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STILL HERE:  
UNDERSTANDING  
*and*  
ENGAGING  
*with*  
AFGHANISTAN  
*after August 2021*



Editors:  
Jens Vesterlund Mathiesen & David Vestenskov

Still Here  
– Understanding and Engaging with Afghanistan  
after August 2021

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# Introduction: Understanding and Engaging with Afghanistan after August 2021

*Jens Vesterlund Mathiesen and David Vestenskov*

Jens Vesterlund Mathiesen is a special advisor and researcher at the Centre for Stabilisation at the Royal Danish Defence College's Institute for Strategy and War Studies. As programme manager for the Afghanistan-Pakistan programme, he has conducted research projects on security in the region and coordinated RDDCS's stabilisation projects in Pakistan since 2022. [jema@fak.dk](mailto:jema@fak.dk)

David Vestenskov is Director for the Centre for Stabilisation at the Royal Danish Defence College's Institute for Strategy and War Studies. His work includes research on Afghanistan, Iraq and the Middle East Region in general, as well as implementation of stabilisation projects in Afghanistan, Pakistan and Iraq. From 2022 to 2023 he was posted in Iraq as advisor for NATO's Defence Education Enhancement Programme. [dave@fak.dk](mailto:dave@fak.dk)

## Abstract

This article introduces the anthology *Still Here: Understanding and Engaging with Afghanistan After August 2021*. As most public and scholarly debate concerning Afghanistan since August 2021 has been both retrospective and centred on the withdrawal of Western forces, this collection of articles focuses on the current situation as it has unfolded since then. Taliban rule has proved resilient in a manner demanding research and analysis on the new circumstances in Afghanistan and the surrounding region. It has become increasingly difficult to assess and understand the facts on the ground in contemporary Afghanistan. Thus this anthology brings together respected scholars and practitioners in an attempt to do just this. The following articles will approach this topic from different perspectives, providing insights into the most significant themes characterizing the current situation in Afghanistan in a time of limited interaction between it and the international community.

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Afghanistan still matters to the world. This anthology examines the contemporary dilemmas facing Afghanistan, the Afghan people, and the global implications of the country's internal challenges. Focusing on the period after August 2021, we explore Afghanistan's transformation in the wake of a pivotal shift.

August 2021 marks a clear division in Afghanistan's history. Together, the rapid ascent of the Taliban insurgency, the collapse of the Afghan National Security Forces (ANSF) and the Afghan Republic's government in Kabul, and the disorderly withdrawal of NATO forces with the evacuation of international personnel, mark a critical juncture in the nation's tumultuous history. Recent events may seem to have confirmed Afghanistan's reputation as the "graveyard of empires".<sup>1</sup> Following the British Empire in the First, Second, and Third Anglo-Afghan War (1839–1842, 1878–1880 and 1919) and the Soviet Union in the Soviet–Afghan War (1979–1989), the United States and its allies are only the latest foreign powers to suffer defeat in what has now come to be known as the War in Afghanistan (2001–2021). As chapters in this anthology reveal, the fate of Afghanistan cannot simply be explained by reductively commenting on its reputation, demoting Afghans to the status of some unconquerable people. Certain important historical developments should be explained through a consideration of the misguided, ill-informed or unwise strategies of foreign policy makers. A more fitting title for Afghanistan is, perhaps, the "graveyard of bad foreign policy".

For the United States and its allies engaged in Afghanistan, the situation following the withdrawal in August 2021 – referred to as the "Fall of Kabul" – calls for strategic introspection. Numerous "War Commissions," "Afghan War Evaluations," and other inquiries intended to glean "lessons learned" are either underway or now concluded across Europe and the United States. In Scandinavia, the Danish Afghanistan War Evaluation concludes in November 2024 (DIIS, 2024); Norway announced in March 2024 that it would reassess its role in Afghanistan from 2015–2021, including the withdrawal and evacuation.<sup>2</sup> While these lessons are vital for future Western or NATO engagements in fragile states, they treat Afghanistan as

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1 The title "graveyard of empires", although hardly recent, gained prominence in Bearden, 2001.

2 A war commission in 2016 evaluated Norway's Afghanistan operation from between 2001 and 2014.

a chapter now completed. In Western capitals, Afghanistan has become a distant and haunting echo of a bygone failed engagement. Despite 20 years of military presence, the loss of countless lives and trillions of U.S. dollars, Afghanistan and the Afghan people been consigned to the past without much consideration for the ongoing challenges. As Barnett R. Rubin writes in the first chapter of this volume, “the U.S. withdrew its troops, ended its aid programs, and simply walked away as the structures established during the twenty-one-year international operation melted away overnight, and the Taliban strolled back into power” (Rubin, 2024).

Afghanistan is still here, however. And the Afghan people continue to face significant challenges. The purpose of this anthology is not to dwell on the past but to explore the contemporary dilemmas confronting the country and the international community’s role post-August 2021. In this anthology, we focus on Afghanistan in the belief that current circumstances have global implications. Challenges such as irregular migration, international terrorism, and transnational drug trafficking continue to persist, posing ongoing or potential threats to European nations. Three years into Taliban-ruled Afghanistan, it is imperative that we continue to engage with and deepen our understanding of the situation rather than leaving it in the rear-view mirror.

## **The State of Afghanistan**

At the time of writing, more than three years have passed since the Taliban declared the establishment of the Islamic Emirate of Afghanistan (IEA) on the 15th of August, 2021. The period that followed has defied the expectations of analysts who doubted the Taliban’s longevity post-NA-TO withdrawal. Since assuming power, the rule and mode of governance of the IEA has been arbitrary, ad hoc and at times erratic – yet it has nonetheless achieved a semblance of stability. After an initial freefall, the Afghan economy, albeit severely shrunken, has steadied itself, with controlled inflation and stable prices (World Bank, 2023). But with limited potential for economic growth and more than two-thirds of the Afghan population needing humanitarian aid (UN OCHA, 2024), Afghanistan has a “persistently weak, below-subsistence economy”, as William Byrd writes in Chapter 8 (Byrd, 2024). As highlighted in several chapters, the humanitarian and economic situation is further strained by the IEA’s drug ban in October 2023, which, as David Mansfield writes in Chapter 9, is

“undermining the livelihoods of the 10 million people directly involved in poppy cultivation” (Mansfield, 2024).

In many ways, the Taliban has proven to be just as draconian as expected, when looking at the treatment of its population in general, and especially in relation to Afghan women and girls. The re-imposition of severe restrictions of the rights of women and girls to education, to walk in public without a male guardian, or to work in NGOs, echoes the Taliban governance of the 1990s. This has, once again, resulted in Afghanistan being described as “the most repressive country in the world regarding women’s rights”, as Roza Otunbayeva, Special Representative of the UN Secretary-General and Head of the UN political mission in Afghanistan, put it in March 2023 (UN, 2023). As Belquis Ahmadi writes in Chapter 6, the Taliban has conducted a “systematic erosion of women’s rights” and once again “relegated women to second-class citizenship” both in terms of education, employment and access to the justice system (Ahmadi, 2024).

While the responsibility for the reprehensible human rights situation in Afghanistan lies entirely with the Taliban, the improvements to the overall security of the Afghan population also needs to be credited to their movement. With the end of the war between NATO forces, the ANSF and the Taliban, the number of conflict-related civilian casualties plunged dramatically. Using statistical data provided by the UN Assistance Mission to Afghanistan (UNAMA), Kate Clark reports a total number of “3,774 civilian casualties, 1,095 people killed and 2,679 wounded from August 2021 to May 2023. The figures for that 21-month period were substantially lower, in terms of the average monthly civilian casualty toll, than for any single year since 2009 when UNAMA began systematically recording civilian casualties” (Clark, 2023). While such statistical data should be used with caution, the same pattern of significantly decreased violence emerges when looking at the civilian casualties resulting from terrorist attacks conducted inside Afghanistan by the Islamic State of the Khorasan Province (ISKP) and other groups (Clark, 2023; IEP, 2024).

Despite the persistent security threats posed to Afghan Shia or Hazara minorities by ISKP, Afghanistan has enjoyed a rare period of relative stability in the last three years under Taliban rule when looking at incidents and casualties statistically. The current security situation in Afghanistan demonstrates the Taliban’s somewhat unexpected ability to manage internal security and maintain order when compared to the situation prior to August 2021. It is important to stress that this relative order occurs in the context

of economic distress, widespread food insecurity, and human rights abuses by the IEA: the price of this improved security, it appears, is a fragility and volatility making life exceedingly challenging for the Afghan people.

## **Navigating Murky Waters**

Western withdrawal from Afghanistan in August 2021 resulted in the abrupt dissolution of established information sources and communication networks. This has created a critical need for heightened awareness, understanding, and engagement with Afghanistan and its people. However, this task is currently daunting as reliable information on the situation in the country is scarce. Navigating Afghanistan's informational landscape has become increasingly challenging, especially for Western observers who lack the necessary language proficiency and who are now excluded from traditional information channels.

The departure of international forces also led to the dismantling of existing security and military intelligence networks, effectively removing almost all human intelligence (HUMINT) assets (Follorou & Statius, 2023). Consequently, intelligence collection now heavily depends on satellite imagery and digital data (signals intelligence, SIGINT). As noted by General Frank McKenzie, former commander of U.S. Central Command, by December 2021 the United States had come to retain only “about 1 percent or 2 percent of the capabilities we once had to monitor Afghanistan” (Burns & Baldor, 2021).

To date, most Western nations have adopted a political strategy of non-engagement with Afghanistan and the IEA, resulting in a diminished diplomatic presence in Kabul and complicating both official dialogues with the Taliban and interaction with broader Afghan society. Inside Afghanistan, the few remaining international journalists struggle to give valid reports; the Taliban have cracked-down on all media and free speech (including access to some social media websites), further constraining the flow of reliable information (Human Rights Watch, 2024). One example of this, emphasized by Belquis Ahmadi in Chapter 6, are reports from April 2024 of the Taliban instructing media outlets to refrain from reporting violence against women, and even airing women's voices at all (see Ahmadi, 2024; DW, 2024). Combined with the sudden shift in focus of international media to the Russia-Ukraine War in February 2022, the attention given to Afghanistan by European publics or decision-makers is quite negligible.

Not only is reporting on Afghanistan scarce, there is also significant bias in how this information is presented. Both the IEA and opposition groups like the National Resistance Front (NRF) disseminate skewed narratives about the realities of Afghanistan and life of the Afghan people, further muddying and complicating the overall picture. The topic of Afghanistan remains politicized within both regional and Western discourses, often coloured by the emotions and politics of a 20-year military engagement. The politicization is reductive, leading to binary thinking that serves to hinder balanced analysis; it fuels a one-sided approach to policy discussions, overshadowing the nuanced realities on the ground. Somewhat counter-intuitively, the extreme politicization of Afghanistan actually keeps the issue away from the political agenda, as decision-makers consider the subject controversial. As a report from the United States Institute of Peace (USIP) from May 2024 suggests, “the tragic end of US involvement in Afghanistan has also made it a toxic issue, reinforcing inclinations to keep the region off the policy agenda and the public’s radar”; U.S. decision-makers and security agencies, it even argues, “show signs of something like collective trauma” (USIP, 2024, p. 16).

### Writings on Afghanistan after August 2021

When looking at the international anglophone-oriented research, the realm of academic literature (peer-reviewed articles and books) and policy literature (think-tank reports, policy-briefs, etc.) reveal that only few scholars, researchers and practitioners continue to engage with Afghanistan’s evolving situation<sup>3</sup> – especially compared to the Western research communities engaged in the years of the War in Afghanistan. Since August 2021, several books on Afghanistan have been published. Most of these are journalistic records of the withdrawal of Western forces or reflections on the process leading to the withdrawal;<sup>4</sup> very few are written about the current situation post-August 2021. One notable example is the book *The Return*

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3 In this regard, the quality work of United States Institute for Peace (USIP), Afghan Analysts Network (AAN), and West Point’s Combating Terrorism Center (CTC) deserves mention and praise.

4 Andrew Quilty’s book *August in Kabul* gives an account of the days of the withdrawal in August 2021. For books on the history of the Afghan Republic and the lead-up to the withdrawal see *The Ledger: Accounting for Failure in Afghanistan* by David Kilcullen and Greg Mills (2021), and *The Decline and Fall of the Republic of Afghanistan* by Ahmad Shuja Jamal & William Maley (2023).



of the Taliban: *Afghanistan After the Americans Left* by Hassan Abbas (2023), which grapples with the problems facing contemporary Afghanistan. To the knowledge of the authors, no anthologies on the current situation in Afghanistan have been published, and we have discovered only a single special issue in *The Review of Faith & International Affairs*, Vol. 21, Issue 3: “Ethnic Nationalism and Politicized Religion in the Pakistan-Afghanistan Borderland” from August 2023 (edited by Brasher and Ramsey). Most publications on Afghanistan have, rather, been backward-looking, focusing on “lessons learned” from 20 years of military engagement from the perspective of the United States or other NATO countries. Examples of this are *Armed Forces and Society*, Vol. 49, Issue 4: “Special Issue: Symposium on the Afghanistan War” from October 2023 (edited by Inbody and Shields, 2023) or the anthology *The Great Power Competition Volume 4 – Lessons Learned in Afghanistan: America’s Longest War* from May 2023 (edited by Farhadi and Masys, 2023).

In terms of individual academic articles and book chapters, the literature on contemporary Afghanistan and the Taliban as per August 2024 is sparse and somewhat scattered. Dissecting this, a few overall clusters of themes appear. One revolves around issues of COVID-19 and public health in Afghanistan, global health responsibilities of the international community and the psychological health of the Afghan youth under Taliban rule (see Acuti Martelluci et al., 2021; Jain et al., 2021; Neyazi et al., 2023). A second cluster explores different issues of conflict and security, both in exploring the implication of the Taliban takeover for regional security dynamics in South Asia (see Bhattacharya, 2023) and the threat of international terrorism emanating from Afghanistan, with specific attention given to the status of Al-Qaeda and ISKP (see Jones, 2023; Steinberg & Albrecht, 2023; Hassan, 2022; Omarkhail and Guozhu, 2023). A third cluster can be described as “outside-in” perspectives on Afghanistan and revolves around issues of international engagement, such as diplomatic efforts for international recognition or foreign aid management (Halimi & Jawad, 2023; Solhdoost 2023; Shah & Rosenbaum, 2023). Fourth, a number of papers give focus to the present predicament of women in Afghanistan, describing different aspects of the current “femicide” happening in Afghanistan, exploring the status and the lack of rights of women and girls under Taliban rule (Wani, 2024; Amiri, 2024; Dariush et al., 2023). The fifth and final category comprises papers focusing on the Taliban governance of Afghanistan and how the IEA interacts with the Afghan people.

Most authors in this category approach this from a “top-down” perspective, describing aspects of Taliban state, organisation structure, policy and international relations (see Achakzai, 2023; Sharma, 2024; Khan & Durrani, 2024; Jackson & Weigand, 2023), while a few use a “bottom-up” perspective to explore the attitudes of the Afghan public (Ahmadi & Hikmat, 2023).

Taken together, the lack of reliable reporting from Afghanistan is caused by a lack of intelligence, data and unbiased information naturally leading to limited research and analysis on the topic. This serves to significantly hinder the global – and especially Western – understanding of Afghanistan. This is a problem not just for Afghans but also for regional stability and global security. As highlighted repeatedly throughout this anthology, it remains important to understand and to engage with Afghanistan. Not for reasons of Western idealism of morality, but because history shows that limited knowledge of the complexities and the security developments in Afghanistan and the wider region can lead to catastrophe in a global context.

### Scope and Focus

As editors of this anthology, our primary objective was to scrutinize the dilemmas confronting Afghanistan and the international community’s role post-August 2021. With this volume, we attempt to provide contemporary analyses of Afghanistan and the Taliban in order to contribute to engagement with, and better understanding of, the country. As such, this volume includes a broad range of current topics, aiming to address present and future challenges in Afghanistan; it does not aim, that is to say, to contribute to the historical evaluation of previous engagements. Every contributor was thus urged to adopt a forward-looking analysis, offering tangible recommendations based on current insights and contemporary issues. The exception to this scope is the first chapter by Barnett Rubin, which critically examines the unsuccessful Western engagement in Afghanistan, tracing its implications to the present day and contextualizing these within the current state of interactions with the Taliban.

Recognizing that the current situation in Afghanistan offers something of a moving target across an overabundance of topics, every contributor was encouraged to provide a smaller chapter. Shortening the time-span of the publishing phase, we hope, will serve the relevance of what the anthology contains. The authors were also encouraged to prioritize empirical

evidence over theoretical considerations: chapters are not meant to fill a gap in the academic literature first and foremost. Finally, contributors were also asked to provide specific and tangible policy recommendations within their specific area of expertise.

This anthology focuses on issues of security, economics and the humanitarian situation, the human rights of women and girls, intelligence, international law and diplomacy towards Afghanistan, internal peace building processes, Taliban governance and state-building, and regional dynamics. Although it covers a broad range of topics, with many chapters having overlapping themes, each topic has been deliberately chosen to provide insights into different aspects of the society while best reflecting the expert knowledge offered by our willing contributors. With the exception of the first cluster on health, the anthology contributes to all clusters mentioned on the previous pages. The intention is to produce the most complete and holistic overview of the contemporary state of Afghanistan we can.

As previously noted, writing about Afghanistan and the Taliban is often a politicized and even “toxic” endeavour. To ensure that this anthology remains balanced in terms of biases and political affiliation, the editors have meticulously selected contributors who are analysts, scholars, and practitioners with deep expertise on Afghanistan, often affiliated with respected universities, think-tanks, and institutions. Each chapter has been rigorously revised by the editors before undergoing a double-blind peer-review process by external reviewers who are experts in this field.

We, as editors, are proud of the scholarly rigour and the depth of analysis presented in this anthology. While we believe it will be of interest to a broad audience, it is particularly valuable for policymakers and practitioners currently engaged with Afghanistan, especially in Western countries, as many chapters offer specific recommendations directly relevant to decision-makers in Europe and the U.S.

## **Findings**

This anthology consists of 12 chapters, including this introduction, each providing a specific perspective on the current situation in Afghanistan. Every chapter can be read as an individual contribution.

The first chapter begins with a critical reflection on the U.S. policy towards the Taliban, going back to 2001, establishing some context and background for the rest of the volume. Framed through the idea of

“the two trillion-dollar misunderstanding”, Barnett R. Rubin articulates a critical reassessment of U.S. policy in Afghanistan. Rubin argues that the American failure stemmed from a fundamental misunderstanding of Afghanistan’s socio-political dynamics, exacerbated by “War on Terror” dogma equating the Taliban with transnational terror groups like al-Qaeda. As a veteran academic and diplomat on Afghanistan, Rubin highlights missed opportunities for peace, particularly in the immediate aftermath of the 2001 Bonn Agreement, when the opportunity to include the Taliban in a political process was squandered through the U.S. insistence on a military solution. Rubin’s analysis suggests that these early decisions seeded long-term instability, leading to a prolonged conflict and ultimately the chaotic withdrawal of U.S. forces in 2021, underscoring a costly misadventure in both human lives and financial resources. Providing a historical context and setting the stage for the rest of volume, the first chapter is closely connected with the sixth chapter on intra-Afghan dialogue by Obaidullah Baheer: both discuss the issue of inclusivity in governance and peace processes, the first in historical perspective, the second in a contemporary.

The second chapter, Amin Saikal’s “Regional Response to the Taliban’s Return to Power”, provides an overview of the complex regional political landscape surrounding the Taliban’s control of Afghanistan. Professor Saikal explores the intricate dynamics between Afghanistan’s geographical position, its diverse population, its history of authoritarianism and power struggles, and the significant impact of foreign interventions. These elements collectively influence the ongoing instability and naturally impacted the regional responses to the Taliban’s ascent to power in 2021. The chapter delves into how regional powers, including Pakistan, Iran, the Central Asian republics, China, and Russia, have managed their relations with the Taliban since the takeover, balancing security concerns and the strategic benefits of engagement.

Providing a regional overview, Chapter 2 is closely connected with the following chapter, “Ghost Wars Redux: Covert Action and Proxy War in the Second Era of Taliban Rule” by Steve Coll. In it, offering an understanding of the regional security dynamic, Coll illuminates the complex interplay of intelligence agencies in Afghanistan; building on his earlier books, he outlines the instrumental role played by these agencies in the years since the Soviet invasion of 1979, emphasizing their continued impact under the Taliban’s second spell of rule. He critically examines the paradoxical relationships between the Taliban, regional powers like Pa-

kistan and Iran, and Western intelligence, particularly highlighting Pakistan's struggles with the Tehrik-e-Taliban Pakistan (TTP), now exploiting Afghan territory as safe havens for its operations on Pakistani territory. The chapter underlines how the "Ghost Wars" of Afghanistan are still ongoing, as foreign and domestic spy operations continue to shape Afghanistan's security and political landscape.

In the fourth chapter, "Local Responses to Authoritarianism under the Taliban Emirate", Michael Semple explores how local Afghan communities, particularly in the Zurmat District of Paktia, adapted and reacted to the stringent and authoritarian rule reinstated by the Taliban in 2021. By applying data from fieldwork inside Afghanistan, Professor Semple illustrates subtle forms of resistance and adaptation by local actors who, despite severe restrictions, engage in set-piece dialogues with local Taliban officials, undertake community self-help initiatives, and navigate the perilous waters of limited public criticism and civil disobedience. The chapter provides a microcosmic view of the broader Afghan struggle to maintain a semblance of autonomy and cultural identity under a regime that has dramatically curtailed freedoms and imposed a monolithic vision of governance and social order.

Examining the details of daily life in Afghanistan, the chapter shares connections with Chapter 5, Belquis Ahmadi's "Erosion of Women's Rights by the Taliban: Long-Term Consequences": both describe the challenging lives of ordinary Afghans, and in particular, Afghan women. Ahmadi's chapter explores the severe and systematic dismantling of women's rights under Taliban rule since August 2021. The chapter stresses that women have been relegated to second-class citizens, barred from education beyond grade six, prohibited from employment, and permitted only limited access to the justice system. These restrictions have led to widespread psychological distress among Afghan women. Despite the oppressive environment, many continue to advocate for girls' education and women's rights, facing severe risks. The chapter draws on consultations with Afghan women and the author's observations, emphasizing the urgent need for a coordinated and consistent international engagement to address this human rights crisis and to support Afghan women and girls. Examining an issue with wide-ranging implications, and central to an understanding of contemporary Afghanistan, several other chapters in this anthology, including those by Michael Semple (Chapter 4), William Byrd (Chapter 7), and Scott R. Anderson (Chapter 10), echo its themes.

In Chapter 6, “Intra-Afghan Dialogue: Prospects and Challenges”, Obaidullah Baheer explores the complexities of achieving national dialogue and establishing an inclusive government in Afghanistan under Taliban rule. Baheer evaluates the challenges and potential paths toward inclusivity, considering both the international community’s expectations and the Taliban’s historical and ideological constraints. The chapter discusses the initial efforts and subsequent failures of the Taliban to form an inclusive government, and analyses the implications of its governance strategies, including the approach of drafting a new constitution and the role of civil society in fostering democratic initiatives. Baheer also includes an analysis of the international community’s role in facilitating an inclusive political process with Afghan civil society as an approach to creating a sustainable democratic framework in Afghanistan. Focusing on the intricacies of Taliban politics and organisation, the chapter can be read alongside the first chapter (Barnett R. Rubin), describing the historical precedents, and the eighth chapter (David Mansfield), discussing how local and national Taliban politics intertwine.

