & T. Chang Pico (2014) *What the New Deal can learn from the human security approach: Scoping study on human security.* The Hague: Knowledge Platform for Security & Rule of Law, working group Comprehensive Approach to Human Security.
- Terpstra, N. (2013) *The Dynamics of Justice Provision in the Context of Irregular Warfare and Legal Pluralism.* Kabul: CPAU case study report.

**Conference presentations**

- Conflict Research Society Annual Conference 2019, Brighton. 'Rebel Governance and Legitimation Practices: Exploring Three Phases of Taliban Rule in Afghanistan', 9 September 2019.
- EISA – EWIS-conferentie – Groningen, 6 – 9 juni 2018. Return to politics in International Relations. Co-organised a workshop on: Politics, Governance and Civilian Agency during Armed Conflict, 6 June 2018.
- GLD conference 'Layered Authority', University of Gothenburg, 31 May – 1 June 2018. Poster presentation: Taliban Governance in Kunduz, Afghanistan.
- Roundtable presentation on 'Rebel Governance, Legitimacy and Civilian Agency in the Northeast during the Sri Lankan Conflict', International Centre for Ethnic Studies (ICES), Colombo, Sri Lanka, April 2018.
- Paper presentation on Taliban Governance during the 11th Pan-European Conference on International Relations, EISA, Barcelona, 14-16 September 2017.
- Paper presentation on Rebel Governance during the conference 'Security, Society, and the State', on invitation by the Gerda Henkel Stiftung/University of Konstanz, Germany, 14-16 June 2017.
- Paper presentation on Taliban Governance during the workshop 'Order and Violence in Civil War', Politicologenetmaal, Leiden University, the Netherlands, 1-2 June 2017.
- Paper presentation in the panel 'The Role of Non-State Armed Actors in the Provision of Security, Welfare and Political Representation During Violent Conflict'. Conference: Izmir Relocated, Utrecht University, 8 September 2016.
- Panel contribution during the thematic workshop: 'Rebels, Security and Public Authority: A critical deconstruction of the 'Rebel Governance' concept'. Ghent University, 16 December 2015.
- Paper presentation on the 9th Pan-European Conference on International Relations, Giardini Naxos, Italy, 25 September 2015.
- Expert panel member presentation Human Security paper. Knowledge Platform for Security and Rule of Law, The Hague, May 2014.
- Presentation MA thesis research at Visions on Peace MA thesis prize nomination. A presentation on the Dutch Integrated Police-training Mission in Kunduz. VU Amsterdam, Dec. 2013.
- Conference paper presentation on the Dutch Integrated Police-training Mission in Kunduz. Presented at the seminar Claiming Space in Violent Conflict. Utrecht University, Dec. 2013.

## Guest lectures

- Clingendael - the Netherlands Institute of International Relations - Invited speaker: Governance in Afghanistan: between formality, informality, the state and the non-state, 14 November 2019.
- Al-Farabi Kazakh National University – Invited speaker: Peace, Stability and the Dutch involvement in the War in Afghanistan, Kazakhstan, February 2018.
- Radboud University Nijmegen – BA course: War and Statebuilding in Afghanistan. Lecture: Rebel governance external intervention in Afghanistan, June 2017.
- Radboud University Nijmegen – BA course: *De Legitimering van Geweld*. Lecture: Rebels' Legitimation Strategies during Civil War, February 2017.
- Utrecht University – BA course: Introduction into Conflict Analysis (ICA). Lecture: Rebel Governance: the Liberation Tigers of Tamil Eelam, October 2016, 2017.
- Utrecht University – BA course Politics of Reconstruction. Lecture: Statebuilding in Afghanistan: The Case of the Dutch Integrated Police-Training Mission in Kunduz, May 2015, 2016 and 2017.
- International Centre for Ethnic Studies (ICES) – Presentation on 'Governance and legitimation processes during the Sri Lankan civil war' Colombo, Sri Lanka, April 2016.
- Leiden University – MA course International Relations. A lecture on: Insurgency, Governance and the LTTE, February 2016.
- Radboud University Nijmegen – BA course: War and Statebuilding in Afghanistan. Lecture: Rebel governance, informal justice and external intervention in Afghanistan, October 2014 and 2015.
- Wageningen University – MA International Development Studies. A lecture on research methods: the complexities of field research in insecure environments, November 2013 and 2014.

## Work experience

2020 – present **Advisor / Assistant Professor**
*Utrecht School of Governance (USG) / USG Consultancy, Utrecht University*

Current projects:

- **Doorontwikkeling Centrum Seksueel Geweld.** Commissioned by the WODC on behalf of the Dutch Ministry of Justice and Security.
- **Krachtige lerende netwerken Samenwerkend leren in interorganisationele netwerken voor de aanpak van terrorisme en criminaliteit.** Commissioned by the WODC on behalf of the Dutch Ministry of Justice and Security.