Chapter 7, William Byrd’s “A Weak, ‘Famine Equilibrium’ Economy with Large Humanitarian Aid Needs and No Improvement in Sight”, analyses Afghanistan’s dire economic state and the humanitarian situation following the Taliban’s takeover. Despite initial macroeconomic stabilization efforts by the Taliban, which helped prevent complete economic collapse, Afghanistan remains in a fragile state referred to as a “famine equilibrium,” in which stability is superficial and the population, with many even below subsistence level, still struggle to survive. This precarious balance heavily relies on substantial humanitarian aid provided by Western states, especially the United States, which experienced a significant inflow in 2022. However, with decreasing aid and compounding challenges like the opium ban and the restrictions on the participation of women in the economy, the chapter argues that the future looks increasingly grim for the Afghan people. Dr. Byrd stresses that while immediate economic relief is critical, strategic shifts towards sustainable aid and policy adjustments by the Taliban are necessary to mitigate the ongoing crisis. Having a comprehensive focus on the Afghan economy and the topic of humanitarian aid, the chapter can be read in parallel to other chapters dealing with key aspects of the Afghan economy, including Chapter 5 by Belquis Ahmadi describing the exclusion of women from the workforce and Chapter 8 by David Mansfield discussing the illicit drug economy in Afghanistan.

In the eighth chapter, “Whistling in the Wind: The Inevitable Return of Poppy Cultivation to Afghanistan”, David Mansfield examines the Taliban’s drug ban, particularly on poppy cultivation, which began in April 2022. Through on-site interviews and fieldwork in Afghanistan supplemented by satellite imagery, Mansfield argues that despite initial reductions in cultivation, the ban is unsustainable, predicting a resurgence of poppy production due to the lack of alternatives for rural Afghan farmers. The enforcement of the ban has been inconsistent, leading to potential rural unrest and exposing divisions within the Taliban. Aligned with the argument presented in Chapter 7 by William Byrd, this chapter discusses the socio-economic impacts and political challenges of the ban, forecasting its eventual failure.

In Chapter 9, “Climate Crisis in Taliban-ruled Afghanistan: The Need for an Alternate Approach”, Shanthie Mariet D’Souza explores how natural disasters linked to climate change have exacerbated Afghanistan’s severe humanitarian and economic crisis, and how this has worsened under Taliban rule. The Taliban’s incapacity to effectively respond to these disasters, coupled with reduced international aid, has intensified the hardships faced by ordinary Afghans. Emphasizing the necessity of the international community reengaging with Afghanistan on issues of climate governance and disaster management, the chapter advocates an international strategy both focusing on building local capacities for crisis management and including the Taliban in global climate discussions. D’Souza argues that neglecting Afghanistan’s climate crisis could lead to mass displacement, an increase in extremism, and regional instability. As the chapter discusses the limitations of Taliban authorities and highly emphasizes the need for international engagement, it can be read in close relation to the Chapter 10 by Scott R. Anderson, which also discusses the social implications for the Afghan people in the IEA.

Scott R. Anderson’s “Recognition and the Taliban’s De Facto Future” assesses the issue of “formal” or “diplomatic” recognition in the context of international law. Anderson analyses the international community’s reluctance to recognize the Taliban as Afghanistan’s legitimate government despite their territorial control, and unfolds the implications of this unrecognized status for a population suffering the consequences of a government limited in its functioning. Anderson suggests that the international community could mitigate the consequences for the civilian population by acknowledging the Taliban as a de facto authority, capable of performing es-

sential governmental functions – a legitimate government, without formal state recognition. This approach would use international legal frameworks to allow the Taliban to address the population’s needs while maintaining oversight to prevent potential abuses. While providing a unique perspective from international law, the chapter’s discussion of the implications of non-recognition (and a general lack of international engagement) can be read together with Chapter 7 (William Byrd) and Chapter 9 (Shanthie Mariet D’Souza).

In the eleventh and final chapter, “The Fund for the Afghan People,” Jeff Rigsby takes a closer look at the establishment and operational challenges of a Swiss-based trust fund established in September 2022 to manage part of Afghanistan’s central bank’s foreign reserves. The fund aimed to secure these assets against legal claims in the United States and to enhance Afghanistan’s international economic integration by facilitating cross-border transactions – but despite its specific goals, it has struggled with slow progress and operational inefficiencies, achieving its initial objective of asset protection only in early 2024. The chapter offers an analytical window into the political, legal, and economic intricacies that have hindered the Fund’s activity. Rigsby concludes by recommending a strategic application of the Fund’s assets with the aim of revitalizing, or at least to support the process of revitalizing, Afghanistan’s isolated economy. While addressing a somewhat niche topic, the chapter can be read in close conjunction with Chapter 8 by William Byrd and Chapter 9 by David Mansfield; all provide insights into the challenges faced by the Afghan economy.

### **Key Recommendations**

The chapters in this anthology provide an overview of the condition of Afghanistan politically and economically, in the state of human rights, in matters of security, and in humanitarian issues arising as a consequence of its condition. We do not claim this to be a perfectly comprehensive, all-encompassing, or exhaustive, overview, but we do believe it to provide a rare snapshot of Afghanistan following August 2021.

Developing, editing and publishing this anthology has been revelatory in several ways. As researchers, the lack of reporting from Afghanistan became evident early in the process. Collecting reliable data on the country’s economy and security situation is notoriously difficult. Even the quality and reliability of statistics from major organisations such as the World



Bank or the UN is somewhat equivocal given the increasing difficulty process of gathering, logging and storing large datasets under Taliban rule. Thus the on-the-ground fieldwork providing the empirical data for several chapters in this anthology is of great importance for the unique insights into the current situation it offers. Further, the number of researchers engaging with Afghanistan in the United States and European countries has diminished significantly. Identifying relevant contributors for this volume was a challenge: today, few Western academics or analysts give their full attention to Afghanistan, preferring to maintain it as secondary topic in their research portfolio. This is also the case at the editors' own institution, the Royal Danish Defence College, where only a handful of people still conduct research on Afghanistan, and of these most focus on historical analysis and "lessons learned" processes and evaluations. Guided by national defence and security politics, the Western world, in particular, has shifted its focus, both in terms of research and policy, to other, more overt, security issues such as the war in Ukraine. During the editing process, our primary objective of understanding and engaging with Afghanistan grew increasingly significant as we came to realize the profound extent to which the Western world, in particular, is distancing itself from it.

A key purpose of this volume was to present specific policy-recommendations for decision-makers on Afghanistan today. Most Western countries have approached the new Afghanistan with reluctance or outright non-engagement. A consistent recommendation across most chapters is for the international community to increase engagement with Afghanistan and the Taliban, and to manage this engagement in a systematic and coordinated manner. International engagement with Afghanistan can function as both a reward or incentive, as much as punishment or deterrent – both carrot and stick have a role to play in interactions with the Taliban's Islamic Emirate. The following points include both approaches, and can be seen as specific pathways of engagement as highlighted in this anthology:

In Chapter 5, Belquis Ahmadi advocates that the international community should support the Afghan population and to continue to hold the Taliban accountable through the continued and combined use of diplomatic pressure, economic sanctions, humanitarian aid, and human rights advocacy, leveraging the religious and moral authority of prominent Islamic institutions.

Acknowledging that aid for Afghanistan will diminish, in Chapter 7 William Byrd advises donors to keep as much aid as possible flowing to

Afghanistan, to scale down aid in a gradual manner if possible, and to attempt to rethink *how* humanitarian aid is distributed.

In chapter nine, Shanthie Mariet D’Souza proposes that the international community should provide economic and technical support to the Taliban government institutions in order to guarantee the functioning of those state capabilities necessary for climate mitigation, disaster management and relief. Further, D’Souza argues for greater interaction with the Taliban on climate stress and disaster management, and the building of platforms of cooperation to include Afghans in global climate conversations.

In Chapter 10, Scott R. Anderson uses international legal frameworks to argue that the Taliban be acknowledged as a *de facto* authority, without formal state recognition, so affording it the capability of performing essential governmental functions.

Engagement of this nature entails political risk; some will object that it might serve only to embolden and legitimize the Taliban’s power over Afghanistan. While such objections must be taken seriously, they do, however, fail to provide any alternative to the current stalemate between the Taliban and the international community. As Scott R. Anderson writes in Chapter 10, “neither the Taliban nor the international community appear willing to capitulate to the other’s demands, leaving innocent Afghans trapped in between” (Anderson, 2024).



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# The Two Trillion Dollar Misunderstanding – Sowing the Seeds of Instability from the Very Beginning

*By Barnett R. Rubin*

Rubin taught at Yale and Columbia, directed projects at the Council on Foreign Relations and NYU's Center on International Cooperation and advised the United Nations and U.S. government on Afghanistan. He has authored, among other books, *The Fragmentation of Afghanistan* (Yale, 1994) and *Afghanistan: What Everyone Needs to Know* (Oxford, 2020).

## Abstract

This chapter examines the U.S. failure in Afghanistan, attributed to the application of the “War on Terror” doctrine. Utilizing records from Department of Defense interrogators, eyewitness accounts, the Bonn Agreement, as well as the personal observations from the author (a veteran US diplomat and Afghan scholar), the chapter highlights the initial Taliban leaders’ willingness to cooperate in 2001-2002. The main argument is that U.S. counter-terrorism policy, which equated the Taliban with al-Qaeda, missed early opportunities for stability, pushing the Taliban into exile and resistance. The chapter concludes that U.S. policy failures, despite later adjustments, led to the collapse of the Afghan government post-U.S. withdrawal. As an Annex, the chapter includes an unpublished non-paper, by former U.N. Special Representative of the Secretary-General Lakhdar Brahimi from 2003 on the Bonn Agreement.

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“Evidently, it is indispensable and urgent to give Afghanistan a more inclusive and more representative government that it now has.”

Lakhdar Brahimi

UN Special Representative of the Secretary-General, 2003<sup>1</sup>

The post-9/11 international operation in Afghanistan was based on a misunderstanding. The UN and many Afghans thought that international involvement would help Afghans build peace. The United States thought it would consolidate victory in a war without end. Both were wrong.

When victory proved impossible to define, let alone achieve, after spending an estimated 2.3 trillion dollars on a war that caused the deaths of 2,324 U.S. military personnel, 3,917 U.S. contractors, 1,144 allied troops, 70,000 Afghan military and police personnel, at least 46,319 Afghan civilians (likely a significant underestimate), 53,000 opposition fighters, and 67,000 people in Pakistan, the United States withdrew its troops, ended its aid programs, and walked away. The structures established during the 21-year international operation melted away overnight, and the Taliban strolled back into power (Bateman, 2022). I witnessed much of this as an advisor first to the UN mission to Afghanistan and then to the U.S. Special Representative for Afghanistan and Pakistan.

This chapter first recounts the formation of the Afghan government in 2001–2002 through the Bonn Agreement. The UN talks on Afghanistan that led to the Bonn agreement set out their goal in the preamble as establishing interim arrangements and a process that would transform these interim arrangements into a “broad-based, gender-sensitive, multi-ethnic and fully representative government” (United Nations, 2001, p.2). Overlooked at the time was that the stated objectives of the Bonn Agreement were not the overall objectives of the U.S.-led counter-terrorism operation. This section provides an account of the earliest signs that the way the United States implemented its counter-terrorism policy precluded the successful implementation of the transition envisaged at Bonn. Despite the discourse about democracy and human rights that legitimated the operation with many constituencies, the nature of Afghan governance was and remained a secondary issue for the United States.

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1 Lakhdar Brahimi, “Non-Paper: Accelerating the Implementation of the Bonn Agreement”, September 2003. See the appendix of this chapter for the full text.

The core of the contradiction was the decision to exclude from the process any Taliban leaders, including those who surrendered. The second section shows that such inclusion could have been possible by examining the trajectories of major Taliban leaders, who almost all ended up in Guantanamo. The official dossiers compiled on these detainees by Department of Defense interrogators, as well as accounts from eyewitnesses and other reports, show that virtually all of the Taliban leadership tried to surrender in accord with Afghan traditions of intra-Afghan warfare and could have been included in the Bonn process without making unacceptable concessions to their reactionary policies. Repeated direct intervention by the United States prohibited such inclusion.

The war proved unwinnable on the terms set by the United States. As the international context changed so that the threat of terrorism receded and U.S. foreign policy priorities shifted, the country changed course from seeking to entrench a permanent presence in Afghanistan to seeking an exit. In their very different ways, both the Obama and Trump administrations supported a political settlement mainly to serve the primary goal of troop withdrawal, not vice versa. When Trump decided that troop withdrawal was practically the only goal in Afghanistan (other than not looking weak), and Biden accepted the *fait accompli* left by his predecessor, the United States carried out a unilateral troop withdrawal without using it as leverage for a political settlement.

Of course, it was right to prevent terrorists from attacking the United States and others from Afghanistan, just as it is now right for international powers to do whatever they can to dismantle the Taliban's apparatus of gender apartheid and extremist repression. But treating either goal as independent of fundamental issues of state building and governance will be, if not counterproductive, then at best non-productive.

### Birth Defects

Since the Taliban takeover in August 2021, the international community has unanimously urged the Taliban to form an "inclusive" government, but after 9/11 the George W. Bush administration blocked all attempts to include the Taliban in the new order. Within months if not weeks of the start of the U.S. military intervention in October 2001, virtually every Taliban leader but Mullah Omar surrendered and offered to cooperate with the new government. In early December, faced with defeat on all fronts, Omar



handed over power to his deputy, Defense Minister Obaidullah, who had been in secret talks with the CIA Pakistan station chief Robert Grenier since October (Grenier, 2015). On December 6, Obaidullah immediately reached a tentative agreement on a truce with Hamid Karzai, who had just been named to head an interim administration at the UN Talks on Afghanistan in Bonn. That truce could have enabled the Taliban to participate in the process set out in the Bonn Agreement to build a more inclusive and legitimate Afghan government, but Secretary of Defense Donald Rumsfeld threatened to withdraw support from Karzai if he reached any negotiated agreement with the Taliban (Dam, 2021; Coll, 2016).

Another senior CIA officer, Frank Archibald, was working with Taliban foreign minister Wakil Ahmad Mutawakkil. They worked out a plan to help the Taliban form a non-violent political movement to participate in the Bonn process. When Archibald presented the plan to the administration in Washington, Vice President Dick Cheney responded, “We’re not doing that. ... He’s going to be in a jumpsuit. He’s going to Guantánamo” (Coll, 2016)

When the United States began direct talks with a Taliban representative in November 2010, the first Taliban demand was that the United States release five Taliban leaders from Guantanamo as a confidence-building measure. Every one of them had surrendered to the new Afghan authorities or the United States. The two commanders of the Taliban in northern Afghanistan, Mullah Fazl and Nurullah Nuri, surrendered to Northern Alliance commander Abdul Rashid Dostum, disarmed Afghan, Arab, and other foreign fighters, and handed them over to Dostum. Several hundred were then massacred by Dostum’s troops en route to detention in the fort of Qala-i Jangi. Dostum kept Fazl and Nuri in a guest house until U.S. special forces showed up and took them (Gall, 2014).

Another leader, Mullah Khairullah Khairkhwah, had been a friend of Hamid Karzai. Both were members of Kandahar’s Popalzai tribe. Khairkhwah was negotiating with Karzai’s brother over a future government position when he was detained by Pakistani intelligence and handed over to the Americans. The other two of the Guantanamo Five, Abdul Haq Wasiq and Muhammad Nabi Omari, were detained by U.S. forces when they showed up for meetings to discuss how they might cooperate.<sup>2</sup>

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<sup>2</sup> The Guantanamo Five, or Taliban Five, were held at Guantanamo until their exchange for the United States Army sergeant Bowe Bergdahl; see below.

The decision by the United States to treat “those who have harbored terrorists” (the Taliban) the same as the terrorists themselves (al-Qaeda) left the Taliban with no choice but to fight or flee. It also reinforced U.S. dependence on cooperation with the small group of unrepresentative leaders who had spearheaded the United States’s anti-Taliban campaign. No wonder, then, that in September 2003, as preparations were underway for the Constitutional Loya Jirga, UN Special Representative of the Secretary-General Lakhdar Brahimi circulated a non-paper warning of the “limited representativeness of the Government and absence of sustained efforts to promote national unity and reconciliation” (see Appendix for the text of the non-paper).

The highest levels of the Bush administration were not interested in the politics of Afghanistan. On September 12, 2001, in a conversation with Deputy Secretary of State Richard Armitage, the director-general of Pakistan’s intelligence agency tried to rationalize the Taliban as the result of decades of war. Armitage cut him off, saying “history starts today” (PBS, n.d.). According to Bob Woodward, “As early as September 11 [Director of Central Intelligence George Tenet] had held that the Taliban and al-Qaeda were bound together, that they had to be treated as one enemy and eliminated” (Woodward, 2002, p. 192). In an October 1 video-conference with Secretary of Defense Donald Rumsfeld, Robert Grenier, who had been talking to senior Taliban leaders since September 12 in his role as CIA station chief in Pakistan, proposed a strategy “to motivate first the Taliban, and then others in the south [of Afghanistan], to join the international coalition against al-Qa’ida” (Grenier, 2015, p. 83). Rumsfeld greeted the presentation icily and did not call back when the connection dropped. At a Principals Committee meeting on October 3, Vice-President Cheney settled the matter: “We need the Taliban to be gone,” he said (Woodward, 2002, p. 192).

When the United States launched military operations in Afghanistan on October 7, the administration had not yet decided whether to become involved in building a successor regime in Afghanistan.<sup>3</sup> President Bush had campaigned against “nation building,” but as the reality sunk in that, if the Taliban were overthrown, something would have to take their place, the administration made a widely misunderstood decision. At a press con-

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3 See an account of an early part of the debate in Rubin, 2013, pp. 16–21.

ference on October 11, President Bush announced: “One of the things we’ve got to make sure of is that all parties ... have an opportunity to be a part of a new government ... I believe that the United Nations would – could provide the framework necessary to help meet those conditions” (White House, 2001).

This did not mean that strengthening and supporting a new Afghan government was the principal objective of the United States. On the contrary, delegating – or relegating – the political job to the UN signaled that the United States considered it to be secondary to its mission of killing and capturing terrorists. For the same reason, Washington blocked the expansion outside Kabul of the International Security and Assistance Force, which UN officials had proposed to serve as a nationwide stabilization force that would insulate the political process from pressure by armed factions. As the largest troop contributor and, in practical terms, the owner of the battlespace, the United States had the ultimate say on military deployments. The U.S. Department of Defense did not want its counter-terrorist forces encumbered by the need to coordinate with a stabilization force.

UN Secretary-General Kofi Annan assigned the job of helping Afghans build a new government to the UN Special Mission on Afghanistan (UN-SMA), which had been established in early 1994. He appointed Lakhdar Brahimi, the former foreign minister of Algeria and a veteran UN troubleshooter, to lead the effort, and I served as a member of Brahimi’s team. Brahimi began to organize talks among four Afghan groups, which took place between November 29 and December 5 in Bonn, Germany. He knew that including Taliban in the political process would be needed for peace, but inviting the Taliban to participate while the war was going on was impossible. In the process laid out in the Bonn Agreement, after the formation of an interim administration, the next step would be to convene an “Emergency Loya Jirga” (ELJ), which, as provided in the Bonn Agreement, would:

Decide on a Transitional Authority, including a broad-based transitional administration, to lead Afghanistan until such time as a fully representative government can be elected through free and fair elections to be held no later than two years from the date of the convening of the Emergency Loya Jirga. (United Nations, 2001, p.2)

As he wrote in the non-paper, however:

The Afghan delegates who met in Bonn in November/December 2001 were not fully representative of the diversity of the Afghan population. The Interim Administration hastily assembled at the end of that Conference was more the reflection of the ground realities suddenly created by the US military campaign than of the deeper and more lasting ethnic and social realities of the country. (Brahimi, 2003)

The military campaign had eliminated some and elevated others. The process set forth in the Bonn Agreement as negotiated by the UN consisted of a series of steps – interim administration, Emergency Loya Jirga, Transitional Administration, drafting of a constitution to be ratified as a Loya Jirga followed by elections – designed to make an unrepresentative interim government successively more representative and legitimate. The ELJ, Brahimi told the delegates, would include representatives of those Afghans who for one reason or another could not participate in Bonn. This included, but was not limited to, the Taliban.

The effort at broadening the government, however, confronted an obstacle foreshadowed at Bonn. U.S. Representative Dana Rohrbacher (Republican, California) showed up at the Petersburg Hotel where the talks were taking place. He asked the UN to arrange for him to speak to the Northern Alliance delegation. I knew Rohrbacher, whom I had first encountered when he was Senior Director for Afghanistan on President Ronald Reagan's National Security Council, and I helped arrange the meeting. Yunus Qanooni, chair of the Northern Alliance delegation, showed up with most of his team. To translate, we brought in Jawed Ludin, an Afghan refugee graduate student at the London School of Economics, the official interpreter for the Bonn Conference. Ludin later rose to the post of deputy foreign minister of the Islamic Republic of Afghanistan.

Rohrbacher opened the meeting by telling the Northern Alliance, "I want to thank you for taking revenge on our enemies. Let me know what weapons you need, and I will guarantee you get them." After the meeting, Ludin told the UN that he objected to having been dragooned into facilitating this meeting. "I thought this was supposed to be a peace conference!" he protested.<sup>4</sup>

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4 Author's notes.

By December 4, it was clear to the entire Taliban leadership that they had run out of alternatives in the face of the U.S. onslaught. An isolated Mullah Omar turned over leadership to Defense Minister Obaidullah. The next day, December 5, the UN announced that the UN Talks on Afghanistan had named Hamid Karzai as president. Obaidullah, whose discussions with Grenier had anticipated this moment, led a Taliban delegation to Karzai, who had reached Shah Wali Kot, a district center about 60 kilometers from Kandahar City. Obaidullah showed Karzai the letter in which Omar handed over power (Dam, 2021, pp. 248–249). The U.S. special forces around Karzai reported what was happening to the office of Secretary of Defense Donald Rumsfeld, who told them to keep their eyes on Karzai.

Later that day Karzai announced the Taliban's surrender to several press outlets. The agreement provided that:<sup>5</sup>

- The Taliban recognized Karzai as the leader of Afghanistan.
- They would turn over to him the four provinces remaining under their control (Kandahar, Uruzgan, Helmand, and Zabul).
- Karzai would release Taliban prisoners, grant an amnesty to the Taliban and allow Mullah Omar to live in Kandahar “with dignity”.
- Mullah Naqibullah, a prominent mujahidin commander from Arghandab district who had neither fought nor joined the Taliban, would become governor of Kandahar.
- The Taliban would surrender their arms to Mullah Naqibullah.

In Islamabad, Taliban ambassador Abdul Salaam Zaeef announced, “The Taliban [are] finished as a political force.” He added: “I think we should go home.” (Knowlton, 2001)

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5 The account of the Shah Wali Kot Agreement is based on the following sources: Interview with President Hamid Karzai, Kabul, November 2008; interview with Rais-i Baghran, a Taliban leader from Helmand, who participated in the talks; interview with Mullah Abdul Salaam Zaeef, who was then Taliban ambassador to Pakistan; Dam, 2021; Coll, 2018; Muñoz, 2011; Gopal, 2014; Grenier, 2015; Knowlton, 2001; Stout, 2001.

This agreement followed the traditions of inter-Afghan warfare. Once it was clear who would win, the victor would allow the losing side to surrender without humiliation. As the British envoy Montstuart Elphinstone described in his 1815 book *An Account of the Kingdom of Caubul*: “The victory is decided by some chief’s going over to the enemy; on which the greater part of the army either follows his example or takes to flight” (Elphinstone, 1992 [1815], VII, p. 276). The United States, however, did not know of or recognize this tradition, which in any case contradicted the doctrine of the War on Terror.

A few years later, Karzai told his biographer, Bette Dam, that “a few hours after his announcement of the surrender, a furious Rumsfeld had phoned him and ordered him to rescind the agreements made with the Taliban in public” (Dam, 2021, p. 249). The next day, December 6, Rumsfeld addressed the press at the Pentagon. In answer to reporters’ questions about the Shah Wali Kot agreement, he said there would be “no negotiated solution,” and that there was no question of Mullah Omar living in Kandahar with dignity (C-SPAN, 2001). He publicly threatened Karzai with a cutoff of U.S. support:

The opposition forces in and around Kandahar where it is believed Omar is, are fully aware of our very strong view on this. Our cooperation and assistance with these people would clearly take a turn south if something were to be done that was inconsistent with what I’ve said. To the extent our goals are frustrated or opposed, we would prefer to work with other people who would not oppose our goals. (Knowlton, 2001)

When asked if it wouldn’t be hard for the United States to oppose a deal struck by Karzai, who had just been named interim leader of the country, Rumsfeld dismissed the question as hypothetical and said, “I don’t believe it will happen” (Knowlton, 2001). In case the message wasn’t clear enough, U.S. forces in Kandahar captured the city on December 9 and enabled Gul Agha Sherzai rather than Naqibullah to become provincial governor. The Taliban scattered, arms in hand, some to their villages and some to Pakistan. Karzai no doubt remembered these events in later years, when the United States ritually intoned that reconciliation had to be “Afghan-owned and Afghan-led.”

### The Taliban Leadership from Surrender to Guantanamo

The five senior leaders whose release from Guantanamo the Taliban requested as a confidence building measure were: Mullah Fazl Mazloom; Mullah Noorullah Noori; Mullah Khairullah Khairkhwah; Abdul Haq Wasiq; and Muhammad Nabi Omari. Releasing them would have been a powerful way to communicate that the United States did not consider the Taliban to be identical to al-Qaeda, a necessary condition for peace talks. Each one of them had surrendered and one way or another had agreed not to take arms against the still-undefined and evolving new order. None of them had declared allegiance to al-Qaeda; several of them offered to help with the search for al-Qaeda or killed or detained al-Qaeda members themselves. Nonetheless, former Vice president Dick Cheney called them “the worst of the worst.” Here is what happened to them.

On November 9, 2001, Mazar-i Sharif fell to the forces of three Northern Alliance leaders, Abdul Rashid Dostum (Uzbek, former leader of one of Najibullah’s militias), Ata Muhammad Nur (Tajik, an ally of Ahmad Shah Massoud), and Muhammad Muhaqqiq (leader of the Hazara and other Shi’a forces), backed by U.S. special forces.<sup>6</sup> The Taliban’s military commander for Northern Afghanistan, Deputy Defense Minister Mullah Fazl, and Mullah Noorullah Noori, governor of Balkh and the senior Taliban political figure in North Afghanistan, led a retreat to nearby Kunduz.

Taloqan, Bamiyan, and Herat – cities in the north, central highlands and west of the country – surrendered in quick succession on November 11 and 12. On November 13, the Taliban negotiated the surrender of the eastern city of Jalalabad, which stood astride communications routes between Kabul and Pakistan. Their supply lines cut, the Taliban abandoned Kabul without a fight. Back in Kunduz, Fazl decided to surrender to Dostum. According to Noori’s Guantanamo detainee assessment:

On 17 November 2001, [Taliban Minister of Defense] Obaidullah Akhund advised AF-007<sup>7</sup> [Fazl] to surrender to Northern Alliance Commander General Dostum. Following

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6 This account is based on an interview with Faizullah Zaki, Dostum’s political advisor, who was with Dostum throughout these events, Kabul and Gall, 2014, pp. 20–44 (the author, Carlotta Gall, is a New York Times reporter who witnessed both the Dostum-Fazl press conference and the uprising at Qala-i Jangi).

7 ISN (Internment Serial Number) and AFN (Armed Forces number) here are numerical designations used for tracking individuals within the military system.

negotiations with General Dostum a group comprised of Taliban leadership, including detainee [Noori], AF-007 [Fazl]; and Abdullah Gulam Rasoul ISN -00008DP (AF -008), turned themselves over to General Dostum then moved the group to Mazar -e- Sharif and the forces they commanded to the Qala-i Jangi fortress.<sup>8</sup> (Rosenberg & Dance, 2014)

Obaidullah had secretly met CIA Station Chief Grenier several times to discuss how to separate the Taliban from al-Qaeda and marginalize Mullah Omar, who, alone among Taliban leaders, had staked his personal honor on the protection of Bin Laden.

The surrender was complicated by the presence in Kunduz of hundreds of al-Qaeda and other foreign fighters, and hundreds of Pakistanis, including both volunteer fighters and military officers (some retired and on contract) sent to advise and train the Taliban. By November 21, Fazl claimed to have disarmed the foreign fighters. A meeting of senior UN officials, that I attended as an aide to Brahimi, discussed the diplomatic and political impact of an air evacuation of Pakistanis who had been supporting the Taliban's war effort in Kunduz, secretly negotiated by President Musharraf of Pakistan with the United States. Among journalists and other internationals on the ground, this operation came to be known as the "airlift of evil".

On the night of November 21, Fazl and Noori drove from Kunduz to Dostum's fort in Qala-i Jangi, outside Mazar-i Sharif. Dostum, Ata, Muhaqqiq, global media, and U.S. special forces were waiting for them. *New York Times* reporter Carlotta Gall was there:

The talk focused on arranging a ceasefire and guarantees for the Taliban to surrender peacefully and give up their weapons. Close to midnight, General Dostum called in the reporters who had been waiting outside to hear Mullah Fazl an-

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8 Carlotta Gall, relying on a 2012 report by Afghan intelligence chief Amrullah Saleh, a Masoud protégé, claims that President Musharraf of Pakistan called Dostum three times to arrange a peaceful handover and extricate his men. Another account claims that Fazl had previously encircled Dostum in battle but allowed him to escape with his life – hence Dostum was indebted to Fazl. Fazl claimed to have made this decision on his own, but Gall reports that he remained throughout in touch with the Taliban leadership in Kandahar and its Pakistani mentors.



nounce his surrender. ... Mullah Fazl said they had reached an agreement to end the fighting, and the two men shook hands. The settlement included all foreign fighters. "They are all under my command and they will all surrender," he said. ... Dostum spoke of the twenty-five years of war that had pitted men against each other in every village, city, province, and tribe. "We should not wash blood with blood, we should wash blood with water," Dostum said. ... As dawn broke, Mullah Fazl drove back across the desert to Kunduz and did as he had promised. He made a speech to his followers and told them the fight was over. They were to hand over their weapons and would be allowed to go home. (Gall, 2014, p. 30)

Some of the foreign fighters refused to accept Fazl's orders and threatened him. "His bodyguards drew their weapons and shot some of the Arabs dead," Gall reported. "That ended the discussion. In the days that followed, Mullah Fazl kept his word and delivered thousands of Taliban and foreign fighters into the hands of the United Front" (Gall, 2014, p. 31).

After Dostum delivered the first batch of detainees to the prison in Qala-i Jangi, fighters from the Islamic Movement of Uzbekistan who had been fighting alongside the Taliban seized weapons and started a revolt. The fighting raged for five days, leaving hundreds of dead. On November 28, after the revolt had been quelled, Dostum's men transported thousands more Taliban prisoners to Qala-i Jangi, this time in shipping containers. According to Physicians for Human Rights, which examined evidence from mass graves in 2002, "as many as 2,000 surrendered Taliban fighters and others are believed to have been suffocated to death or shot in container trucks by U.S.-allied Afghan troops of the 'Northern Alliance,' and buried in a mass grave in Dasht-e-Leili, near the town of Sheberghan in northern Afghanistan" (Physicians for Human Rights, 2014). These and other atrocities posed additional obstacles to any further peacemaking.<sup>9</sup>

Dostum transferred Fazl and Noori to his guesthouse in Sheberghan. Sometime in December, U.S. special forces took custody of them. The

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9 At his first meeting with U.S. representatives outside Munich on November 29, 2010, Taliban negotiator Tayyib Agha asked the United States to make public an internal report that he thought President Obama had commissioned about these killings. In fact, President Obama had asked for a report only on possible U.S. participation in these killings, not on the killings themselves, and resistance from the CIA rendered compiling such a report impossible.

United States first held them on the USS Bataan and then transferred them to Guantanamo when the camp opened on January 11, 2002. They were released in the 2014 prisoner exchange for Sergeant Bowe Bergdahl.

Mullah Khairullah Khaikhwah, who was a member of Karzai's Popalzai tribe, served as governor of Herat, a position that required communication with Iran, which the United States regarded with suspicion. Khaikhwah's Guantanamo dossier described him as "a friend of current Afghan President, Hamid Karzai." According to that dossier:

Immediately prior to the 11 September 2001 terrorist attacks, Mullah Omar approached detainee concerning his relationship with Karzai. Omar did not trust Karzai and told detainee that the relationship was under scrutiny. ... When the Taliban lost control, detainee contacted Karzai to discuss a position with the new government and detainee's personal safety. Several Karzai associates met with detainee in the time between the Taliban's fall and his arrest.

According to detainee, he traveled to Chaman, Pakistan in January 2002. In Chaman, detainee called [Ahmad] Wali Karzai, Hamid Karzai's brother, to negotiate surrender and integration into the new government. The following day, Abd al-Manan (probably Abd al- Manan Niyazi), a former Governor of Kabul, arrived and invited detainee to his house. Soon after detainee arrived at Manan's house (16 February 2002), Pakistani border patrol arrived with orders to arrest Manan. Manan was able to escape, but detainee was arrested. ... Pakistani authorities held detainee for 18 days until he was transferred to US custody in Quetta, PK.<sup>10</sup>

Khairkhwah arrived in Guantanamo on May 1, 2002.

In February 2011, President Karzai requested Khaikhwah's release, saying he had received a letter from Khaikhwah through his lawyer, offering to join the peace process. Former President of Afghanistan Burhanuddin Rabbani, then the chair of the High Peace Council, also wrote to U.S.

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<sup>10</sup> The dossier was published by Wikileaks in 2011 as part of the Guantanamo files (Wikileaks, 2011).

Ambassador Ryan Crocker, asking for the release of Khairkhwah (Farmer, 2017; Rubin, 2011).<sup>11</sup> To my knowledge, the United States never responded to either Karzai or Rabbani. Khairkhwah was released from Guantanamo on May 31, 2014, as part of the prisoner exchange that resulted in the release of Sgt. Bowe Bergdahl from Taliban captivity.

Abdul Haq Wasiq was the Taliban deputy minister of intelligence. Today he is head of their intelligence agency, the General Directorate of Intelligence. The “Capture Information” in his Guantanamo Detainee File requires no further elucidation:

**5. (U) Capture Information: a.** (S//NF) On 24 November 2001, detainee, along with his assistant Gohlam Ruhani, ISN US9AF-000003DP (AF-003, transferred); two Americans; and a translator met at the old government office in the town of Maqaur, Ghazni Province. Detainee was to bring the Taliban Minister of Intelligence, Qari Ahmadullah, to the meeting to provide information that would lead to the capture of Taliban Supreme Leader Mullah Muhammad Omar. Detainee did not bring Qari Ahmadullah but did offer assistance in locating Mullah Omar. Detainee requested a global positioning system (GPS) and the necessary radio frequencies to pass information back to the Americans in order to help locate the Taliban leader. Shortly after the meeting, US forces arrested detainee and AF-003 based on their position within the Taliban and support to Anti-Coalition Militia (ACM) members. (JTF-GTMO-CDR (n.d.))<sup>12</sup>

The file commented, “Detainee appears to be resentful of being apprehended while he claimed he was working for US and Coalition forces to find Mullah Omar.”

Wasiq too was released in 2014 in exchange for Bergdahl.

Omari, a member of the anti-Soviet mujahidin leader Jalaluddin Haqqani’s organization (the so-called Haqqani Network), took shelter in

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11 While serving as a U.S. government official, I saw the letter and urged a positive response, to no avail.

12 See also the transcript of Wasiq’s Combatant Status Review Hearing: <https://www.documentcloud.org/documents/75731-isn-4-abdul-haq-wasiq-combatant-status-review>.

the house of Qasam Jan, a tribal elder close to the Haqqanis from Gurbuz, Paktia. U.S. forces contacted Qasam and asked him to bring Omari for a meeting. The Americans reportedly gave guarantees of his security. When he came to the meeting, Omari was detained along with Qasam Jan. Qasam Jan ended up in Kabul prison for 17 months, while Omari was sent to Guantanamo.<sup>13</sup> Omari, too, was released in exchange for Bergdahl.

Other Taliban leaders had similar experiences. One of those who followed Zaeef's advice to return to his village was Mullah Abdul Ghani Baradar, then Taliban deputy leader. Like Khairkhwah, Baradar is a member of Karzai's Popalzai tribe. According to Karzai, Baradar sent him a letter saying he had returned to his village and recognized Karzai as president.<sup>14</sup> A few months later, Baradar sent Karzai another letter, this time from Pakistan. He told Karzai that U.S. special forces had come to his village to capture him. As Baradar made his escape to Pakistan, he wrote, he saw his little daughter running into the mountains. Now he would fight forever.

Baradar rose to be the most powerful member of the Taliban after Mullah Omar. In February 2010, the CIA captured him in Karachi in a joint operation with the ISI. Karzai claimed he had been engaged in indirect reconciliation talks with Baradar. In a meeting in his office in January 2012, which I attended Karzai asked U.S. Special Representative for Afghanistan and Pakistan Marc Grossman if the CIA and ISI were working together against reconciliation.<sup>15</sup>

At the request of U.S. Special Representative Zalmay Khalilzad, Pakistan released Baradar in 2018. He traveled to Doha, where he headed the Taliban team that negotiated with the U.S. Today he is deputy prime minister for economic affairs.

Jalaluddin Haqqani, the founder of the Haqqani Network, was one of ten "unilateral" commanders of the anti-Soviet mujahidin, so called because they were deemed by the CIA to merit a direct relationship rather than one mediated by the ISI (Coll, 2004). A member of the Zadran tribe

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13 Information on Omari comes from an interview with an Afghan from Khost who is currently in Kabul and has professional relations with the Haqqanis, as well as his Guantanamo detainee file.

14 Interview with President Hamid Karzai, Kabul, November 2008.

15 According to Filkins (2010), the ISI had manipulated the CIA into arresting Baradar to stop talks between the Taliban and Kabul that Pakistan did not control. This account was so widely regarded as credible that the CIA arranged a special presentation to persuade President Obama it was not true.

in Khost, he was the most important commander in Eastern Afghanistan, specifically in the three provinces of Khost, Paktia, and Paktika, known collectively as Loya (Greater) Paktia. Haqqani joined the Taliban in 1995, bringing much of his following with him.

Due to the historical relationship between Haqqani and the United States (Congressman Charlie Wilson of Texas had called him “goodness personified”), after 9/11 the United States initially thought it might be able to split him from the Taliban or even use him to remove Mullah Omar (Gopal, 2014a). Negotiations took place in Islamabad and the UAE, but the best offer from the United States was detention that would end at an unspecified date in return for cooperation. This was beneath Haqqani’s dignity. He aspired to be the leader of Loya Paktia.

After a particularly devastating U.S. air attack, including direct hits on Haqqani’s home, in early November, he instructed his commanders to surrender. Meanwhile, the United States had chosen another powerful member of the Zadran tribe, Pacha Khan, a rival of Haqqani’s, to run the area for them. Pacha Khan had participated in Bonn as a member of the Rome delegation.<sup>16</sup>

Nonetheless, Haqqani still tried to join the new dispensation. On December 20, 2001, he sent a delegation of nearly one hundred tribal elders to attend Karzai’s inauguration in Kabul two days later. Pacha Khan and hundreds of his men intercepted the convoy and demanded they recognize him as the leader of Loya Paktia. When they refused, Pacha Khan told his U.S. military contacts that a “Haqqani-al-Qaeda cavalcade was making its way toward Kabul. Shortly thereafter, amid deafening explosions, cars started bursting into flames. In all, 50 people, including many prominent tribal elders, died in the assault” (Gopal, 2014a).

Haqqani stubbornly refused to get the message, however:

In March 2002, he dispatched his brother Ibrahim Omari to Afghanistan in a bid to reconcile with Karzai. In a pub-

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16 In November 2001, Brahimi, Ashraf Ghani, and I went over the delegation lists submitted by the four groups that had been invited to the upcoming Bonn Talks. We noted that the Rome Group delegation did not include anyone who had set foot in Afghanistan in the last twenty years or so. When we suggested to them that, to avoid embarrassment, they should include some people who actually lived in Afghanistan, the reply came back that they had no such people in their group. Brahimi therefore asked the United Nations Special Mission to Afghanistan (UNSMIA) to find a leading supporter of the former king who lived in Afghanistan. UNSMA proposed Pacha Khan Zadran.

lic ceremony attended by hundreds of tribal elders and local dignitaries, Omari pledged allegiance to the new government and issued a call for Haqqani followers to return from Pakistan and work with the authorities. He was then appointed head of Paktia province's tribal council, an institution meant to link village elders with the Kabul government. Soon, hundreds of Haqqani's old sub-commanders, who had been hiding in fear of PKZ [Pacha Khan Zadran], came in from the cold. (Gopal, 2014a)

Omari enjoyed some support from the CIA for his efforts, but then:

As Omari was visiting the house of a government official near Kabul, U.S. Special Operations forces showed up—without the CIA's knowledge—and arrested him. That week, similar arrests of Haqqani followers took place across Loya Paktia. (Gopal, 2014)

After his release, Ibrahim told his tribal supporters, "He would never set foot on Afghan soil again until it was free of 'the infidels.' Not long after, he left for Pakistan" (Gopal, 2014a).

After the U.S. vetoed the Shah Wali Kot agreement, Wakil Ahmad Mutawakkil, the last Taliban foreign minister, went into hiding in Quetta, Pakistan.<sup>17</sup> Abdul Bashir Noorzai, a tribal leader and narcotics trafficker from Mutawakkil's district, reached him by telephone.<sup>18</sup> Noorzai convinced Mutawakkil to leave Pakistan and meet the Americans in Kandahar. Mutawakkil traveled to Kandahar Airfield, where he was arrested. The late Frank Archibald, a former Marine who had risen in the C.I.A.'s Special Activities Division and later represented the CIA in the office of SRAP Richard Holbrooke, questioned Mutawakkil. They talked about creating a new political party allied with Karzai. According to what Archibald later

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17 This account is based on Coll, 2016, and an interview with the late Frank Archibald.

18 At the time, Noorzai was helping the United States with information and contacts, though later he was lured to New York by the Drug Enforcement Agency. After several productive interviews with the FBI, he was arrested, and subsequently sentenced to federal prison as a drug kingpin. Noorzai was released in September 2020 in return for the release of Mark Fredrick, an American abducted by the Taliban while working as a civilian contractor. The whole section is based on Coll 2016.

described to me and other colleagues, the C.I.A. officer “was practically living in a tent” with Mutawakkil, while working with him on “creating a legitimate Taliban political party to join the system.”

Steve Coll reported:

Mutawakil suggested that he could recruit other significant former Taliban to join. Archibald worked up a presentation about Taliban defectors and the future of Afghan politics, according to the account he later gave to colleagues. He flew back to Virginia and presented his ideas at C.I.A. headquarters. Vice President Dick Cheney attended. “We’re not doing that,” he declared after he heard the briefing. . . . The message from Washington for Mutawakil was “He’s going to be in a jumpsuit. He’s going to Guantánamo.” (Coll, 2016)

Archibald managed to prevent that, at least. During a conversation in my State Department office, Archibald recounted how he had personally dragged Mutawakkil off the plane that was supposed to transfer him to Guantanamo. The Afghan government imprisoned Mutawakkil at Bagram Airfield for about six months, before he was released into house arrest in Kabul.

These surrenders and offers of cooperation involved the Taliban top leadership, but the rejection of surrender or reconciliation was comprehensive. In May 2002, Brahimi asked me to help monitor the elections to the ELJ. I arrived in Jalalabad with Scott Smith, a United Nations Assistance Mission in Afghanistan (UNAMA) official who today is the organization’s political chief. In the waiting room of the UN office in Jalalabad we found Haji Ruhullah, the son of Jamil al-Rahman, the founder of the Salafi movement in Kunar, who had been assassinated in the summer of 1991. Ruhullah, who had inherited the leadership of his father’s movement, Jama’at al-Da’wa, was carrying several thick binders of resumé’s of people he wanted to propose to the UN as candidates for the ELJ.

When Smith and I were ushered into the office of the coordinator for UNAMA’s eastern region, we found Hajji Abdul Qadir Arsala, the governor of the province. I had met Hajji Qadir at Bonn. He had been a member of the United Front Delegation as representative of the Eastern Shura he led. When I told him that Hajji Ruhullah was sitting in the anteroom with binders full of candidates, I thought I was passing on a positive story

about public support for the ELJ. Hajji Qadir, however, immediately burst out, “He’s a terrorist!” and said that he should be arrested.<sup>19</sup>

We learned later that Hajji Qadir was feuding with Ruhullah over various matters, possibly including the distribution of British funds in an early failed effort to prevent cultivation of the opium poppy. Telling internationalists that a rival was a terrorist was a standard tool used by Afghan power holders at that time. Hajji Qadir was elected as vice president of the transitional government at the Emergency Loya Jirga and was assassinated by an unknown assailant on July 6, 2002.

Ruhullah had also become a delegate to the ELJ despite Qadir’s opposition. He apparently had other enemies, however. On August 21, he hosted a dinner in honor of President Karzai’s newly appointed governor of Kunar. There Ruhullah told *New York Times* reporters “that it was ‘possible’ that al-Qaeda was regrouping in the mountain fastnesses. He said, ‘I told [U.S. Special Forces], ‘If there are Al Qaeda, tell us and we’ll take care of them’” (Burns, 2002).

A few hours later, in the early morning of August 22, U.S. soldiers arrested Ruhullah and 11 others on the basis of allegations of collaboration with the Taliban and al-Qaeda that were never confirmed. Ruhullah was transferred to Guantanamo, from which he was released after almost six years of detention on April 30, 2008. The Administrative Review Board, a U.S. military body charged with reviewing the threat status of detainees at Guantanamo, had recommended him for release on the grounds that:

- a. The detainee fought jihad against the Russians and fought against the Taliban and al Qaida at Tora Bora.
- b. The detainee supported the Northern Alliance in their efforts to defeat the Taliban, al Qaida, and Usama Bin Laden.
- c. In 1997 or 1998, the detainee traveled to Mazar-e-Sharif [sic] to visit with Massoud.
- d. The detainee traveled twice to Tajikistan in 1998 in connection with Masood and the Northern Alliance.
- e. The detainee traveled to Cyprus three times in 1999 to attend international conferences organized by influential

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19 In this interview Hajji Qadir presented a memorable summary of ethnic politics in Afghanistan. “The Pashtuns think they should control everything,” he said. “The Tajiks think that they should split everything 50-50 with the Pashtuns, and the Uzbeks and Hazaras think power should be shared equally among all four groups.” Adding up the numbers, it turns out it would require 300 percent of the power in Afghanistan to be divided as all groups wish.



expatriate Afghans to increase resistance to the Taliban. The detainee states that he never worked with the Arabs or against the Americans.<sup>20</sup>

Abdul Salaam Zaeef had known Ruhullah in Guantanamo. He mentioned this in a conversation we had shortly after his release. I asked Zaeef what he thought about the constitution of Afghanistan, since by then the United States and the Afghan governments had made “accepting the Afghan constitution” a precondition for Taliban to reconcile with the Afghan government. Zaeef responded that he had been unable to participate in the constitutional process because he had been detained in Guantanamo. There he had met Ruhullah, who told him, based on his experience at the ELJ, that political processes such as the Loya Jirga were under the surveillance of the Afghan intelligence agency, which prevented participants from speaking freely. Hence, regardless of its content, Zaeef refused to accord any legitimacy to the constitution.