2014 – 2020 **PhD Candidate / Junior Researcher / Junior Lecturer**
*History of International Relations and Conflict Studies, Department of History and Art History, Utrecht University, the Netherlands*

Projects:

- **The Committee Investigating Intercountry Adoption in the past (2019-2020),** chaired by Tjibbe Joustra, in cooperation with Beatrice de Graaf and Bert-Jan Houtzagers.
- **Individual NWO grant '*promoties in de geesteswetenschappen*' (Sept. 2016 – Sept. 2020).** Project: 'Why Do Civilians Comply with a Rebel Group: Towards a Better Understanding of Rebel Governance and Legitimation Processes during Civil War'.
- **The State of Emergency and Threats of Terrorism (2016 – 2017)**. Project commissioned by the WODC on behalf of the Dutch Ministry for Justice and Security.
- **Rebel Governance: Civilian Life Under Non-state Rule (2014 – 2016).** Funded by the Gerda Henkel Stiftung.
- **Human Security and the New Deal for Engagement in Fragile States (2014).** Funded by the Knowledge Platform for Security and Rule of Law, The Hague.

Teaching activities:

- **UU Summer School - Contemporary Conflict and International Conflict Management (2015/2016/2017/2018/2019)**
- **BA course: Introduction to Conflict Analysis (2017)** – Minor Conflict Studies
- **BA course: Politics of Reconstruction and Intervention (2015)** – Minor Conflict Studies.

2015 – 2016 **Junior Research Fellow**
*Institute of History/Political Science, University of Leiden, the Netherlands*

- **From Disorder to Order: Counter-Societies and the Resources of Legitimacy (Dec. 2015 – May 2016).**

2013 – 2014 **Research Fellow**
*Co-operation for Peace and Unity (CPAU), an Afghan think tank, Kabul, Afghanistan*

2013 – 2019 **Research Consultant**
*N. Terpstra Consultancy, Utrecht, the Netherlands*

*Projects:*

- **The Netherlands and the International Security Assistance Force (ISAF): an assessment of the political and media discussion between 2001 and 2014.** Consultancy commissioned by the Universität der Bundeswehr München.
- **Human security survey tailored for research in fragile and conflict-affected countries**. Consultancy commissioned by PAX for Peace, Utrecht.

2013 **Research Intern**
*Co-operation for Peace and Unity, Kabul, Afghanistan*

**Education**

2012 – 2013 **Master International Relations (Cum Laude):** ***Conflict Studies and Human Rights***
**Highest MA thesis grade of cohort 2012-2013**. *Faculty of Humanities, Utrecht University. MA Thesis: The Dynamics of Justice Provision in the Context of Irregular Warfare and Legal Pluralism: why a majority of the Afghan population in Kunduz continues to use informal justice despite international-led judicial reform.*

2012 **Minor International Relations**
*Boğaziçi University, Istanbul, Turkey*

2011 – 2012 **Minor Conflict Studies**
*Utrecht University, the Netherlands*

2007 – 2010 **Bachelor of Arts** – *University for Humanistic Studies, Utrecht, the Netherlands*

**Academic awards**

- **Faculty of Humanities Master Thesis Prize Winner 2014 –** Utrecht University, category 'highest social relevance'.
- **J.C. BAAK Master Thesis Prize Winner 2012-2013** – Koninklijke Hollandse Maatschappij der Wetenschappen (Royal Holland Society of Sciences and Humanities).
- **Visions on Peace MA Thesis Prize Finalist 2013 –** UPEACE, IKV Pax Christi.

**Additional functions**

- **General board member –** Netherlands-Sri Lanka association (Ceylon) (2018 – present).
- **Academic advisor - PAX for PEACE -** Protection of Civilians Unit (2017 – 2018).
- **Guest editor for a Special Issue in the Journal of Civil Wars:** Armed Groups and Multi-layered Governance (2017).
- **Working group member Comprehensive Approach to Human Security (CAHS).** *Knowledge Platform Security & Rule of Law, The Hague* (2014 – 2015).
- **Board member and organizational committee Academic Seminar 'Claiming Space in Violent Conflict'**, *Utrecht University* (2013).

Many journalistic accounts characterize civil wars as instances of chaos, lawlessness, and the breakdown of social and political order. Although civil wars certainly tear societies apart, the parallel processes through which social and political order continue, have received less attention. This is particularly so for the order created and maintained by rebel groups. Therefore, this dissertation investigates how the Taliban in Afghanistan have governed territories under their control over the past decades and how the Liberation Tigers of Tamil Eelam (LTTE) governed Northeastern Sri Lanka until their final defeat in 2009.