The United States said it was working with “the tribes” in southern and eastern Afghanistan, but there was no such thing. It was working with selected tribal leaders, who used the U.S. policy of treating anyone labeled “Taliban” as if they were al-Qaeda members to settle scores and eliminate competitors, as Qadir had done.

Gul Agha Sherzai, America’s man in Kandahar, belongs to the Barakzai tribe, from which the Muhammadzai royal clan originated. He told his American handlers that leaders of the Ishaqzai and Nurzai tribes of Maiwand district were Taliban. Those tribes had enhanced their historically low status through participation in the Taliban regime, but in 2002 they were holding jirgas to declare their support for the new government and elect local representatives. “Gul Agha’s approach to opposing tribal factions in Maiwand,” Coll reported, “Was to tell the Americans they were all part of the Taliban, ‘and we believed him,’ [a] senior [military] officer conceded” (Coll, 2016). These reports resulted in bloody raids by U.S. special forces, leading to dozens of deaths, the humiliation of women whose houses were invaded, and the arrest and torture of respected elders. Eventually the Noorzais and Ishaqzais gave up trying to support the gov-

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20 Sahib Ruhullah’s Full Administrative Review Board transcript is available at <https://www.documentcloud.org/documents/77423-isn-798-haji-sahib-rohullah-wakil-administrative>. See also [https://en.wikipedia.org/wiki/Sahib\\_Rohullah\\_Wakil#cite\\_note-Bbc20020824-4](https://en.wikipedia.org/wiki/Sahib_Rohullah_Wakil#cite_note-Bbc20020824-4).

ernment. They armed themselves with Taliban assistance to defend themselves from depredations at the hands of the United States and its local warlord clients (Gopal, 2014). This was one of the principal mechanisms through which the implementation of the U.S. policies of counter-terrorism and counter-insurgency by a military with no comprehension of the social context in which they were acting aggravated intertribal conflicts, producing more terrorism and more insurgency.

### The Paths Not Taken

The way the United States treated the Taliban as part of counter-terrorism policy virtually assured the insurgency that followed and handed Pakistan its principal tool – custody of the Taliban leadership – to use the insurgency to pressure the U.S. and Afghan governments. That does not mean, however, that Afghanistan would have become peaceful and stable if the United States had tried to include the Taliban in the Bonn process from the beginning. The United States was not the only driver of conflict in Afghanistan. Including Taliban in the political system could have produced new conflicts.

Conflicts having nothing to do with the Taliban soon broke out over control of Afghanistan's relatively few valuable resources. Not long after the establishment of the interim administration, Dostum and Atta went to war with each other. In March 2002, I was having dinner at the home of Defense Minister Muhammad Qasim Fahim when he received a call from Dostum. Amrullah Saleh, later to become Afghanistan's intelligence chief, vice president, and a leader of the anti-Taliban resistance, acted as interpreter, and I was accompanied by my colleague, Helena Malikyar, a member of the Rome group who later became the Afghan ambassador to Italy.

Dostum told Fahim that he was cutting a watermelon with Atta, a ritual of reconciliation, signifying that their fight – which had been over control of the fertilizer factory in Mazar-i Sharif – was over. This was the second-most valuable asset in the north, after the customs post at Hairatan border crossing. Dostum, Atta, and other power holders also soon reached agreement over the division of the customs revenue, which by law should have gone to the central government. Similar fights over the control of assets broke out in many parts of the country.

The violence and vengeance surrounding the Taliban's surrender to Dostum was only a small outburst of the massive anger that had built

up after decades of bloodshed. Efforts to include the Taliban would have had to reckon with the opposition of their former victims. Years after the November 2001 press conference in Qala-i Jangi, Muhaqqiq, whose Hazara followers had been massacred by the thousands at the hands of Fazl's troops, told Carlotta Gall why he remained silent: "I was not happy to be there. Looking at their faces they were a strange type of species. They looked tired and humbled. They were almost finished" (Gall, 2014, p. 30). Northern Alliance forces had also massacred hundreds of Taliban prisoners in Mazar-i Sharif after repulsing their 1997 offensive. When the Taliban recaptured Mazar the following year, they murdered thousands of Hazaras in revenge. These killings, as well as the uprising at Qala-i Jangi and the subsequent massacre by Dostum's men of perhaps thousands of Taliban and foreign fighters being transported in shipping containers could have been harbingers of the future.

The Taliban initiated a few other processes of outreach to the Afghan government during the Bonn Process, but once it was completed without them in the parliamentary elections of 2005, they escalated the insurgency, starting with a nearly successful offensive against Kandahar at the beginning of 2006. The initial U.S. offensive had convinced the Taliban that the United States had defeated them. After watching the United States in action for several years, however, they revised that estimate.

By 2009, it was clear to the incoming Obama administration that the effort was at best stalemated. The idea of negotiation with the Taliban began to gain traction. The U.S. military argued for postponing negotiations until they had achieved a "position of strength." But any position of strength had already been squandered, from day one, and for the better part of a decade.

The effort to find a political solution, in which I participated, moved in fits and starts, but the United States and Taliban were able to reach agreement in the Doha Agreement of February 29, 2020, only because President Trump radically simplified the process. Trump was not beholden to any of the U.S. and international constituencies that had invested in the new institutions of Afghanistan.

The Doha agreement, however, was not solely a reflection of Trump. It faithfully reproduced the American priorities that had guided the policy from the beginning, but in a new context. The threat from al-Qaeda and other terrorist groups had been greatly reduced. The rise of China, in particular, had changed U.S. security priorities. It was no longer necessary

to tie down troops in an unwinnable war in a largely hostile region; it was better to pull out and redeploy in accord with the new priority, great power conflict, which became so important as to earn itself a Washington acronym: GPC.

During Trump's first year in office, the national security establishment captured his Afghanistan policy through National Security Advisor General H. R. McMaster. McMaster crafted a policy that Trump announced in August 2017, doubling down on the military option and pressure on Pakistan. After a year, an August 2018 National Intelligence Estimate found that the policy was not working. This was not a major departure, as the intelligence community had consistently argued over the years that whatever the United States was doing was not working. Trump seized on the estimate to abandon the quest for victory and launch negotiations with the Taliban under the leadership of Zalmay Khalilzad, an Afghan-born former ambassador to Afghanistan, Iraq, and the UN, and long-time member of the Republican national security establishment.

The main reason that the Doha negotiations reached agreement, unlike the efforts in which I participated as an official of the Obama administration, was that for Trump the character of the government of Afghanistan was not just a low priority: it was not a priority at all. The Doha Agreement included a framework for political negotiations among Afghans, but Trump was not concerned with it. He wanted the troops out. He constantly tried to impose deadlines on Khalilzad and Secretary of State Mike Pompeo. But insisting on a political solution among Afghans made all those deadlines impossible.

The Doha Agreement reduced the conflict to the major demands of the United States and the Taliban. The Taliban wanted the U.S. to withdraw its troops, and that was enough for Trump as long as he could spin it as a success. Pompeo and Khalilzad prevailed on him to allow the negotiations to go on by promising the main thing the Washington had always wanted in return for a troop withdrawal – guarantees against anti-American terrorism. Khalilzad tried to link the political settlement to a political agreement by announcing several times that “Nothing is agreed until everything is agreed,” but that was not what the agreement said, and neither Trump nor any other major U.S. political figure insisted on it. Biden was no more a believer in a political settlement than was Trump. Throughout the Obama administration he had argued for a single-minded focus on counter-terrorism.

The Islamic Republic of Afghanistan was so dependent on U.S. financial and military assistance for its very existence that it had no leverage over the process except what the United States would grant it. To all those Afghans, Americans, and other international actors who had devoted themselves to building the new Afghanistan, this was a terrible and tragic failure. But ultimately the United States got the guarantees it had always wanted at a cost it was willing to bear. Those guarantees might not be worth much in practice, but while they held, Washington could pursue other priorities.

The philosopher poet Iqbal had called Afghanistan the Heart of Asia – but the United States was no longer concerned with Asia, the existence of which it now barely acknowledged. It tried to excise China from the globe by replacing “Asia” with something called the “Indo-Pacific.” As long as the United States has a policy toward the Indo-Pacific, but not toward Asia, Afghanistan will be a blank spot in the conceptual map of American policy-makers. It is slowly reverting to the status of those unexplored regions illustrated by pre-modern map makers<sup>21</sup> with depictions of monsters and other imagined creatures.

The United States has relegated Afghanistan to oblivion because of the need to focus on either great power competition or the new axis of evil – China, Russia, and Iran. What this oblivion overlooks is that China, Russia, and Iran, not to mention Pakistan and India – all of the non-Western nuclear powers – consider Afghanistan as vital to their national interests. Consequently, these countries have formed an informal bloc to prevent UN headquarters from gaining control of the struggling diplomatic process on Afghanistan. These countries favor regionally-based processes they run themselves without the participation of the UN or the U.S. Given its importance to the countries of greatest concern to the United States, Afghanistan cannot be dismissed as marginal to the emerging patterns of great-power competition. How – or whether – that state is governed will shape relations in a region that the United States has temporarily erased from the policy map: Asia.

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21 See, for example, <https://education.nationalgeographic.org/resource/here-be-dragons/>

# Non-Paper

## Accelerating the Implementation of the Bonn Agreement

### Introduction

1. The Bonn Process has served Afghanistan and the International Community well. Many objectives have, so far, been achieved and this was done, mostly, in a timely manner. Some achievements stand out: the change of currency, the National Development Framework and the Budget, the Independent Human Rights Commission, the first steps in the formation of a National Army and a National Police. Besides, quite a few projects will start yielding benefits in the not too distant future: the road reconstruction programme, the restoration of the power grid, agriculture activities.

2. The progress of other Bonn elements, however has not been as successful. The Civil Service reform, for example, has made little headway and there remains a clear lack of capacity in the Judicial sector. But what is making the Bonn process lose momentum, thus threatening the integrity of the whole programme of activities, are the widening gaps in three fundamental areas:

- a) Limited representativeness of the Government and absence of sustained efforts to promote national unity and reconciliation;
- b) The feeling that security has not improved and, in many areas, may now even be deteriorating, and
- c) The slow pace of reconstruction and the fact that the financial needs have proven greater than originally anticipated.

### i. Representativeness of the Government and National Unity

3. With regard to the limited representativeness of the Government, let us recall that the Afghan delegates who met in Bonn in November/December 2001 were not fully representative of the diversity of the Afghan population. The Interim Administration hastily assembled at the end of that Conference was more the reflection of the ground realities suddenly

created by the US military campaign than that of the deeper and more lasting ethnic and social realities of the country. Furthermore, the Emergency Loya Jirga, in June 2002, was a disappointment to many in so far as it failed to improve significantly the ethnic and social balance inside the Government.

4. The Government has tried to initiate some reforms, with some initial success but Government Ministries - especially Security institutions – remained disproportionately dominated by the Northern Alliance. In the eyes of most Afghans (not only Pashtuns) this situation limits the credibility of the Government. One senses a growing feeling of public dissatisfaction with the Government and that feeling is compounded by the behaviour of factional leaders who maintain political, military and financial power in the regions. Some, at least, of these factional leaders are becoming more and more unpopular and are often accused of building vast fortunes through all sorts of illicit and corrupt practices, including from the drug trade.

5. To heal the deep wounds left by 23 years of war, a credible plan for national reconciliation needed to be crafted and patiently implemented. Despite calls for national unity by the President and others, not enough has been done to address this key issue. On the contrary, a strong impression prevails that those groups and individuals who find themselves in positions of authority are jealously protecting – and abusing – their privileges. The perception that corruption exists in the administration both centrally and at local levels is coupled with the fear that the rapid expansion of the drug economy will undermine the nascent institutions of state.

## **ii. Security**

6. While grateful for the end of large scale wars, the Afghan public expected an end, also, to the misrule of factions, groups and individuals who are perpetrating abuse in various forms: rackets, illegal taxes, land grabbing, occupation of houses, persecution, arbitrary arrests, torture and even assassinations, and all sorts of humiliation and harassments.

7. In the South and South East, the feelings of disenfranchisement are fed by the convergence of the Government's inability to access some areas,

corruption and abuse by local commanders and government officials, and active propaganda by elements opposed to the peace process and their supporters outside of Afghanistan. The Taliban never accepted defeat and, as was expected, have been reorganizing, regrouping, reviving old alliances and building new ones, and mobilizing resources inside and outside the country. They, and others, are taking full advantage of the popular disaffection mentioned above. If violence attributed to them seems to be concentrated in the South and South East at present, they are certainly trying to gain support in the capital as well as in many parts of the rest of the country. The situation is reminiscent of what was witnessed after the establishment of the "Mujahedeen" Government in 1992. The spectacular rise of the Taliban, then, was a direct result of the hard, unjust and chaotic rule of the Mujahedeen rather than due to any enthusiasm for Taliban ideology.

8. The long-term solution to the security issue is, of course, for Afghanistan to build its own rule of law institutions. Work is being done, but progress is slow. In particular, there has been too much initial resistance to genuine reform of the Ministries of Defense and Interior and to that of the Intelligence establishment. Also, as indicated earlier, the reform of the judicial sector is yet to reach any meaningful level. The Bonn Agreement recognized that the process would be slow and that international assistance would be necessary to support the political process and help address the security needs while national institutions were being built. Thus the Agreement called for ISAF to be deployed in Kabul and later, if need be, beyond the capital. But the expansion of ISAF did not take place despite calls from all quarters in Afghanistan and repeated appeals from the Secretary-General and UNAMA. The recent adoption of resolution 1510 (2003) by the Security Council is welcome but it will not automatically translate into the actual expansion of ISAF. The PRTs are helping where they do exist. However, at the pace at which PRTs are being launched, they cannot be the full answer needed to overcome the security problems, protect the Bonn process and help to extend the authority of the central government.

### **iii. Reconstruction**

9. Reconstruction has also moved slowly, due to insufficient international funding, the weakness of public administration and, perhaps above all, to



the impact of insecurity. It was made abundantly evident during the last few months that, despite Iraq, Afghanistan will not be “forgotten” (at least not for another year or so) by the International Community in general and the donors in particular. The decision by the US to inject up to 1.2 billion dollars more into Afghanistan was particularly welcome. So was the support given by the President of the World Bank to the call made by the Afghan Finance Minister for a long-term commitment of the International Community to support Afghan reconstruction based on a more accurate assessment of the country's needs for its economy to reach sustainable levels.

10. Insufficient administrative capacity, especially in the provinces, poor communications and insecurity hinder implementation of programmes, increase costs and discourage private investment. There is an urgent need to break the vicious circle: Insecurity prevents reconstruction; and lack of reconstruction increases insecurity.

11. The Bonn process was scheduled to last up to the summer of 2004. In the rather short time remaining, the most challenging tasks of the entire process have to be completed: drafting and adopting the Constitution and preparing and organizing elections. Other projects have been started, but not completed: the creation of the National Army and National Police, reform of the Ministries of Defense and Interior as well as that of the Intelligence Department, reform and reorganization of the Judicial sector, implementation of DDR. This is a formidable programme by any standards and under any circumstances, but particularly daunting in the present conditions in Afghanistan, at a time when President Karzai and his international partners are finding it increasingly difficult to maintain the momentum and to mobilize public support.

12. It has, however, become abundantly clear that completing the programme under Bonn requires, first and foremost, that the shortcomings described earlier, in relation to a more representative government, national reconciliation, national unity, security and reconstruction are addressed urgently. If unresolved, these gaps will have the effect of disrupting the environment necessary for the successful completion of the Bonn Agenda. In particular, the constitutional and electoral exercises will be unlikely to produce a stable, legitimate political order. Rather, they could merely in-

stitutionalize what is inherently a fractured, unstable political order dominated by factional interests and local insecurity.

### Constitution and Elections

13. A number of critical questions loom. Will the Loya Jirga be successful in adopting the Constitution? Will all the conditions for holding credible free and fair elections be created between now and the summer/autumn of next year? And will the International Community be willing to commit up to 30 billion dollars at a multi-year pledging Conference which the Minister of Finance and the President of the World Bank are thinking of holding in early 2004?

14. The constitutional drafting process was slow, and suffered from attempts made by various factional interests promoting systems of government favouring narrow interests rather than stable national structures, and this dynamic may well enter the Loya Jirga. Nevertheless, the process of selection/election of the delegates to the Constitutional Loya Jirga has gone relatively well.

15. Every effort will be made to ensure a successful Constitutional Loya Jirga. But there will be 500 men and women, trying to review and agree on a text consisting of some 160 articles and addressing some of the most complex and controversial issues. A failure to agree on a new Constitution will be a set back, of course. But Afghanistan can certainly survive another few months with the 1964 Constitution as amended in Bonn. If on the other hand, the Constitution is adopted, that would be a welcome, additional success in the process, but a new Constitution is not, by itself going to solve Afghanistan's numerous difficulties: insecurity would still be a looming menace, and the narrow popular base of the Government a source of popular dissatisfaction amongst large sections of the Afghan population.

16. The daunting task of preparing for the registration of no less than 10 million voters is also underway. We have warned the Security Council that credible elections will depend upon the creation of a legislative, political and security environment in which voters can participate in the elections in a free, fair and fully informed manner. At present, however, the political control exercised by factional interests, and the insecurity prevalent in the

South in particular, do not bode well. Lack of access to significant portions of the South also make parliamentary elections well nigh impossible, because the inaccessible areas are predominantly Pashtun and this would result in their disenfranchisement and under-representation in the Parliament. Presidential elections based on a single, national constituency might be credibly held if only a few areas were excluded, though this too carries risks, particularly if the victor were to win by only a very small margin.

### **Bonn II**

17. Two years after Bonn and in view of the challenges ahead, it would be most useful to stop, and look back at what has – and has not – been achieved and reflect on the way forward. The overwhelming majority of people in Afghanistan feel uncertain about a positive outcome from the Constitutional Loya Jirga and national elections. Yet they are also united in the belief that the core outcomes intended by Bonn – a more balanced government, the rule of law, more security, and reconstruction – is the agenda that the country must follow.

18. How to correct the present course, regenerate momentum, accelerate the rebuilding of the state on more secure, more acceptable foundations, and do better in the field of reconstruction? One way of doing it might be that a systematic review of the Bonn Agenda is undertaken at this stage.

19. Evidently, it is indispensable and urgent to give Afghanistan a more inclusive and more representative government that it now has. It is equally evident that new financial resources need to be mobilized to cover reconstruction needs for a minimum of five years. It will be much easier in late 2003 and early 2004 to successfully undertake a needs assessment which would be far more accurate than the exercise completed in a hurry in 2001. Of course, donors will be vastly more encouraged to commit themselves to the very substantial funding requirements if they are, at the same time, associated in the formulation of the parallel, revised political agenda against which new funding is made conditional.

20. In Bonn, the Afghan parties were not fully representative of the whole spectrum of the diverse Afghan population. As for the international community, they were there as facilitators only. In Bonn II the Afghan partic-

ipants must reflect more truthfully and more fairly the ethnic and social diversity of Afghanistan. While the international community, building on the excellent working relationship established during the past two years, will be a full partner to help achieve an Afghan consensus and participate in the implementation of the new Agenda. A re-energised partnership would also send a strong signal to the “spoilers” that Afghans and the international community are committed to completing the political transition in Afghanistan.

21. A “Bonn II” conference would define an agenda for Afghanistan beyond the current Bonn process, build a national leadership to implement it and an international coalition and funding basis to support it. A coalition of those that support this agenda does exist, including many Afghan men and women who were not at Bonn in December 2001 and are not part of the Government at present. They need to be part of a new Conference to revise those programmes that made up the core of the agenda of Bonn I and to set new ones to initiate genuine reconciliation of the people and complete the rebuilding of the State of Afghanistan.

22. The Bonn Agreement envisaged a path to peace and stability for Afghanistan and it was a given that after 23 years of war, this path would not be without its challenges. Now, a critical stage has been reached. To realize success, the challenges described in this paper will need to be met squarely, lest they undermine the achievements made so far and deny Afghanistan and the international community the goals they have invested in and worked hard for. It must be underscored that peace and stability in Afghanistan are achievable. However, Afghans and their international partners must commit themselves, together, to fully realizing the spirit of Bonn and completing the transition. A “Bonn II” conference is one way to provide an opportunity to do so.

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# Regional Response to the Taliban's Return to Power

*By Amin Saikal*

Saikal is professor emeritus of Middle Eastern and Central Asian Studies at the Australian National University and has written numerous books, journal articles and book chapters as well as op-ed pieces in major world dailies, among them *How to Lose a War: The story of America's intervention in Afghanistan* (Yale UP, 2024).

## Abstract

This chapter offers an overview of how regional states and major powers have responded to the Taliban regime in Afghanistan. Afghanistan's internal and external settings have historically and inextricably been influenced by competing interests of regional and international players. This paradigm has not drastically changed since the Taliban's reassumption of power following the retreat of U.S. and allied forces from the country in August 2021. Afghanistan's neighbours and major powers, along with the rest of the global community, have not found it politically and ethically expedient to accord formal recognition to the Taliban's de facto government. However, they have made certain adjustments in their attitudes toward it, based on two imperatives. One is to ensure that the Taliban's ideological and empirical extremism does not affect their national situations; the other is that they are in a position to advance their individual interests vis-à-vis one another when desirable or required. This is the context in which Afghanistan's neighbours and major powers have conducted their policies towards it under the Taliban.

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### Introduction

The Taliban's reassumption of power in August 2021 marked another episode in Afghanistan's turbulent modern history, again reshaping the country's destiny. Many countries have been subject to the interplay between national and regional determinants in the context of a changing world order. Afghanistan is no exception to this – but few have suffered because of it as much as Afghanistan. Since its foundation as a recognizable political and territorial unit in the mid-eighteenth century, the country has moved from one crisis to another. Afghanistan's evolution has historically been affected by four interrelated variables: geographic location, mosaic population, authoritarian rule and power rivalries, and outside interventionism, both reactive and assertive. It is against the backdrop of these variables that not only the Taliban have worked as an erstwhile terrorist group to regain power and to survive thus far without formal international recognition of their regime, but that also the regional players and major powers have responded.

After a brief look at these variables, this chapter provides an overview of Afghanistan's neighbours' and major powers' treatment of the Taliban regime. It essentially argues that these actors have pursued a two-fold approach: they have, on the one hand, sought to ensure that the Taliban's extremism does not have a spill-over effect on their varying national situations; on the other, they have dealt with the group in ways that could advantage them individually and against one another.

### 1. Location

Afghanistan's situation, a landlocked crossroads between Central, South and West Asia, and the Far East, has been both an asset and a curse for the country. Depending on national and external vagaries in a given historical period, it places the country in a zone conducive to connection and cooperation. But it has been largely an arena of regional and international rivalry and a "highway of conquest" for most of its existence (for a detailed analysis, see Saikal, 2024, chapter 2). It has made Afghanistan dependent on the goodwill of its neighbours and, by the same token, vulnerable to the interventionist behaviour of both those neighbours and global actors in pursuit of rival interests.



## 2. Mosaic Population

Adding to the geographical vulnerability is Afghanistan's national diversity. The country is a tapestry of traditional Muslim micro-societies, divided along ethno-tribal, cultural and linguistic, and sectarian lines, with none holding a majority. This mosaic composition has made the task of generating national unity and state-building extremely laborious. Every attempt at reform since the early part of the nineteenth century in this respect has ended in internal upheaval of one form or another. Neither Islam, nor any processes of change and development, has proved effective in uniting a cross-section of the country's inhabitants behind a model of stable and enduring political and social order. Complicating the task further has been the micro-societies' extensive cross-border ethnic and cultural ties with Afghanistan's neighbours. Whatever transpires in Afghanistan can impact its neighbours, and vice versa. As a result, it has mostly survived as nothing more than a weak primordial state with strong societies.

## 3. Authoritarianism and Power Struggles

By the same token, Afghanistan has never had a national consensus over the form and function of a government capable of monopolizing force and exercising power on a legitimate basis. The country's destiny has been charted by powerful individuals (or "strongmen"), families, and tribal and ethnic groups from different points of the political and social spectrum, often in association with a foreign power. Personalization and ethnicization rather than institutionalization of politics, spawning authoritarian rule, power struggles, and violent transitions of power and regime change have generally been the order of the day. As such, Afghanistan has never enjoyed "a rough balance of power between the rulers and their subjects: between decision makers and decision takers" (Pettit, 2023, p. 2). In the absence of sufficient internal resources, the country has remained largely dependent on foreign aid. Its longest period of relative stability and security was between 1933 and 1973, but this was based on a fragile, triangular relationship between the monarchy, local power-holders or strongmen, and the religious establishment. In these years – the height of the Cold War – Afghanistan benefitted from the rivalry between the United States and the Soviet Union, enabling it as a neutral country to exercise a notable degree of autonomy in the conduct of its domestic and foreign policy (for an analysis, see Saikal, 2012, chapters 5–6).

### 4. Foreign Interventionism

The lack of solid, stable domestic structures has frequently left Afghanistan vulnerable to foreign interference and intervention for rival geopolitical, geostrategic, and ideological objectives. Russo-British rivalry in the nineteenth century, the Soviet invasion and occupation and America's proxy response to them in the 1980s were of this nature. The United States's intervention (2001–2021) was also of a similar character, given Washington's original emphasis on the war on terror and democracy promotion. Further, Pakistan's relentless support of the Taliban has been rooted in regional geopolitical ambitions against the backdrop of a number of variables. They have mainly included: Indo-Pakistani hostility; the Sino-Pakistani strategic partnership; Indo-Chinese differences; Pakistan-Saudi strategic ties; Iran-Saudi rivalry; Iran-Pakistani distrust; and Sino-American and Russo-American competition. These issues have all played out in Afghanistan during the turbulence of recent decades.

### The Taliban in Power

The above features played a critical role in undermining the US-led intervention and facilitating the Taliban's re-empowerment. Despite massive investment in blood and capital, the United States, backed by NATO and non-NATO allies, could not secure an effective and reliable partner on the ground. Hamid Karzai's administration (2001–2014) and that of Ashraf Ghani (2014–2021), including the National Unity Government, led by Ghani and Abdullah Abdullah (2014–2019), proved dysfunctional and kleptocratic, riddled with internal power rivalry and multiple sources of authority and legitimacy (for a comprehensive discussion of different sources of authority and legitimacy, see Weigand, 2022, introduction, chapter 2). Nor could the United States prevent Pakistan from exploiting Afghanistan's geographical and demographic vulnerability by supporting the Taliban and their affiliates to achieve a final victory.

The Taliban's success did not necessarily stem from strength in the battlefield. Rather, it was helped by the weaknesses of governments in Kabul and America's poor understanding of the very factors that had historically hampered state-building in Afghanistan. However, and in contrast to their previous rule (1996–2001), this time the Taliban are in a stronger position militarily. They have inherited a more infrastructurally developed Afghanistan, along with U.S. \$7.2 billion worth of U.S. arms including a

relatively small but useable air force. This is indeed the first time in history that a violent extremist group has come to possess an extraordinary amount of light and heavy weapons and other battlefield paraphernalia.

Under the circumstances, the Taliban, who are primarily made up of the Ghilzai tribe of the ethnic Pashtuns (the largest minority in Afghanistan), have been able to ignore the historical realities of Afghanistan, where mono-tribal and mono-ideological rule, whether secular, semi-secular or religious, has not worked in the past. Their politics of brutality, exclusivity, discrimination and uniformity to re-Islamize Afghanistan in compliance with a narrow and self-centred interpretation and application of Islam and to subdue the rest of the population to their tribal supremacy is no basis for any form of popularly acceptable governance. Nor can their exclusion of women from public life, an immense violation of human rights, be justified on the grounds of the basic tenets of Islam that exalts human dignity.

The group's draconian rules and systematic reversal of the political, social, and cultural changes of the U.S. interventionist era have driven Afghanistan into crises – humanitarian, financial, economic, business, employment-related and health-related, including mental health – unprecedented in severity. According to the United Nations and other international agencies, more than 90 percent of the population suffers from severe poverty and depends on international handouts. Yet the Taliban have refused the international community's demands for an inclusive government, severance of ties with other terror groups, more specifically Al Qaeda and Tahreek-e-Taliban Pakistan (TTP),<sup>1</sup> and respect for human rights, especially that of women.

A UN report to the Security Council in June 2023 states:

The Taliban, in power as the de facto authorities in Afghanistan ... have reverted to the exclusionary, Pashtun-centred, autocratic policies of the administration of the late 1990s. ... The link between the Taliban and both Al-Qaida and Tehrik-e-Taliban Pakistan .... remains strong and symbiotic. A range of terrorist groups have greater freedom of manoeuvre under the Taliban de facto authorities. They are making good use of this, and the threat of terrorism is rising in both Afghanistan and the region. (United Nations Security Council, 2023, p. 3).

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<sup>1</sup> The TTP is an anti-Pakistan insurgent group, whose operations have killed thousands of Pakistanis in pursuit of establishing an Afghan "Taliban-style, Shariah-compliant state" in Pakistan. See Mir, 2022.

The Taliban leaders, most of whom are under UN sanctions, have rejected the findings of this report. They have rationalised their ideological positions and policy actions on the pretext of bringing Islamic stability and security to Afghanistan. They have done so regardless of the fact that their terrorism during the United States's intervention and their prevailing reign of terror have been instrumental in Afghanistan's misfortunes. Had it not been for their protection of Al Qaeda, which masterminded 9/11 from Afghanistan, America would have had no other compelling reason to intervene. The Taliban's claim that the Islamic emirate poses no threat to any country has not as yet persuaded Afghanistan's neighbours or the broad international community.

### Regional Response

Regional players have adopted a two-part policy in their stance towards the Taliban regime: they are concerned about its extremism and its potential wider impact, but have acknowledged it as a power reality. The main regional actors in terms of Pakistan, Iran, the Central Asian republics, China, and Russia have followed this pattern according to their varying and competitive national interests. In other words, while withholding formal recognition of the regime, they have found it either necessary or useful to deal with it. This is a pattern that also more or less conforms with the United Nations-led global approach – at least thus far.

Let us first look at Pakistan's approach in this context.

Islamabad has pursued a two-track policy toward the Taliban regime. On the one hand, it has transferred Afghanistan's diplomatic missions in Pakistan to the Taliban at an ambassadorial level and has worked hard to integrate Afghanistan politically and economically, including linking it to the China-Pakistan Economic Corridor as a critical part of Beijing's Belt and Road Initiative. In the process, it has also sought to benefit from the country's natural resources – coal in particular. Pakistan was Afghanistan's major trade partner in 2022–2023 (Lloyds Bank, 2023). This is in addition to its powerful military intelligence body, the Inter-Services Intelligence (ISI), maintaining its influence with many of the Taliban leaders and the group's administration at all levels.

On the other hand, Islamabad has lately grown weary of the Taliban's close ties with the TTP. Since early 2023, the Taliban have allowed an influx of TTP fighters, stationing many of them in Afghanistan's non-Pash-

tun northern provinces to strengthen security, claiming the measure to be a humanitarian gesture. Islamabad has openly accused the Taliban of aiding the TTP in some of their deadly operations and has demanded a halt to cross-border terrorism from Afghanistan (for a detailed discussion, see Nadery, 2023; Sayed & Hamming, 2023). A statement issued by the Pakistani government after a National Security Committee meeting in Islamabad in early 2023 warned that “no country will be allowed to provide sanctuaries to terrorists”, and their attacks “will be dealt with [sic] full force of the state” (Hussain, 2023a).

Islamabad has enacted certain measures to pressure the Taliban to fall into line with Pakistan’s national interests. For example, in addition to the occasional bombing of TTP bases inside Afghanistan, in November 2023 Islamabad began expelling close to 1.7 million undocumented Afghan refugees, most of whom had fled Taliban rule (Hussain, 2023b). It followed this in December by launching a Hazaragi language (a Persian dialect) television transmission in Quetta (The Nation, 2023), a decision made in the context of the Taliban’s suppression of languages spoken by other minorities and the promotion of Pashto as the national medium. More importantly, Pakistan has withheld formal recognition of the Taliban regime and tied it to a regional consensus for a collective decision. While content to see the Taliban in power for its own benefit, including in relation to its rivalry with India, Islamabad wants to ensure that the Taliban’s extremism does not rebound on Pakistan.

The Islamic Republic of Iran – a predominantly Shia state under a theocratic government – has also pursued a two-sided approach. It has accepted the Taliban as a “reality”, sharing Tehran’s antipathy towards its arch global enemy, the United States. Tehran has proactively fostered high-level diplomatic ties as well as close commercial, economic, and trade relations with Afghanistan through the Taliban regime.<sup>2</sup> Its Special Envoy for Afghanistan, Kazemi Qomi, has held regular meetings with the Taliban leaders, some of whom have also been warmly received in Tehran. The most recent Taliban figure to visit Tehran was Interim Foreign Minister Amir Khan Muttaqi, who spoke at an international conference on Palestine on a shared world-view, and held a meeting with the late Iranian Foreign Minister Hossein Amir-Abdollahian on the expansion of all-round ties in late December 2023.

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2 Iran was the largest supplier of goods, including mineral fuels and oils, in January-February 2023. For a detailed analysis, see World Bank, 2023; Trading Economics, 2023.

However, there are also several issues that can constrain Tehran in its dealings with the Taliban. The latter's declaration of Afghanistan as a Hanifi Sunni country does not sit well with Iran's sectarian links to some 15 percent of Afghanistan's estimated 40 million population who follow Shia Islam. Nor does the Taliban's intransigence over the distribution of the waters of the Helmand River which rises in Afghanistan and flows into south-eastern Iran, and Tehran's expulsion of Afghan refugees. Tehran also has concerns about the Taliban's organic links to Pakistan and the latter's traditional ties with the United States, strategic relations with Saudi Arabia, and alleged support of Sunni Baluchi separatist groups in the Iranian province of Sistan and Baluchistan (for a discussion, see Zambelis, 2009). While developing relations with the Taliban regime, Tehran has not formally recognized it. For Tehran, as it is for Islamabad, it is a game of wait-and-see.

The authoritarian Central Asian republics of Turkmenistan, Uzbekistan and Tajikistan to Afghanistan's north have also followed a similar pattern, although with diverse emphases. Turkmenistan has securitized its relatively short border with Afghanistan and remained moderately concerned about the impact of the Taliban's extremism. It has dealt with the Taliban over the completion of the Turkmenistan-Afghanistan-Pakistan-India (TAPI) pipeline, which started in 2015, for export of Turkmenistan gas through Afghanistan to South Asia. Uzbekistan has developed close relations with the Taliban regime, involving high level contacts, and expansion of commercial and industrial trade, including the sale of electricity to Kabul and resumption of normal traffic through the road-rail bridge across the Oxus or Amu River, the Afghanistan-Uzbekistan Friendship Bridge, which reopened in mid-2023. It has rationalised its policy conduct on an assumption that befriending the Taliban regime will prevent it from causing cross-border troubles either directly or indirectly, more likely through the militant Islamic Movement of Uzbekistan (IMU).<sup>3</sup>

Tajikistan, which shares the longest northern border with Afghanistan and a common ethnic heritage with the second-largest ethnic Tajik cluster in Afghanistan, has been most concerned about the rule of the Taliban. Dushanbe has harboured a strong distrust of the Taliban as a potentially irredentist extremist force and has been worried about the inflow of nar-

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3 The IMU is a coalition of Central Asian Islamic militants whose aim is to topple the Uzbek government in favour of an Islamic system. Although not a formidable force these days, the Uzbek authorities continue to be concerned about IMU's links with the Taliban. See Intel-Brief, 2022; RadioFreeEurope/RadioLiberty, 2019.

cotics from Afghanistan – a concern which is also shared by other Central Asian Republics (Afghanistan International, 2023b). It has tightened its border security, and hosts the main Afghan opposition group, the National Resistance Front (NRF), led by Ahmad Massoud, son of the legendary Mujahideen Commander Ahmad Shah Massoud, who fought the Soviet occupation and the Taliban before his assassination by Al Qaeda-Taliban agents two days before 9/11. Yet, at the same time, it has been careful not to unduly antagonize the Taliban authorities, enacting modest political and commercial engagement while continuing its export of electricity to Afghanistan. In December 2023, it extended an agreement with the Taliban to supply electricity to Afghanistan for another year (Ashti Subh, 2023). As such, none of the Republics have extended formal recognition to the Taliban, although Kazakhstan, which does not border Afghanistan, has shown greater political leniency towards the Taliban regime. In June 2024, it removed the Taliban from its terrorist list, claiming that it was in line with UN practices (RadioFreeEurope/RadioLiberty, 2024).

Sharing a short border with Afghanistan in the northeast, China has rapidly widened diplomatic, economic, and trading relations with the Taliban regime, irrespective of the two sides' fundamental ideological differences. Beijing has three important objectives: to tap into Afghani natural resources; to harness wider regional support for its Belt and Road Initiative; and to act as a counterweight to the United States in the region. It also seems to be of the view that by embracing the Taliban regime it could potentially moderate its extremism and thwart its potential influence on China's restless Muslim Uyghur minority in Xinjiang province, partly bordering Afghanistan. Not surprisingly, the Taliban have keenly reciprocated by not only remaining totally silent on Beijing's suppression of its Uyghurs, but by welcoming trade with and investment from China as an "economic partner". They have honoured the old agreements and signed several new ones with Chinese companies for the exploitation of Afghanistan's mineral resources, including iron ore, oil, and lithium (Gul, 2023). China is predicted to surpass Pakistan as Afghanistan's largest trading partner in 2024. Beijing never closed its embassy in Kabul. To cement ties further, it became the first country and global power to appoint an ambassador to Afghanistan in September 2023, which the Taliban shortly reciprocated (for details, see Aljazeera, 2023; Noorzai, 2023). Although this did not amount to China's official recognition of the Taliban regime, it has come very close to it, which must be viewed with trepidation in Washington.

Meanwhile, in a largely anti-United States move and to ensure that the Taliban do not act against Moscow's interests, especially in Central Asia, Moscow has also made overtures to the Taliban. It has transferred control of the Afghan embassy in Moscow to the Taliban, and Russia's envoy for Afghanistan, Zamir Kabulov, has held many meetings with Taliban leaders in Moscow and Kabul, discussing the possible threat of terrorism and the inflow of drugs from Afghanistan. Moscow has nonetheless stressed the need for an inclusive government and women's rights. In several meetings about Afghanistan held since the Taliban's return to power, it has invited not only the Taliban but also the NRF (Kawa, 2023), although separately, as well as Afghanistan's neighbours, including Pakistan and India, to ensure a regional approach in dealing with the Taliban.

In the face of its main adversaries in the region – China, Russia, and Iran – the United States has not altogether deserted the field, however. While Washington has continued to hold its public position of non-recognition of the Taliban until international demands are met, its Special Representative for Afghanistan, Thomas West, has quite regularly met with the Taliban in Doha, discussing humanitarian issues, unresolved items of the US-Taliban peace deal of February 2020, and the Taliban's commitment to restraining Al Qaeda and the Taliban's rival Islamic State Khorasan (IS-K). The Taliban have launched certain operations against IS-K and claimed the elimination of the group, and have also denied the existence of Al Qaeda in Afghanistan. Several UN reports dispute the Taliban's account. Washington also wants to be in a position to prompt the Taliban not to get too close to China and act against US regional interests. Further, as the largest contributor to the UN humanitarian fund for Afghanistan, Washington has indirectly been involved in cash packages of U.S. \$40 million which the Taliban-controlled Central Bank claims have been transferred to Kabul (Afghanistan International, 2023a; Rezahi, 2023). These packages have strengthened the value of the Afghan currency, the Afghani.

### Conclusion

The very factors of national vulnerability and external intervention that have traditionally hampered Afghanistan's evolution into a viable state are still at work, influencing the re-emergence of Taliban rule and the regional reaction to it. The Taliban leaders' negligence of these factors and the establishment of an ultra-extremist, mono-tribal and misogynistic regime



in the name of Islam do not augur well for a highly socially divided Afghanistan in a zone of regional and major power rivalry. It may ensure the survival of their regime for now, but will not transform the country into a viable functioning state in the medium to long term. Internal resistance in the shape of groups such as the NRF and the Afghanistan Freedom Front (AFF) are already gaining pace (for details, see Goldbaum & Rahim, 2023; Loyn, 2023). Opposition to the Taliban has not yet reached the stage where it could dislodge them or prompt them to form an inclusive government with respect to human rights. But the ground for a bloody struggle for the soul of Afghanistan is being laid. Whereas internal discontent with the Taliban rule has gained momentum, the NRF and the AFF have increased their hit-and-run operations against Taliban targets (Dawi, 2023). Should the Taliban, who also suffer from growing internal divisions, especially between the rival Kandahari group from the south and the Haqqani network from the east of Afghanistan, stay on their current course of behaviour, the situation could only become more dire (Saikal, 2024, chapter 8). Since the overthrow of monarchical rule in 1973, Afghanistan has experienced five regime changes – a record by any standard. Taliban rule may very well prove to be just another phase in a turbulent region.

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# Ghost Wars Redux – Covert Action and Proxy War in the Second Era of Taliban Rule

*Steve Coll*

Coll is an American journalist and academic, who has written extensively on Afghanistan, published in, among others, *New York Review of Books* and *The New Yorker*. He is the author of several books, two of them dealing explicitly with Afghanistan: *Ghost Wars* (2004) and *Directorate S* (2018).

## **Abstract**

This chapter examines the complex dynamics of covert action and proxy wars in Afghanistan following the Taliban's return to power in 2021. Drawing on a combination of historical analysis from the author's previous works and recent interviews conducted in the region, it explores the evolving role of intelligence agencies, particularly the Taliban's General Directorate of Intelligence (GDI), and their interactions with those of regional powers like Pakistan's Inter-Service Intelligence (ISI) and Iran's intelligence services, as well as the persistent influences of the United States, Russia and China. The principal argument is that the Taliban's security policies and intelligence operations, influenced by past practices and external pressures, could further destabilize Afghanistan and embroil the region in deeper conflicts.

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On September 4, 2021, five days after the last aircraft carrying American soldiers flew out of Afghanistan and a second era of Taliban rule began, Lieutenant General Faiz Hameed, the director general of Pakistan's Inter-Services Intelligence Directorate, or ISI, arrived at the Serena Hotel in Kabul wearing a blue blazer and brown chinos. A journalist asked about Afghanistan's future. "Please don't worry – everything will be okay," Hameed said, smiling (Siddique, 2021). The moment seemed a caricature of Pakistani influence over the Taliban: Following ISI's long covert action campaign to drive NATO out of Afghanistan and return the Taliban to power, Islamabad's spy chief had stepped out from the shadows, all but dripping with confidence and condescension, to take charge of his Afghan clients' agenda.

Yet everything did not turn out to be okay, especially not for Islamabad. For decades, Pakistan's spies and generals saw themselves – and were widely seen – as masters of the regional covert action game. At its heart lay overlapping proxy wars involving states, militias and millenarian terrorists that shaped competition between Pakistan, Iran and Afghanistan. Born as a guerrilla movement in 1994 and nurtured by the ISI as they seized power in Kabul two years later, the Taliban were long seen as instruments of Pakistan's ambition to strengthen its own security by influencing Afghanistan. Yet even as the Taliban enjoyed sanctuary and active support in Pakistan during the movement's war against United States and NATO troops after 9/11, Pakistani officials complained that the Afghan Taliban were frustrating and stubborn clients and that Islamabad's influence was limited. These claims were met with incredulity in Western capitals, yet they had a basis in truth.

During the year following General Hameed's visit, the Taliban spurned Pakistan's demands to neutralize the Tehrik-e-Taliban (TTP), an insurgent group with sanctuaries in Afghanistan that seeks to overthrow the Pakistani government and replace it with an Islamic one inspired by the ideology of the Afghan Taliban. At first, General Hameed joined negotiations with Taliban leaders in Kabul to develop a ceasefire and an amnesty for TTP militants, in the hope that such a political approach – grounded in Taliban deference to Pakistan's interests – would calm TTP violence. The effort failed, however, and a new ISI director, Lieutenant General Nadeem Anjum, appointed in November 2021, tried to pick up the negotiations. But the Taliban persistently refused to meet Pakistan's demands. By early 2023, Pakistan was reeling under a wave of intensifying

TTP attacks on policemen in Peshawar, Karachi and elsewhere – violence that would claim nearly 3,000 Pakistani lives between the Taliban takeover and late 2023, by Islamabad’s account (Raza, 2023). As Asif Durrani, Pakistan’s special envoy to Afghanistan, put it in November 2023, “Peace in Afghanistan, in fact, has become a nightmare for Pakistan” (Yousaf, 2023; see also Mir, 2023).

The United States needs no reminder that covert action programs in Afghanistan to arm and fund revolutionary Islamist groups can backfire. The CIA’s collaboration with ISI during the 1980s to back mujahideen rebels fighting the Soviet occupation of Afghanistan seeded the Taliban’s rise and, ultimately, the 9/11 attacks. That ISI managed to run the same playbook used against the Soviets to defeat NATO’s state-building project in Afghanistan after 2001 was a source of continual frustration and even fury in Washington. Today, the rich irony of ISI suffering blowback from its Taliban clients may produce quiet satisfaction among veterans of the Afghan war at the CIA and the Pentagon. However, it can hardly be regarded as good news, or consistent with American or European interests, not least because the Taliban’s support for the TTP is likely an indicator of the restored Islamic Emirate’s willingness to succor other groups designated by regional and Western governments as dangerous terrorists.

This chapter will examine the role of intelligence agencies and their covert “ghost wars” in Afghanistan after August 2021. The chapter draws upon the author’s extensive research from two previous books, *Ghost Wars: The Secret History of the CIA, Afghanistan, and Bin Laden* (2004) and *Directorate S: The C.I.A. and America’s Secret Wars in Afghanistan and Pakistan* (2018), as well as recent interviews conducted with various intelligence officials in the region after August 2021. The chapter addresses regional intelligence services and their internal dynamics, beginning with those of Afghanistan before turning to the Taliban’s intelligence service, General Directorate of Intelligence (GDI), Pakistan’s Inter-Service Intelligence (ISI), and the Iranian Revolutionary Guard Corps (IRGC). Following this, the chapter discusses the continued influences of great powers such as Russia, China and the United States.

The overall argument of this chapter is that, if the past is any guide, “ghost wars” may eventually destabilize Afghanistan further and draw outside powers into deeper, violent competition. Since the Soviet invasion of 1979, covert action and proxy war largely managed by spy agencies has devastated Afghanistan. The country’s weakness, manifested in

several decades of near-continuous civil war, has attracted opportunists and geopolitical dreamers from Pakistan, Iran, the United States, Russia, Saudi Arabia, the UAE, Qatar, India, and Central Asian nations. And, although the West has now largely turned its attention away from Afghanistan, violence-inflected proxy wars involving the Taliban and neighboring countries – Pakistan most visibly – are again underway. In the future, the Taliban's own emerging security and intelligence policies will do much to shape the course of future events.

### **The Taliban's Spy Service after 2021: Changing Names, Enduring Interests**

When the Taliban regained power in August 2021, the movement inherited a massive intelligence service, the National Directorate of Security (NDS), which had been restructured and expanded after 2001 with enormous infusions of CIA funds and support from Britain, among others. Under CIA influence, the primary focus of NDS after 2001 became internal security and counterterrorism along the Pakistan border. The latter work fell in large measure to the CIA-trained and well-equipped secret army formally called the Counterterrorist Pursuit Teams and better known as the Zero Units – a strike force that notionally belonged to NDS after about 2014, but which was in reality a CIA operation right through 2021. These units were deployed in Kandahar, Nangarhar, Paktia, Paktika, and elsewhere. While formed originally to chase foreign Al Qaeda fugitives, by 2004, nearly all the cadres who had operated from Afghanistan before 9/11 had migrated to Pakistan or elsewhere. The CIA units gradually shifted to attacking Taliban leadership targets, which inevitably drew them into local power struggles over resources and tribal prerogatives (Abed, 2023). After 2015, their target list changed again when the Islamic State-Khorasan emerged as a threat in eastern Afghanistan. Now the Zero Units found themselves in awkward common cause with the Taliban against ISIS-K. During the Islamic Republic's chaotic final days, as many as eight to ten thousand hardened soldiers in the Zero Units evacuated en masse from Kabul's airport along with United States and NATO personnel. According to interviews with multiple former senior NDS officials, commanders in Zero Unit battalions, and former U.S. intelligence officials directly involved with NDS support and the Counterterrorist Pursuit Teams, the militias were among the most effective and cohesive fighting forces fielded

under the Islamic Republic's banner, and the Taliban were clearly glad to see them go (personal communication, n.d.).

The mainstream institution of NDS was a major prize for the restored Islamic Emirate, albeit one facing funding challenges after the evaporation of CIA subsidies. NDS remains a sprawling bureaucracy of tens of thousands of salaried personnel with an ethos dating back to the days of KGB mentorship in the 1980s. In Kabul and elsewhere, its facilities were modernized with U.S. funds and its officers and security forces equipped with fleets of new vehicles and weapons. The General Directorate of Intelligence, as the Taliban renamed the agency, has enjoyed “growing, out-sized influence” since 2021, observed the longtime Afghan analyst Andrew Watkins (Watkins, 2022). As was true of NDS during the Republic years, internal security has been a principal focus. The CIA, MI6 and many other spy services in the West have a mandate to work exclusively abroad, but the GDI (like the KGB and many services in the Arab world) is responsible for both internal and external intelligence and even runs its own detention facilities. Here it carries out notoriously rough interrogations – presumably no rougher than those of NDS, which was consistently accused of abuses by human rights investigators (see Clark, 2012). Since the Taliban take-over, the GDI has actively suppressed “media and civil society activists” and has been responsible for “the detention, torture and even killing of former Afghan government, military and civilian officials,” according to one Western human rights report (Rahmani & Butler, 2022). Externally, the service has wings responsible for collecting foreign intelligence, counterintelligence, as well as contacts with cross-border militias and listed terrorist groups. GDI leaders have been prominent participants at meetings with ISI counterparts, to negotiate over the TTP, and the agency's director, Abdul Haq Wasiq, met with CIA deputy director David Cohen in October 2022, reportedly to discuss counterterrorism issues (Marquardt, 2022).

Wasiq, who served as deputy director of the GDI during the first Islamic Emirate, endured American detention at Guantanamo between 2002 and 2014, when he was released in a prisoner exchange orchestrated by the Taliban and the Obama administration. Restricted to living in Qatar under the provisions of that deal, Wasiq sporadically joined the Taliban Political Commission in the negotiations with the Trump administration that led to the Doha agreement signed in February, 2020. Wasiq's long, enforced isolation during the Taliban's insurgency against NATO initially fed speculation that he may be more that of a figurehead and dip-



lomatic point of contact than that of a hands-on, operational spymaster. More recently, some informed Western diplomats have described Wasiq as a powerful figure at GDI who is well in control of its operations (personal communication, n.d.). Wasiq's deputy, Taj Mir Jawad, an ally of the Haqqanis and the reported chief of the Kabul Attack Network, which ran major operations against the Islamic Republic and NATO targets, also has influence. Early in 2023, Jawad spoke publicly and with evident pride about his role organizing suicide bombers during the insurgency against the Islamic Republic and NATO (Roggio, 2023). We should be cautious about assessing factional influence within Taliban ministries. It is dynamic and often opaque, and individuals and networks seen as powerful in one month may be sidelined the next (U.S. Treasury Department, 2007).

The Afghan intelligence service, like sprawling security bureaucracies elsewhere, has a permanent workforce that operates with a degree of autonomy. According to interviews with former senior NDS officials, a sizable number of the service's multiethnic, long-serving operators and security commanders – individuals who chose to remain in Afghanistan after 2021 or had no choice but to stay – have been trained as professionals by the KGB, its Russian successor services, and the CIA or SIS (personal communication, n.d.). This training involved not only tradecraft, but a sense of professional mission – the role of spy services in the pursuit of enduring national interests. In the case of Afghanistan – under Taliban rule or otherwise – the agency's enduring interests include protecting the country from ISI interference and managing Iran's efforts to meddle in the country by building up covert allies among Afghanistan's Shia minority and Persian-speaking opposition.

### **The Anatomy of a “Nightmare”: Pakistan, the Taliban and the TTP**

The Taliban's use of the TTP as leverage against Pakistan – coupled with denials that it is doing any such thing – represents continuity in Afghan intelligence policy dating back at least to the first term of President Ashraf Ghani. In 2014, the Pakistan Army conducted successful clearing operations along its Afghan border, pushing TTP militants and their families into Afghanistan. The NDS offered sanctuary to militant refugees and experimented with political and lethal aid to TTP leaders, although Ghani blew hot and cold about provocative covert action inside Pakistan, according to former NDS officials. In 2021, the Islamic Emirate inherited an

NDS bureaucracy infused with anti-Pakistani feeling and experienced in proxy operations involving the TTP. While the Taliban's recent bullheadedness about Pakistani demands that it neutralize the TTP is rooted in a shared Islamist revolutionary ideology with the group, it reflects, also, a broader Afghan nationalism manifested as resentment of Pakistan – a nationalism felt even by Taliban leaders who would not be in power today but for past Pakistani assistance.

Disillusioned by failed negotiations with the Taliban and the TTP, Pakistan embarked during the second half of 2023 on a remarkable pressure campaign against its former clients. It tightened trade and took other measures to hurt Afghanistan's already fragile economy and sources of customs revenue. Most dramatically, Pakistan announced the expulsion of 1.7 million Afghan refugees and induced more than 300,000 to return home. Predictably, Pakistan's naked coercion has failed to cow the Taliban, whose leaders have united in their criticism of Islamabad. The Taliban's "most obvious option" amidst this escalation, notes Asfandiyar Mir, writing for the United States Institute of Peace, is "violence against Pakistan through proxies" (Mir, 2023).

*Plus ça change.* If Pakistan finds that economic pressure on the Taliban doesn't work – and the dismal record of Western sanctions during the 1990s and since 2021 suggests that it will not – ISI may be tempted to pull its anti-Kabul covert action manual off the shelf. Pakistan's generals and spies know that if the TTP establishes a long-term sanctuary in Afghanistan under Kabul's protection, the group will be difficult to defeat, just as the Taliban (and the anti-Soviet mujahideen before them) were difficult to defeat because of their sanctuary in Pakistan. The Taliban has so far snuffed out or contained pockets of armed opposition inside Afghanistan, but the Emirate has not yet faced a serious threat from outside its borders. That could change.

For obvious reasons, the Taliban's most prominent exiled opposition leaders – former Islamic Republic military commanders, intelligence leaders, and regional strongmen – have weak ties to Islamabad. The opposition is highly fragmented, dispersed across the world, and, unlike during the 1990s, none of its factions has been able to attract significant military, political or financial support from Western or regional powers. Yet the opposition's current impotence is also explained by its lack of a plausible political and military base close to Afghanistan. If the cycle of hostile escalation now underway between Pakistan and Afghanistan is not reversed,

ambitious opposition figures such as commanders aligned with the National Resistance Front of Ahmed Massoud, or the Afghan United Front (AUF) could seek sanctuary and material support in Pakistan (Massoud's father, the legendary anti-Soviet guerrilla leader Ahmed Shah Massoud, had an office in Pakistan throughout the 1980s and early 1990s). The TTP's insurgency inside Pakistan is an unacceptable threat to the Army and the government, and the Pakistani establishment is likely to take extreme measures to combat it – as it has already demonstrated by its policy of mass Afghan refugee expulsions, although this has had no apparent effect on Taliban policy.

### **A Balance of Frenemies: The IRGC and the Taliban**

As it became clear during the Obama administration that NATO would draw down its forces in Afghanistan and possibly exit altogether, the Taliban diversified their foreign contacts. The movement apparently sought to create alliances that might balance their historical dependency on Pakistan. Iran became a complicated but important focus of Taliban attention. Relations between the Taliban and Iran during the first Islamic Emirate were hostile; in 2000, the two nations mobilized for war before stepping back. Iran's support for Afghanistan's Shiite minority in the Hazarajat – and the Taliban's Sunni supremacist, quasi-genocidal military campaign against the Hazaras – was one fault line. After 2001, however, the Taliban shared an interest with Iran in preventing America and NATO from establishing long-term military bases in Afghanistan. The Islamic Emirate's second leader, Mullah Akhtar Mohammad Mansour, who led the Taliban between 2013 and 2016, developed personal and political ties to Tehran (in May 2016, American intelligence operatives tracked Mansour on a visit to Iran and killed him in a drone strike as he was driving back to Pakistan). According to interviews with U.S. diplomats and intelligence officials familiar with reporting on the IRGC and the Haqqani network, Iran supplied weapons to the Taliban; later, the Iranian Revolutionary Guard Corps (IRGC) collaborated with the Haqqani network on attacks against NATO targets (personal communication, n.d.; see also U.S. Treasury Department, 2007). Interviews with former senior Afghan national security officials, meanwhile, reveals that when the Islamic State-Khorasan emerged as a threat in eastern Afghanistan after 2014, IRGC commanders tried to persuade Ghani's government to replace U.S. advisors with IRGC

experts who had learned to battle ISIS in Iraq. While Ghani demurred, he did try to pursue an ambitious strategic partnership between Kabul and Tehran with the aim of strengthening Afghanistan's economy and checking Pakistani influence (personal communication, n.d.).<sup>1</sup>

The IRGC played a triple game during the final years of the Islamic Republic, according to former NDS officials. It backed the Taliban's insurgency against NATO; it cultivated Republic officials overtly in Kabul; and it also quietly sought out charismatic Shiite leaders who might establish an independent, Hezbollah-like movement within Afghanistan, perhaps based in the mountains of Bamiyan – a beachhead for long-term Iranian influence. This was an aspiration drawn from the IRGC playbook on display in Lebanon, Iraq, Yemen and Syria. Ismail Qaani, the leader of the IRGC's Quds force and the successor to Qasem Soleimani, who was killed by a U.S. drone strike early in 2020, reportedly cut his teeth as an Iranian covert operator in Afghanistan during the late 1980s (personal communication, n.d.).

Today, as with TTP policy, there are threads of continuity between the late Islamic Republic of Afghanistan and the Taliban's current outlook. To strengthen Afghanistan's economy and counter Pakistani efforts at coercion, Mullah Abdul Ghani Baradar, the Islamic Emirate's deputy prime minister, visited Tehran late in 2023, hoping to expand trade. There is little public information about current IRGC intentions inside Afghanistan, but Iran's interest in helping the Taliban contain ISIS-K has not slackened, and if the Taliban invite such cooperation, the IRGC can be expected to exploit the opening to the fullest possible extent, to recruit agents of influence in Kabul and to broaden Iran's options for reviving ties to Afghan populations with historical, religious, business and cultural ties to Iran. Yet old conflicts over water, sectarianism and Taliban repression of Shia populations in Afghanistan shadow the relationship. Iranian and Taliban border forces have clashed periodically since 2022. And the IRGC's ambition to wield influence in Afghanistan through Shiite leaders is at odds with its effort to cooperate with the Taliban against ISIS-K. Only a much fuller political reconciliation between Tehran and Kabul would create condi-

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1 Ghani visited Tehran in 2015 to pursue a strategic partnership and was still raising the possibility with U.S. Secretary Antony Blinken during a telephone call just days before he fled the country in 2021, according to interviews with senior U.S. and Afghan officials and records of the call with Blinken.

tions for the IRGC and GDI to explore cooperative projects in the region, and the prospects for such a rapprochement are dim.

### **The Taliban and the Great Powers: Ghost Wars, Continued**

According to interviews with multiple U.S. diplomats, intelligence and military officers directly involved in the Taliban negotiations, during the Doha negotiations, the CIA and the Taliban largely failed to share significant intelligence or develop trust around a counterterrorism agenda, despite efforts to create a secret channel of contacts aimed at such intelligence cooperation. Yet some CIA leaders remained interested in the potential of Taliban contacts, not least because of the possibilities for unilateral recruitment of Taliban sources (personal communication, n.d.).

During the 1990s, the CIA recruited a substantial number of Taliban informants, according to memoirs by retired agency operators. Since the Taliban takeover in Kabul, this pattern has continued. While there is no public evidence of cooperation between the CIA and the GDI, it would not be surprising if covert cooperation is taking place, given the recent attempts to forge an intelligence alliance during the Doha process. Enduring common interests – to thwart ISIS-K, above all – suggests there will continue to be periodic attempts at high-level contact. There will certainly be fertile ground for the CIA and allied agencies to recruit paid Taliban agents inside Afghanistan, to report on counterterrorism targets, the IRGC and other topics. For the CIA, consigned by the US withdrawal to over-the-horizon surveillance and targeting across a vast landscape rife with terrorists that threaten the United States and its allies, agent recruitment inside Afghanistan will likely remain a priority for years to come. Inevitably, amidst Afghanistan's deep impoverishment, money will talk, even to high-level Taliban insiders. Beyond this somewhat routine professional tradecraft, barring a sudden reversal of Taliban policies about the rights of women to work and obtain education, it is hard to imagine that the United States – distracted by polarized and isolationist politics at home, and focused abroad on China, Ukraine, and the future of Palestine, among other things – will take much interest in GDI or its regional competitions, unless the TTP seriously threaten Pakistan's stability, as the Pakistani Taliban and allies did in 2009 and 2010.

China and Russia may have been pleased to see NATO humiliated in Afghanistan, but neither country had a grand plan for the day after.

During the last years of the Islamic Republic, China's intelligence contacts in Kabul were focused on its own counterterrorism problem, the East Turkestan Islamic Movement (ETIM), which Chinese spies suspected was a CIA covert action, despite NDS protests to the contrary, according to former NDS officials (personal communication, n.d.). Despite photo op after photo op publicizing Chinese investments in Afghanistan's economy and natural resources, Beijing initially proceeded cautiously with the Taliban, allowing its close ally Pakistan to take the lead. Beijing's deep ties to Pakistan are likely to further constrain its actions if relations between the Taliban and Islamabad continue to deteriorate. Yet there have been signs during 2024 that China's own interests in building a belt of trade and influence across Central Asia may lead it to more active engagement with the Taliban regime. Beijing accepted a Taliban ambassador in February 2024 and has signed new resource agreements with the Taliban. Like China, Russia has maintained its embassy in Kabul. Moscow's interests in Central Asia necessitate contact with the Taliban and its intelligence services will keep a watchful eye on cross-border militancy, but for Moscow, too, at least for now, Afghanistan is no longer a Great Game, or even a theater as interesting as Africa.

In the spying realm, as in diplomacy and trade, the Taliban's gender policies (editor's note: see Ahmadi's chapter in this anthology) and failure to build inclusive politics in Kabul (editor's note: see Baheer's chapter in this anthology) have steadily narrowed the Emirate's international horizons since 2021. As during the 1990s, the regime's covert and overt conflicts appear to be largely regional. The emerging proxy war involving the TTP is arguably the most serious concrete threat to Afghan and regional stability visible today. The primacy of the IRGC in Iran's regional influence campaigns and the long record of Iranian covert action in Afghanistan all but guarantee that Iran's shadowy efforts to build proxy allies and shape Kabul's policies will continue, even in the face of Taliban wariness and outright hostility. Al Qaeda, ISIS-K and other globally minded militants in Afghanistan may lack the capability to strike beyond Central and South Asia currently, as Western intelligence agencies assess, yet these groups aspire to attack beyond the region if they can, whether the Taliban wants them to do so or not. These are early days in the evolution of the second Islamic Emirate, but the situation has an eerily familiar ring.

## Conclusion

The covert actions and proxy wars that have shaped Afghanistan's history continue to evolve, with the Taliban now at the center of a complex web of regional and international interests. As this chapter has explored, the Taliban's General Directorate of Intelligence (GDI) plays a critical role in navigating these dynamics. Their interactions with Pakistan, especially concerning the Tehrik-e-Taliban Pakistan (TTP), reflect deep-seated regional tensions that have historical roots but are now manifesting in new and destabilizing ways. Pakistan's own covert operations, once a powerful tool in the region, are now backfiring, complicating its security landscape. For their part, the Taliban's support for jihad inside Pakistan is both ideological and a way to deploy the energies of its large fighting force, which has had few enemies of God to attack since 2021. "It's Pakistan's turn", Ashiqullah Naziri, a young Talib, told a journalist during recent celebrations of the third anniversary of the Taliban's takeover of Kabul. "They destroyed our country...We can't just leave them alone after that!" (Goldbaum, 2024).

The involvement of other regional powers such as Iran's IRGC further complicates the situation, as these actors seek to expand their influence in a post-NATO Afghanistan. The global powers of the United States and China, while seemingly more distant, still have stakes in this evolving scenario, certainly around counterterrorism. The echoes of past "ghost wars" are clearly heard, and as history suggests, these could lead to further instability in Afghanistan.

While the players and tactics may have evolved, the underlying geopolitical games remain consistent, with Afghanistan's weakness and vulnerability once again drawing in regional actors and global actors. The Taliban's emerging policies will be crucial in determining whether Afghanistan can maintain any semblance of stability or whether it will spiral into another era of conflict, driven by the same forces that have shaped its turbulent decades since Cold War proxy battles and the Soviet invasion of 1979 shattered its society and politics.

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# Local Responses to Authoritarianism Under the Taliban Emirate

*By Michael Semple*

Michael Semple is a professor at Queen's University Belfast, and has worked with the UN and EU in Afghanistan and Pakistan. His research on armed conflict and peace includes investigation of the political culture of the Taliban Movement and analysis of political and civil rights in South Asia. He co-presents the podcast Taliban Turbans and Smart Phones.

## Abstract

This chapter explores the local responses to the re-establishment of the Islamic Emirate in August 2021, focusing on Zurmat District in Paktia Province in Afghanistan. Using personal notes, published sources, and detailed interviews with local key informants, the chapter examines how community representatives engaged with leaders from the Islamic Emirate of Afghanistan in a tightly controlled political environment. The main argument is that, despite severe constraints, local actors managed to retain some political space through non-confrontational rhetoric and practical community mobilization. The chapter concludes that while Zurmat's local politics operated under significant restrictions, these actors could still influence local governance to some extent. For meaningful national political dialogue, strategies must ensure non-Taliban participants are free from these constraints.

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### Introduction

The Taliban's capture of Afghanistan's capital on 15 August 2021 abruptly ended the Islamic Republic and halted efforts to establish democracy and pluralism in the country. A one-party regime was imposed, in which past service to the Taliban's jihad was required for anyone to hold any position of authority. A Council of Ministers was formed from the commanders of that jihad. The Taliban's Amir, or supreme leader, asserted a divine right to rule by decree, thus rejecting the notion of legitimacy derived from popular consent. Tight media controls ended free speech and the Taliban rapidly deployed repressive apparatus to deter dissent. Political activity at the national level became impossible. Elected representatives and the rest of the Republic-era political class either fled the country or silenced themselves (Abbas, 2023). And within this authoritarian approach, the Taliban aggressively pursued a cultural policy in which society was purged of supposed contamination by secular Western ideas and their vision of an Islamic order was imposed.

The Taliban asserted their monopoly on power at both the local and national level so that even at the lowest levels of administration, only Taliban could serve as officials. But when it came to the practicalities of governing Afghanistan, they found that, at the local level, they had to concede at least some space to figures who could articulate their communities' concerns and mediate between administration and the population. Across the country, local Afghan actors had to digest and respond to the Taliban's proclaimed mission of cultural transformation. And they had to discover a new rulebook of how to do politics and to represent their communities under the conditions of Taliban authoritarianism.

This chapter describes how local politics were reshaped in the district of Zurmat, Paktia Province, under the new authoritarianism. It is based on a mix of personal notes and published sources. In the years immediately following the 2001 Bonn Accord, the author served as a United Nations political officer and European Union diplomat, supporting the establishment of the Afghan Republic and efforts at post-conflict reconciliation. In this capacity, and subsequently as a university researcher, I made successive visits to Zurmat and the provincial capital Gardez over a twenty-year period. I made the acquaintance of community leaders, government officials and members of the Taliban active in Zurmat and accumulated contextual knowledge of the district. The observations contained in this article draw on detailed notes of interviews, conducted remotely, to

chronicle developments in Zurmat, with key informants having first-hand knowledge of the developments following the Taliban takeover of Afghanistan in 2021, a period in which fieldwork would have been inappropriate. In line with research ethics, the identities of interviewees are withheld and an alias is used for the principal community leader referred to in the narrative. The primary material is triangulated and supplemented by published sources where available.

The chapter starts with a historical context of Taliban rule in Zurmat through an account of a visit by Taliban VIPs in 2022. Thereafter, an account of community mobilization in 2022 is offered, focusing on four issues important for the youth in Zurmat under Emirate rule: taxation, employment, education and local autonomy. This part of the chapter also touches upon the community response to the appointment of a new Paktia provincial governor in 2022, the controversy around Emirate restrictions on the operation of girls' schools, an account of increased control and surveillance by the Taliban in local districts, and a summary of points of criticism of the Emirate rule, as seen from the perspective of organized young people in Zurmat. The chapter ends with some reflections on the possibilities of politics on the local level in Zurmat and, more generally, under the Emirate version of authoritarian rule.

### **The Historical Context of Taliban Rule in Zurmat**

A few days before the first anniversary of the 2021 Taliban capture of Kabul, a convoy of vehicles delivered Taliban VIPs to a walled compound deep in the Paktia countryside. There they were joined by a crowd of local tribesmen and their designated elders. The gathering was steeped in historic and political significance.

The mausoleum of Mawlvi Nasrullah Mansoor in the Sahak sub-district of Zurmat is a building which embodies many of the contested themes in the politics of south-eastern Afghanistan. The structure consists of a domed chamber built spaciously around Mansoor's grave. The layout is deliberately similar to that of countless shrines to historic sufi saints, spiritual figures whose blessings contemporary pilgrims still seek. And adjoining the tomb chamber is a long hall filled with rows of low desks, where local boys memorize the Qur'an, and some embark on higher religious studies.

The conservative Sunni religious scholars of Zurmat were among

the first to agitate against the British-backed puppet king Shah Shuja in September 1841, provoking a British expedition to the district, before the main Afghan uprising in Kabul began (Kaye, 2022, p. 613). Nasrullah Mansoor revived this tradition of clerical activism by leading one of the earliest revolts against communist rule in 1978 and going onto become one of the first leaders of the anti-Soviet mujahideen to mobilize religious students, Taliban, as a force. Mansoor, by then leading his own faction of the party *Harakat Inqilab*, was the dominant force in Zurmat by the time of the 1992 collapse of the government led by the People's Democratic Party of Afghanistan. Followers of Mansoor were awarded several key positions in the mujahideen administration of Paktia Province and Zurmat district (Younas, 1997). But their position was contested, and in 1993 Mansoor became the senior-most mujahideen figure killed in the conflict, when *Hizb-e-Islami* (*Hizb*) targeted his Landcruiser with an IED. Under pressure from *Hizb* in the factional conflict, Mansoor's lieutenants became the first major players from Paktia to travel to Kandahar and affiliate with the new madrassah-linked movement which had emerged there: the Taliban (Maley, 1998).

The consequences of this early alliance are still felt today as Mansoor-linked Zurmatīs went on to become the largest non-Kandahari bloc in the Taliban leadership and Emirate administration: Water and Power Minister Latif Mansoor is Mansoor's nephew; Amir Khan Motaqi, the Foreign Minister, is another Mansoori Zurmati. (UN, 2024).

Zurmat is predominantly Pashto-speaking and, in keeping with Paktia and much of south-eastern Afghanistan, local tribal institutions retain much social influence. On top of its historical legacy, control of Zurmat is important in Afghan power politics on account of its geography. The district consists of a central valley bounded by highlands to the north-west and south-east. The valley's flood plain, where the district administrative centre is located, supports productive irrigated agriculture and a large rural population. With over 110,000 inhabitants, Zurmat is the most populous district in Paktia (World Bank, 2019). The highlands are home to remote communities. Generations of rebels against the central power have availed themselves of the natural defences in the mountains. A force ensconced in Zurmat's south-eastern highlands can potentially threaten the strategic Kabul–Gardez–Khost highway. And the proximity of the border with Pakistan's Waziristan (60 km from central Zurmat) has ensured that any rebel group operating from Pakistan has a short supply line.

During the years of the Afghan Republic (2001–2021), Zurmat was split in at least two ways. In 2002, the sub-district of Shahikot in Zurmat's south-eastern highlands was the site of the last big battle between U.S. forces and the rump of the Taliban-Al Qaeda alliance (Naylor, 2005). And as the insurgency developed, Shahikot was one of the first areas where Taliban established bases and a permanent presence. The republican government held the district centre and maintained a tenuous grip over the strategic east-west highway traversing the district until the conflict's final stages. But over the years, supported by the Taliban's eastern military commission in Peshawar, the Mansoor network mobilized armed groups under the Taliban banner in Zurmat, incrementally expanding their influence over rural areas (Foschini, 2015; Ruttig, 2019; Ruttig and Sayed Sadat, 2021).

Much of the original support for the Mansoor network came from Zurmat landed interests – kulaks owning walled orchards and mud forts, who were the original adherents of local clerics such as Mansoor. Such figures played a deft balancing act in the next phase of the conflict. A baby boom in the years after the 1992 victory meant that during the Republic, former mujahideen commanders had young families, well placed to take advantage of the educational and employment opportunities. In occasional visits to Paktia and Zurmat during the insurgency and while tracking the conflict up to 2021, I observed how agrarian relations and competing clerical and tribal networks underpinned the war in Zurmat. Throughout the insurgency, Zurmat's kulaks sent their offspring to university, engaged with the republican authorities on behalf of their tribe and hosted Taliban fighters in their guest rooms. In their balancing act, leading kulaks kept open channels of communication to government and insurgents alike. They tried to minimize the risks of open conflict in the area by persuading all sides that the tribal elders could take care of their concerns without the need for fighting.

The insurgency also provided a space within which network contests played out. Zurmat's relatively prosperous agrarian economy presented multiple opportunities for insurgent groups, in control of territory and roads to capture revenues. Potential revenue sources included local agricultural production, government transfers, contractors working on public infrastructure such as the Gardez-Zurmat road project, trade, and funds controlled by the Taliban's Military Commission.

Jalaluddin Haqqani, like his contemporary Mansoor, was also a cler-

ic, and recruited anti-Soviet mujahideen fighters from his Zairian tribe. The Zadrans mainly inhabited Paktia's uplands and remote border areas. Jalaluddin's son Seraj became head of a key body in the insurgency, the Taliban's eastern military commission. The Haqqani Network which he headed competed with the Mansoor loyalists for influence within the insurgency and on the ground. Simultaneously, traditionally marginalized semi-nomadic tribes such as the Landozai increasingly sided with the Taliban in the hope of leveraging armed power to improve their positions in land disputes. In Zurmat, I observed, that pitted them against Mansoor's kulaks and their settled tribes. This was in keeping with the way the conflict had played out across Afghanistan in the successive phases of the war. Tribal, ethnic and other interest groups picked sides in the national conflict to gain advantage in often intricately nuanced local conflicts.

The Taliban victory altered local power dynamics in ways which had little to do with the movement's declared objectives of expelling the United States and declaring Islam the law of the land; because the Taliban administration's control of the district was uncontested, for example, it was in a stronger position to impinge on local autonomy than the Republican government had been. Meanwhile, the school-educated offspring of the 1980s era mujahideen found themselves frozen out of the labour market by Taliban-linked madrassah graduates, while the two main rival networks leveraged their control of different parts of the state to consolidate their influence in the district and to reward supporters.

### **1. An Account of Community Mobilization in Zurmat Under the Restored Emirate**

The event in August 2022 was, until then, the highest-level engagement between Zurmat community representatives and the Emirate leadership. The principal guest from Kabul was Interior Minister Khalifa Seraj. The visit to the tomb of his family's old network rival Mawlawi Nasrullah Mansoor symbolized an effort to broaden his coalition of support. An attendee described to the author on 9 August 2022, how, in his public speech at the tomb, Khalifa promised to prioritize development projects for Zurmat. He said that he would use his influence on NGOs and the Chinese government to secure investment in the district's main road and mains electricity connection. In a speech in reply, on behalf of the tribes and former jihadi commanders of Zurmat, Haji Mohammad Nabi protested that the

people of Zurmat had seen no concrete benefits from Taliban rule and that this was leading them to question the purpose of the long jihad. The attendee described how Khalifa responded, in keeping with his attempted bridge-building, by inviting Mohammad Nabi to visit him in the ministry to discuss matters one-to-one. Mohammad Nabi's remarks amounted to a criticism of the Islamic Emirate. Khalifa Seraj had to stomach this criticism and respond relatively positively because the criticism was delivered respectfully by an elder with impeccable jihadi credentials who credibly represented a community Khalifa wanted to court. In such a context, a senior Talib could tolerate criticism. This contrasts to the experience, for example, of women protesters in Kabul, whose criticism of the Islamic Emirate the Taliban have routinely suppressed without fear of alienating any domestic constituency they care about.

Mohammad Nabi was chosen to speak by local consensus because of his status as the head of the Salokhel tribe and one of the leading tribal elders in the district. He possesses genuine gravitas; while softly spoken and thoughtful, he has a pedigree in the anti-Soviet jihad and the early Taliban campaign up to 2001. Although Mohammad Nabi participated fully in republican-era Paktia local politics, he narrowly survived a murderous raid by a CIA-backed intelligence unit on his family compound in which two of his brothers and their sons were summarily executed (Clark, 2019). Taliban cannot portray him as a quisling. Throughout the first year of Taliban rule (and indeed subsequently) Mohammad Nabi continued to convene in his residence community representatives of the six main Zurmat sub-districts, each of which has a distinctive tribal make-up. In these meetings the elders discussed local issues and agreed a collective response to the many ways in which actions by the new authorities intruded on their lives. But parallel to the elders' meetings, an informal youth organization was formed by the sons of the leading elders and their peers. The youth of Zurmat developed their own set of concerns, grievances and a programme of action that complemented the elders' drawn-out internal meetings and lobbying of local authorities. Members of the group briefed the author on their activities on multiple occasions during 2022 and 2023.

While Mohammad Nabi's August 2022 speech, with its complaint about Emirate delivery, was a nod to the grievances of the youth, in keeping with the traditions of tribe-state interface he framed their position to be critical but non-confrontational (author's notes, 9 August, 2022). On the basis of their experience of the first year of Taliban rule, the Zurmat

youth had prioritized four issues – taxation, employment, education and local autonomy. On taxation, the youth questioned the Taliban demand that the population hand over the religious ushr and zakat taxes to the Emirate. The Taliban had distributed written tax demands in Zurmat, ordering farmers to pay what they assessed to be ten percent of the wheat crop and orchard production, as ushr. The youth argued that the resources should be retained locally and used to assist the local indigent, in keeping with tradition and normal Muslim practice; as it was no longer waging an insurgency or jihad, the Emirate had no basis for a claim over these resources. Although Mohammad Nabi considered it imprudent to challenge something so fundamental in a public speech, the members of the youth initiative briefed the author on how they quietly urged residents to ignore the demands for ushr. The impact of this first campaign of civil disobedience is unclear, but it laid the foundations for a more effective effort to claim control of local resources the next year. In August 2023, the members of the youth group briefed the author on how their members set up collection points for ushr and local volunteers directly distributed food grains to the local poor. This time the tribal elders did engage with the Emirate's district authorities on the issue. The uluswal (the senior local administrator) backed down, only seeking assurances that they would confirm to the Emirate inspectorate that he had not stolen the proceeds.

In their August 2022 framing of concerns to the author, the youths also demanded protection of the independence of local madrassahs. This turned out to be prescient. By 2023 the proliferation of Emirate-sanctioned madrassahs was one of the developments directly threatening local autonomy, both in Paktia and nationally. By the end of the Republic, about six large private madrassahs operated in Zurmat, including the one in Sahak which hosted Khalifa Seraj's speech, typically serving around 500 day-students each (youth activist briefing to the author, 9 August, 2022). The Zurmatians anticipated a threat to their local autonomy if what they described as the "government of mullahs" used its centralized control of resources to take over local religious institutions or establish state-run ones to compete (field notes by the author, 9 August, 2022; 9 February, 2023). The threat intensified in 2023. Amir Haibatollah championed a national programme of Emirate-funded jihadi madrassahs (Siddique, 2022). Meanwhile, vying for influence in Zurmat, leaders of Taliban factions, including both Khalifa Seraj and Lateef Mansoor, announced plans to establish new madrassahs in the district, answerable to them rather than to the communities.



They claimed that they had liberal budgets and could afford to pay better than the locals. The Zurmat elders decided not to cooperate and sought to block anyone trying to sell land to a Haqqani madrassah (field notes by the author, 2 June, 2023).

On local employment, the organized youth criticized the Emirate ban on recruitment of non-Taliban to civilian posts. As far as the youth are concerned, the Taliban prohibition freezes them out of the most important labour market, with the jobs given to wholly unqualified and unsuitable clerics. Again this was prescient, as in their second and third year, the Emirate doubled down on a policy of hiring only Taliban or their supporters, giving rise to a zero-sum conflict of interest between Taliban and the rest of the population. The loss of the right of educated youth to compete for public sector employment has remained a major grievance. In June 2023, the young Zurmat youth took note of remarks made by the Taliban foreign minister in which he appealed to European governments to send educated young Afghans back to the country rather than offer them asylum (Dawi, 2023). The Zurmat youth ridiculed the foreign minister's position and blamed the Taliban policies for the exodus of young people from Afghanistan. They said that a young person with a masters education does not want to work under the supervision of a cleric who "knows nothing" (field notes by the author, 2 June, 2023).

On education, the youth decided to support equal educational access for boys and girls in the wake of the Taliban prohibition of girls' secondary and tertiary education. This is also an issue on which the community strategies evolved over time.

In reflecting on their prospects in 2022, the organized youth of Zurmat had no illusion about the difficulty of wresting any concessions from the Taliban. But they were confident that they could build pressure. They observed that there had been a palpable change in motivation over the first year of the Emirate. By August 2022, the typical Emirate official was no longer motivated by concern for the jihad and thoughts of paradise. Instead, the youth observed, the Taliban in Zurmat were materially motivated, mainly concerned with laying their hands on fancy cars and the latest weaponry and ammunition (field notes by the author, 9 August, 2022).

The next set-piece engagement between the Zurmat youth and the Emirate authorities took place on the occasion of the appointment of a new Paktia wali (the head of a provincial administration or *wilayat*), later the same month. In tribal terms, the newcomer was a Kandahari Pashtun, from

Urozgan province in the south of the country. In terms of the top-level factional politics then playing out in the administration, this marked the Kandaharis' efforts to wrest control from the tribes of the east and south-east who had the upper hand in the first year. But in terms of local network rivalries, the arrival of Haji Dawat marked a weakening of the hold of Khalifa's Haqqani Network over Paktia – and an apparent opportunity for its local rivals. In a public speech he was invited to make at the new wali's inauguration, Mohammad Nabi urged Dawat to end the imposition on the district of Taliban related to the Haqqani network. The pro-Mansoor Zurmatīs were relatively satisfied with progress and noted that the Emirate pulled most of the external fighters out of Zurmat. By late August 2022, all that remained were the Haqqani-aligned *uluswal* from Syed Karam district and the police chief from Jaji Aryub district. They had only personal contingents of 10–15 bodyguards each. Likewise, the district's four subdistrict police units had all been handed over to local commanders and almost all security personnel were local.

Internal Taliban politics concerning control of administrative and security positions continued to play a role, however, and the tribal representatives were repeatedly dragged into the disputes. The pro-Haqqani *uluswal* in Zurmat was replaced later in the year by Mullah Habibi, linked to the Mansoor network, only to be replaced again by Niaziwal, who had headed the Haqqani's covert terrorist cells in Gardez during the insurgency. This time the Paktia wali claimed to the Zurmat elders that the order had come directly from the Amir and Kandahar and so he was powerless. He suggested they directly lobby the Interior Minister – but the elders assumed that Niaziwal must have been nominated by the Minister, so it was pointless to lobby him (author's field notes, 23 February, 2023).

One of the few episodes of civic resistance to implementation of Emirate extremist policies in Paktia to catch outsiders' attention took place in September 2022 (Radio Azadi 2022). The staff of four girls' high schools in Gardez and one in neighbouring Chamkani district reopened their schools for four days before Taliban authorities intervened to force them to close again. The headmasters were briefly detained. The initiative to open the girls' schools had been backed by a coalition of Paktia tribal elders, who held a series of meetings with the provincial authorities and education department (author's field notes, 13 September, 2022). In one of the meetings in the Habibia High School, the Taliban director of education said that Taliban have no immediate plan to reopen schools but

that they are working on arrangements for Shariat compliance and may be able to open next year. The elders openly ridiculed this stance as a familiar example of the Taliban playing for time. With hindsight we know that the elders were justified in their scepticism. The elders did not accept the authorities' decision to reclose the schools and warned the Taliban that there will be consequences for continued attempts to defy the popular will to allow their children to access education. Paktia community leaders interpreted the chaos over the school ban as a manifestation of the differences between the Haqqani Network and the Kandahari leadership, reckoning that Khalifa Seraj was in favour of relaxing the ban but the Kandaharis were determined to enforce it (author's field notes, 13 September, 2022).

After the impasse over the opening of girls' high schools at the provincial level, Zurmat youth activists identified lack of girls' education as a priority issue and decided to open informal girls' schools in vacant properties in their district. They observed, however, that barriers to girls' education predated the high school ban: even their attendance at primary school had been patchy in the most conservative parts of Zurmat in areas such as Sahak, where Taliban had been most active during the insurgency (author's field notes, 23 November, 2022).

The issue of whom the Emirate authorities would recognize as community or tribal representatives came up repeatedly. In November 2022, the Taliban announced the establishment of consultative shuras<sup>1</sup> in Paktia province and the wider zone. They nominated a mixture of pro-Taliban ulema<sup>2</sup> and traditional tribal elders to the shuras and allocated them meeting rooms in the old provincial council office in Gardez (author's field notes, 23 November, 2022). The Emirate had of course wound up the old elected provincial councils. The stated purpose of the shuras was to alert the Emirate authorities to the area's needs and to receive delegations sent by the central leadership. The Zurmat elders were prepared to cooperate with this move on the basis that the role of non-Taliban or traditional representatives was to be diluted, not abolished. But in the event, little was heard of these consultative shuras. They seemed to be eclipsed by an initiative championed by the Amir, Haibatollah, in which advisory provincial councils were established consisting exclusively of ulema (Ariana News & Tolo News, 2023).

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1 Councils.

2 Senior clerics and Islamic scholars.

Then in June 2023, the Emirate authorities sent letters to mosques in all of the Zurmat sub-districts requesting that the population nominate new tribal representatives. The Salokhel tribe, which dominates one of the sub districts, held a meeting to discuss the response to this Taliban overture. Members of the tribe concluded that the Taliban wanted to replace popular tribal representatives with their stooges, who would support the spreading of Taliban authority and subversion of the traditional role of the tribe in Paktia. They perceived the Taliban as being opposed to respect for tribe and traditional nationalism. They agreed to confirm their loyalty to the existing tribal leadership and proceeded to summon a meeting of all tribes from the other subdistricts, which adopted the same position. When they arranged for a meeting with the *uluswal*, to deliver their decision, they asked the official to explain the thinking behind the request for nominations. The *uluswal* claimed that the order had come from the Amir al-Mu'minin,<sup>3</sup> and that Haibatollah believed that all tribal representatives elected during the republican era were stooges for the old republican leadership. However, the *uluswal* deferred to the Zurmat's insistence that existing tribal representatives be retained (author's field notes, 2 June, 2023).

The Taliban's efforts to put clerics in charge of provincial consultative bodies and to hand-pick tribal representatives were a manifestation of the movement's approach to authoritarianism. Public affairs were to be dominated by those with clerical rather than secular credentials and those who submitted to the authority of the Taliban Ameer. But concerted local opposition was sufficient to persuade an Emirate official to drop the attempt to have community representatives changed. This example of Taliban responding to local advocacy reinforces the importance of understanding the specific character and limits of the Emirate's authoritarian power.

Although the Emirate authorities have yet to decapitate the traditional tribal leadership or community representation, the Zurmat's took note of ways in which the Taliban tried to project their repressive apparatus into the district's hinterland, beyond the administrative headquarters. For example, in October 2023, the Taliban established a new unit of their national intelligence agency, the General Directorate of Intelligence (GDI) in the district, designated as "domestic intelligence" (author's field notes, 18 October, 2023). It reports to the provincial directorate in Gardez. Of-

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3 The highest leader of an Islamic community – literally "the commander of the faithful".

ficials claimed that the unit's purpose was to monitor the implementation of decisions by district officials; locals concluded that its real purpose was to tighten the surveillance of suspected dissidents in the population, in particular former members of the Afghan National Defence and Security Forces (ANDSF). The unit is best understood as indicating the Taliban's ongoing investment in repressive apparatus and their ambition to deter any threat to the Emirate's authority, even in the rural areas. There have also been successive clampdowns on Paktia media. As it happens, Khaleel Hamraz, the national director of the GDI's operations to control the media, is from Zurmat. A GDI provincial cell and Mawlvi Hamad of the provincial directorate of communications and culture closely follow social media and give instructions to legacy media to ensure that they avoid any topics regarded as sensitive by the Emirate. In line with the predicament of authoritarian societies, the young activists point out that they can only talk relatively freely when they are in a setting without Taliban officials and possible informers present. They are concerned about Taliban informers supplying distorted reports of any meeting to the authorities.

In March 2023, the Zurmat activists held a festival in the run up to the Persian new year, Nauroz. The youths used the occasion to follow up on another interesting initiative – voluntary demobilization (author's field notes, 30 March, 2023). In another low-profile campaign, they had encouraged men from Zurmat still serving in the Taliban security forces to leave and pursue education. The spirit of the initiative was community disapproval of service in the Emirate armed forces along the lines of “get a life, do not waste your time carrying a gun”. The Salokhel activists conducted a survey during the festival asking about the 3,600 families linked to their tribe, concluding that only one still held a position in the Emirate. The 80 young men who previously served with the Taliban armed forces at the start of the Emirate had all by then left (author's field notes, 30 March, 2023). Community activists and the tribe initially organized for 30 of them to go to the Gulf as migrant labour and looked for economic and educational opportunities for the other 50, to enable them to reintegrate into civilian life.

It is important to stress that this initiative was informal, un-resourced and based on exerting influence within the community. While it touched on one of the key processes at the end of a round of armed conflict, it seemed to pass off with little controversy. One possible explanation is that, nationally, the Taliban gradually pivoted in their approach to recruitment and retention in the armed forces. Initially they try to avoid fragmentation

by keeping all their fighters on the books. Subsequently their emphasis was on excluding from the ranks any interlopers judged not to have served in the jihad. Once this purge was under way, the Zurmat demobilization initiative would not have been seen as a threat. But the real significance of the initiative is that, despite the Emirate's political monopoly, these non-Taliban activists had a vision of civil society with autonomy from the Taliban and their new state.

A series of official visits to Zurmat in by Emirate leaders and Paktia Wali Haji Dawat in September and October 2023 provided occasions for another round of public speeches presenting an Emirate position and community responses. The visitors for the inauguration of a 10 km stretch of highway construction, approved during the Republic, included the Minister of Power Lateef Mansoor, the Minister for Public Works Abdul Manan, first Deputy Minister of the Interior Nabi Omari, and the MoD Director of Plans Qassim Fareed. The speeches provide a marker of how far the cautious rhetoric of community mobilization had come as the Emirate entered its third year. The Taliban's official media carried news of the road project inauguration; participants in the meetings in Zurmat briefed me on the speeches (MEW, 2023; author's field notes, 13 September 2023; 1 November, 2023).

In their speeches, the Emirate leaders asserted that because they now held power, only they could deliver development. They embraced the change in role from sabotage to construction and intended to favour communities which had sided with their jihad against the Republic: "The period of barbarism and destruction is over and now the Taliban have to help the people" (author's field notes, 13 September, 2023). And because the Taliban administration was headed by mujahideen, all Afghans who had previously supported the jihad were also obliged to back the Emirate. They also continued their appeal to network politics, with the key Haqqani-related figure Nabi Omari boasting to the Zurmatists that he had a history of aiding top Mansoor commanders during the jihad. The wali listed Emirate achievements as improving security on the highways and eliminating Islamic State Khorasan Province (ISKP) – even if they had never posed a serious threat in rural Paktia, and Afghans have often pointed out that the Taliban were responsible for the insecurity which they claimed to have solved; as a representative of the emirate, however, the wali was obliged to articulate the official narrative that the Taliban had brought peace.

Two Zurmat representatives were selected to make speeches during

the wali's visit. Malik Neamat from Sahak opted for lavish flattery for the government official, a form of rhetoric which has long been part of the Paktia elders' repertoire, saying that the people of Zurmat hoped for harmonious relations with the Emirate. But Haji Mohammad Nabi of Salokhel raised multiple substantive issues; while, as ever, he avoided outright confrontation, he pushed the boundaries of criticism of the Emirate well beyond what he had seen fit to articulate a year earlier. Mohammad Nabi said that all senior figures of the Emirate who have visited Zurmat, including Seraj Haqqani and Lateef Mansoor, have failed to deliver on the promises of assistance they had made. He told the wali that Zurmat's people wanted a clearer explanation of his intentions, and urged that any VIPs coming in the future should come furnished with the authority to deliver on whatever they promised: Zurmat's people have made many sacrifices but have received nothing in return.

He said that the Emirate should take responsibility for the mass out-migration currently taking place with the young men of Zurmat fleeing the district and country for want of any opportunity. He said that he had heard the Emirate claiming to prioritize the needs of refugees returning from Pakistan. But no one has addressed the needs of the frustrated youth still leaving. Mohammad Nabi blamed the GDI for driving this exodus, as members harass youth over petty things such as displaying a republican flag or for not having a regulation beard. GDI and Ministry of Vice and Virtue checkpoints harass people for acts as simple as listening to a song.

Mohammad Nabi urged the wali to pay attention to the lamentable state of the health system as the district population cannot adequately be served by a basic district hospital and two local clinics. It is the job of the wali to lobby the Ministry of Public Health for further investment. He complained about the activities of the Emirate judges, GDI and uluswals, for harassing the population and failing to abide by the fundamental principles of good governance and justice.

Pointedly, Mohammad Nabi did not mention the issue of girls' education in his speech before the wali. This was a considered decision in response to a direct instruction from the wali's team in advance of the meeting. He decided to comply with the letter of the instruction while going ahead with criticism on multiple other issues. This contrasted with his approach in the previous public gathering; on that occasion, Mohammad Nabi stayed off the topic of girls in his speech but raised it forcefully in a subsequent interview with journalists, which was then broadcast (author's field notes, 13 September, 2023)

The recognized tribal elder used his access to the public space for a cautious airing of popular grievances while deliberately not questioning Emirate legitimacy. But, around the same time, in a private briefing, a leading Zurmat youth activist summarized his understanding of the concerns of youth in Paktia. The critique was more far-reaching and radically critical of the Emirate than the elders' public rhetoric. Indeed, although the youths had proved creative in their use of non-cooperation and self-help to find ways around unpopular Taliban policies, the critique went much further. In autumn 2023, participants in the youth initiative briefed the author on the key points of the latest version of their critique of the Emirate:

- Resources for public works initiatives are provided by the population and do not represent Taliban generosity. The road which the Taliban announced they were building represents nothing more than the people's rights.
- Extracting so many resources, the Taliban have failed to embrace the accountability which people have a right to expect. Multiple mines are now operating under government licences in Logar and Paktia with no transparency of any kind over the identity of the contractors or the division of resources.
- The Taliban only give lucrative contracts to their own people, including relatives of the ministers.
- The population has a right to insist that state resources are invested in a way that creates opportunities for the youth.
- Appointments work the same way as mines – the Taliban are only providing job opportunities to their own people. They are now even inducting mullahs into professional and technical grades.
- Despite the violence of the insurgency, under the republic the population had hope for a peaceful and prosperous future; youth could go to education, universities were full, and girls participated fully.
- The university system is falling apart. The numbers taking the entrance exam halved, and the fact that the Taliban announced that all candidates would get university admission has actually reduced incentives to study. This



announcement makes a mockery of the entrance exam for the future.

- People are fed up – but know they will be punished if they raise their voices. Therefore many young people choose to leave the country.
- Any right-thinking Taliban knows that they need to invest in education – but they can do nothing about it because the extremists in Kandahar oppose it.
- Young Paktia are determined to defend their culture and traditions against unwelcome interference from the Taliban extremists.

The points raised by the young Zurmatīs provide an insightful account of how the generation that came of age during the Republic has responded to the Taliban narrative. They are unimpressed by the Taliban's claims to have delivered anything in the economy and they blame the Taliban's Islamism for excluding them from jobs, educational opportunities and public resources. The youth, many of whom were well-rooted in Paktia's tribal society, possessed an idea of Afghan modernity completely at odds with the Taliban's dismissal of progress under the Republic as cultural contamination. But the Taliban clampdown on criticism means that the youth can only manifest these grievances through their carefully non-confrontational community-based activities. If the evolving situation eventually allows for more mobilization, however, these are the grievances which Paktia youth can be expected to bring to any movement.

Then in the final months of 2023, Zurmat's local leadership added another key issue to their agenda of concerns. The district has a long history of migration to Pakistan and of enduring ties to fellow tribal people who have established themselves there. In times of disaster or need in Zurmat, one of the first responses for any family is to call up clansmen in Pakistan and to ask for help. The mass deportation of Afghans announced by the Pakistan caretaker administration in the autumn threatened this pillar of Zurmat society. The Emirate's public position was to welcome migrants back rather than making any formal *démarche* to have Pakistan halt the deportations. Anticipating an inadequate response on behalf of the Emirate to the influx, the Zurmatīs conducted another voluntary mobilization, collecting food and non-food items, making arrangements for accommodation and sending volunteers to one of the border reception points. In the

event, the initial influx into Zurmat was relatively modest and within the community's capability to absorb it. Most of the established Zurmat communities in Karachi, etc., survived the initial wave of deportations intact, if greatly unsettled by the prospect of being targeted in future.

### **2. Reflections on the Nature of Local Politics in the Shadow of the Taliban's Restored Emirate**

The Zurmat experience demonstrated the continuing possibility of some local politics, both there and more widely in Paktia. Both Taliban and community members draw upon a political culture which prescribes autonomous tribal organization and engagement with the state. The Zurmat retained sufficient of this autonomy to hold multiple meetings within their communities to reflect on developments, build consensus and agree initiatives. They engaged frequently with the Emirate authorities at both the district and provincial levels. Indeed, we noted many more examples of this engagement than there was space to record in the summary above. Much of the business conducted can be characterized as “everyday engagement” – community representatives trying to get things done for their people, rather than trying to reform the system. But the Zurmat also had at least limited access to a public space. This included some occasions organized by community leaders (such as the anniversary of the death of Mohammad Nabi's brothers), to which the community typically invited officials. More frequently, Emirate officials invited select community or tribal representatives to their events. In both of these versions of public space, Emirate officials and the Zurmat articulated a version of their position, thus generating a public record of their engagement. The public positions, of course, typically contrasted with what actors said privately.

This pattern of community organization and political engagement delivered some clear wins for the community, including limiting coverage of the ushr tax and preserving local tribal autonomy. As well as resisting Emirate efforts to dominate local representation, the tribal elders successfully defended their prerogative to mediate local disputes, a key aspect of their role in Paktia, on which Taliban have periodically encroached. The cautious civil disobedience around ushr and the range of self-help initiatives, such as encouraging youths to demobilize from the Emirate forces and the assistance for refugees, delivered significant wins without requiring any compromise or change from the Emirate. They mitigated, rather than altered, Emirate policies.

The Zurmat tribal elders and youth alike were, when among friends, highly critical of the Emirate and its governance. They retained as much autonomy and freedom of action in the public sphere as they reckoned they could get away with without provoking the different kinds of Taliban they encountered. They developed a nuanced strategy for engagement. On one level, all Taliban had to be assumed loyal defenders of the Emirate collective interest. But Taliban deployed to the district from Kandahar could be courted as neutral in Paktia network rivalries, while community figures could approach Zurmat Taliban as potential rivals or allies depending on the context. In all such dealings they prudently designed their practical initiatives to be non-confrontational. They seem to have lived by Snyder's dictum for life under tyranny: "Be as brave as you can" (Snyder, 2017). At the national level, by adopting non-confrontational positions, refraining from mobilization and offering, at most, nuanced criticism in the public space, non-Taliban actors engaged in self-preservation. Their approach should certainly not be understood as consent for the regime, or indeed that the regime is in any way inclusive.

It was notable that the lines between internal Taliban politics and civilian politics were at times blurred, especially regarding the intense network rivalry within the Emirate. Zurmat civilians cared about which internal faction had the upper hand. And Taliban factional players wanted to court civilian support to strengthen their position.

But on the major issues which the Emirate had chosen to regard as strategic, the Emirate proved impervious to lobbying and advocacy. Indeed, the senior officials to whom the Zurmat had access were ultimately appointees of the Amir. They could discharge their administrative responsibilities and pursue their network interests within the Emirate but had no say in strategic policy-making. The officials probably felt themselves as powerless as the non-Taliban on the key contested issues. Although Zurmat were deeply concerned about the ban on girls' education and the Taliban monopoly on state employment, they had no traction on these issues with the Emirate.

The Taliban claimed legitimacy by asserting that they have implemented an Islamic system and claimed that by "defeating" the United States, they restored Afghan independence and the natural order within Afghanistan. But the case of local politics in Zurmat indicates how little credence Afghans give to these propositions, even in a district where the Taliban were active throughout the insurgency. It is notable that contests

over religious ideology barely featured in the community's engagement with the Emirate. Far from Taliban victory having restored an equilibrium, a great deal of local politics was an attempt to deal with the consequences of one cluster of networks enjoying a windfall monopoly control of power and resources. The Zurmatīs' public and private positions, however, made it clear that they considered themselves locked in a contest over culture, identity and disputed ideas of Afghan modernity. In this context, it is significant that the Zurmatīs who undertook the local mobilization described above were organically rooted in Paktia's Pashtun tribal society and identified with a historic tradition of jihad – they were not de-cultured émigrés. Their fundamental cultural differences with the Taliban concerned the role of contemporary education, engagement with the modern world and women's rights, all of which the Zurmatīs embraced. As far as the Zurmatīs were concerned, the Taliban's determination to impose a retrogressive mullah's vision threatened their very way of life – something most vividly illustrated by the desperation of so many young people from the district to flee abroad.

In the course of their community mobilization, the Zurmatīs were increasingly aware of the constraints of trying to do politics within a context of spreading authoritarianism. They were at all times concerned with understanding the latest developments in the Taliban's repressive apparatus. There was public space without freedom of speech. Everything that responsible actors said was calculated. In the public space they self-censored, even while pushing the envelope as far as they dared. In private space there was growing paranoia about what might be reported. And they were familiar with tales of peers who had been persecuted for what they said or wrote on the telephone.

On one level, the extent of community mobilization and engagement with the Emirate was remarkable given the Taliban's abolition of all representative bodies and their refusal to allow any other groups a share in decision-making. But it was also clear that, despite their clever leveraging of the authority of traditional tribal leadership, the Zurmatīs could not address any of their strategic concerns. The gulf between public and private positions showed how reticent community representatives had to be while supposedly advocating for their community. It is likely that every key Zurmati actor considered the Taliban political monopoly and the Emirate itself illegitimate, and Taliban policies contrary to their interests and identity – but none of them could articulate as much in a public space.

The recent literature on civic action under conditions of authoritarianism offers insights into the dynamics of interaction between grassroots organizations like the Zurmat group, or more formal civil society organizations and the state. International experience suggests a wide diversity of paths and outcomes is possible. Civil society has generally survived in some form, usually subject to highly restrictive regulation, under all but the most extreme authoritarian regimes. Indeed, the relationship with the authoritarian state may amount to a symbiosis. The Zurmatists could look to neighbouring Tajikistan, where despite the 2021 crackdown on popular protests in Gorno Badakhshan, the regime tolerates multiple civil society organisations and a local decision-making role for community representatives. Somewhat more radically, the 2015 mobilization by Oromo in Ethiopia has been proposed as an example of grassroots action driving at least some measure of democratic reform in an authoritarian regime. But Myanmar after the 2021 coup and Sudan after the 2019 overthrow of Omar al-Bashir provide more challenging examples of grassroots activism and civil society involvement in movements against authoritarianism followed by large-scale armed conflict and political impasse (Lewis, 2013; Pellerin, 2023; Fisher Melton, 2023; Tolla & Royo, 2022).

The risk of authoritarians co-opting or intimidating civil society has direct relevance for the design of international peace initiatives for Afghanistan. These have typically involved efforts to involve Taliban and civil society actors in “meaningful political dialogue”. In the light of usage during the pre-2021 peace process, “meaningful” should be understood as a political process in which the parties are empowered to address power at the national level, government and the political system. But if the participants of such a dialogue are to be expected to articulate freely their community’s concerns, it will have to be designed to protect them from the restrictions and threats which have constrained the Zurmati leaders in Paktia’s public space.

At the national level, we can expect the pivotal contested issue to remain the Taliban’s claim to a monopoly of power; access to resources, culture, religion and ethnic relations are all linked to the idea of the Amir exercising absolute authority. Time will tell how long the Taliban can retain the monopoly and whether their determination to suppress demands for a more inclusive system ultimately precipitates a return to more generalized conflict. Whether the eventual transition is achieved violently or through an as-yet unimagined peaceful process, non-Taliban local actors, such as

the Zurmat youth and their elders, anticipate that they will play a role in that transition, hoping to return their communities and their country to an equilibrium.

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# Erosion of Women's Rights by the Taliban: Long-Term Consequences

*Belquis Ahmadi*

Ahmadi is an expert on Afghanistan, with a background in international law. She has served as a human rights advisor in the country and has been involved in several projects across the country since the 1990s, specializing in civil society development, peace processes and women's rights.

## Abstract

August 2021 marked the formal end of the long conflict between the Taliban, the Republic, and NATO. But since then, the Taliban have begun to wage war of another kind against the fundamental rights and liberties of women, girls, and dissenters who oppose their ideology and lifestyle. Under the guise of sharia law, the Taliban have relegated women to second-class citizens, stripping away their autonomy and making them dependent on charities for survival and on male blood relatives to go outside their homes to access services or simply go to hospital and markets. This chapter examines the evolving status of women and girls since August 2021, assessing risks and avenues for change. Despite facing grave dangers, countless individuals continue to bravely advocate for girls' education, enduring persecution and brutality.

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The formal end of two decades of war between the Taliban, the Republic, and NATO in August 2021 marked a significant moment. But it also inaugurated a new and more insidious struggle – a battle orchestrated by the Taliban against the fundamental rights and liberties of women, girls, and dissenters who oppose their ideology and lifestyle. The Taliban have relegated women to second-class citizenship, stripping away their autonomy and making them dependent on charities for survival and on male blood relatives to go outside their homes to access services, and even to simply visit the market or access healthcare.

What is particularly ironic is that these draconian measures are enforced under the banner of Sharia law and Afghan culture: the very Sharia that the Taliban purports to uphold mandates education for both men and women, recognizes a woman's right to financial independence, and affirms her right to choose her own partner, among other fundamental rights. Afghanistan is a nation of rich cultural diversity, where gender relations are deeply influenced by the unique customs and traditions of each ethnic group. While rural areas across the country tend to uphold more traditional practices, this does not uniformly apply even within the predominantly Pashtun regions, often associated with the conservative and harsh code of Pashtunwali. Despite this perception, girls have attended schools, women have pursued higher education, and they have played active roles in politics, the private sector, as well as in art and music, showcasing the multifaceted nature of Afghan society (Ginsburg, 2011).

The irony lies in the fact that many of the Taliban's policies, aimed at controlling people's conduct and behavior, starkly contradict both the Quran and Pashtunwali. Advocates for the significance of knowledge and education in Islam highlight the first verse revealed to the Prophet Mohammad, beginning with *Iqra* (read), as profound evidence of the importance Islam places on knowledge and learning. Other examples include the practice of stoning, which has no direct reference in the Quran, and the establishment of an institution specifically to enforce the propagation of virtue and the prevention of vice, a concept that lacks a foundation in Islamic history. In fact, the promotion of virtue and the prevention of vice is traditionally seen as a personal responsibility for every Muslim, rather than a mandate for a state-controlled institution. The Quran and Hadith emphasize moral conduct as an individual duty, where each believer is accountable for upholding ethical standards in their daily life. The imposition of such practices through formalized institutions, especially those that

employ coercive measures, diverges from the principles of Islam, which stress personal accountability and voluntary adherence to moral teachings.

Similarly, Afghan culture, particularly within Pashtun communities, obligates Afghan men to honor and protect women, who are regarded as the moral backbone of the family and community. Acts of dishonor, such as raising a hand against women, spreading slanderous information, and detention are considered grave violations of the Afghan code of conduct. Such actions bring shame not only to the individual but also to the entire clan, often resulting in severe social repercussions and punishments.

In stark contrast to these cultural values, the Taliban's treatment of women – especially their brutal crackdown on women protesters – stands as a direct affront to the principles they claim to uphold. Forcibly loading women protesters into trucks, detaining them without due process, subjecting them to harsh interrogations, and even torturing them starkly contradicts the core tenets of Pashtunwali. These actions expose a deep hypocrisy in the Taliban's rhetoric, revealing a selective and self-serving interpretation of cultural norms that undermines the very fabric of Afghan society.

This chapter will discuss the status of women and girls as it has evolved August 2021, with a focus on challenges concerning education, employment and access to justice. The chapter draws on an extensive literature review conducted to gather existing knowledge, scholarly perspectives, and historical context on the situation of women in Afghanistan. This review included academic articles, reports from international organizations, and relevant legal documents. In addition to the literature review, consultations with women both in Afghanistan and abroad were carried out to ensure first-hand accounts, personal experiences, and varied perspectives. Such qualitative data is invaluable in understanding the real-life implications of policies and social changes on women's lives in Afghanistan. Finally, the author's personal experiences and observations are integrated into the analysis.

### **Restricting Women's Education: The Taliban's Stance**

The vast majority of Taliban leaders and fighters received their preliminary and basic education in Pakistani Deobandi seminaries, where the curriculum primarily consisted of rudimentary reading and writing skills, rote memorization of the Quran, and other Islamic subjects. These seminaries, or madrasas, became the educational backbone for many Afghan

refugees who, due to financial constraints or ideological alignment, chose to send their sons to these institutions from a very young age. For many refugee families, the allure of free religious education, which included not only instruction in a narrow and often militarized interpretation of Islamic teachings but also free room and board, was difficult to resist.

“Deobandi” refers to the theological movement originating from the Darul Uloom Deoband, an Islamic seminary established in the late 19th century in Deoband, Uttar Pradesh, India. This movement was founded to preserve and promote Islamic heritage and identity in response to British colonial rule.<sup>1</sup> These madrasas played a critical role in shaping the worldview of generations of Afghan youth, indoctrinating them with a rigid and doctrinaire interpretation of Islam that often emphasizes jihad and militancy. This educational background has profoundly influenced the mindset and policies of the Taliban, particularly during their first regime between September 1996 and November 2001. During this period, the Taliban imposed draconian restrictions on education, most notably by banning education for girls entirely. They also mandated that religious studies dominate the curricula in schools and universities, significantly increasing the number of religious subjects at the expense of modern education.

The Taliban argue that women’s primary focus should be on these domestic duties. In a book by the Taliban’s current Chief Justice, Sheikh Abdul Hakim Haqani that is also endorsed by Sheikh Haibatullah, the Taliban’s Emir, he writes: “Know that the Almighty God has preserved the position of women. A woman’s place is in the home. A woman’s role is to raise children and take care of them. Women are weak; they do not have the ability to defend themselves, let alone defend others after assuming a position of governance” (Mirzai, 2022).

The Taliban’s justification for the ban (which they refer to as a “suspension”) of girls’ education is rooted in their strict interpretation of Islamic principles and their upbringing. Some Taliban officials have articulated that the reopening of girls’ schools hinges on specific conditions, such as the provision of appropriate transportation and revisions to the curriculum. For instance, during an official trip to Turkey on October 15, 2022, Taliban spokesperson Zabiullah Mujahid highlighted the need for

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1 See, for example, <https://darululoom-deoband.com/en/>

curriculum reform as a justification for the ongoing closure of girls' schools (Hasht-e Subh, 2022). In more detail, the Taliban argue that the curriculum needs to be aligned with their interpretation of Islamic values, which they claim is necessary to ensure that education does not contravene Islamic principles. This view is reinforced by their emphasis on full hijab and mahram in public.

In many conservative Afghan communities, the role of women is traditionally confined to domestic responsibilities. Early marriage is often encouraged, with girls expected to contribute to household duties and raise children rather than pursue higher education. This is particularly prevalent in deeply underdeveloped and conservative areas where over the years governments have failed to make education accessible to girls. Moreover, the logistical challenges of providing safe transportation and suitable educational facilities for girls further complicate the situation. In remote and rural areas, the necessary infrastructure to support girls' education is often non-existent due to years of prolonged conflict and targeted attacks on educational centers and educators by the Taliban and, before them, by mujahideen. These attacks have not only destroyed physical infrastructure but have also created an environment of fear and insecurity that discourages families from sending their daughters to school.

The combination of the Taliban's ultra conservative ideology, years of insecurity, and direct threats against educators and students, inadequate infrastructure, and cultural norms creates an enormous barrier to the education of girls in Afghanistan, particularly in its most conservative and war-torn regions. In urban areas where more schools for girls and both public and private universities exist, however, families have been more supportive of girls' education and women's employment.

The Taliban's stance against education for girls beyond grade six has faced widespread opposition from Afghans of diverse backgrounds and demographics. Across religious communities, tribal groups, and among community elders, there have been consistent calls for the reopening of schools and universities to ensure equal education opportunities for all. In a visit to Afghanistan in 2023, the Organization of Islamic Cooperation released a statement detailing "that education is an Islamic obligation for both men and women" and stressed "the need to exert all effort to enable boys and girls to enroll in all levels of education and specializations needed by the Afghan people at this critical stage in their history" (Riyaz ul Kahliq, 2023).

While the Taliban permit women to receive basic religious education

such as learning to read, recite and memorize the Quran, studying *Ahadith*, the sayings of the Prophet Mohammad, basic principles of Sharia/Islamic jurisprudence, the *Aqeeda* (Islamic creed) to understand the tenets of Islam and basic Arabic language, they strictly prohibit them from engaging in advanced studies, fostering critical thinking, or becoming experts in specific religious topics. The Taliban's restrictions are aimed to limit women's intellectual and professional development, ensuring their roles remain confined to the private and domestic spheres.

On the other hand, over the past 20 years, the Taliban have initiated a program to educate their former fighters, enrolling them in various school grades through special evening classes. According to teachers assigned to these accelerated classes, the students are curious about the curriculum used during the republic. When the teachers explained that the subjects were the same, the students were shocked and some were even furious. They began questioning their leaders' justification for violence and attacks on schools, which had been based on claims that students were being taught anti-Islamic subjects.

The Taliban argue that modern education is designed to distract Muslims from their religious duties and their obligation to defend and protect Islam from outside invasion and distortion. The Taliban have propagated the notion that modern education is unnecessary for women (Mirzai, 2022). This extremist viewpoint has been used to incite violence against educational institutions, particularly those that provide opportunities for girls and women, thereby perpetuating a cycle of fear and repression. The Taliban's actions underscore their commitment to an ideology that prioritizes religious orthodoxy and militant resistance over intellectual growth and empowerment, especially for women and girls.

### **Educational Crisis: Shortage of Teachers and Desperate Measures for Girls' Education**

The lack of educational opportunities for girls has caused deep depression among young women and girls. Since girls are only allowed to attend school until grade six, many are making desperate attempts to stay in school by deliberately failing their classes to prolong their education. Others have resorted to eating less in an effort to stunt their physical growth, as appearing too mature or healthy has become grounds for expulsion from elementary schools in various parts of the country (Ahmadi, 2023).

This extreme behavior highlights the profound impact of educational restrictions on the mental and physical well-being of young girls, who are striving against all odds to pursue their education and secure a better future.

Between August 2021 and December 2022, the Taliban authorities progressively escalated their restrictions on women's education in Afghanistan, ultimately leading to an outright ban. Initially, they imposed gender-segregated classrooms, a measure that drastically altered the educational environment. This was followed by the removal of certain subjects from university curricula, significantly limiting the academic opportunities available to female students. The Taliban also enforced a strict dress code, mandating full face coverings for female students and teachers within classrooms (Ahmadi, 2022).

The situation deteriorated further on December 20, 2022, when the Taliban announced a complete ban on female students attending public and private universities (Al Jazeera, 2022). This devastating blow to women's education was compounded just two days later, on December 22, with a prohibition against girls beyond grade six from attending privately-run educational courses (Nazari, 2022). These actions effectively dismantled any remaining prospects for higher education and professional advancement for Afghan women, marking a severe regression in women's rights and educational freedoms in the country.

The education ban for girls has also taken a significant toll on educators, who are grappling with feelings of hopelessness and deep concern for their students. Many teachers have been replaced and are now unemployed, left without any source of income. A teacher from Kabul shared her distressing experience, saying, "I feel hopeless seeing my students being married off, so the family has one less mouth to feed. My students are begging me to do something for them. But what can I do when I can't even help my own daughters and family?" (personal communication, July 2024). Similarly, a university lecturer expressed deep concern, stating, "My students are suffering from deep depression and anxiety. I try to console them, but the reality is I am trying to give them false hope that things will change. Not only has nothing changed for the better, but the situation keeps deteriorating." (personal communication, July 2024).

These accounts highlight the profound personal and professional impacts of the education ban. The prohibition not only deprives girls of their right to education but also devastates the lives of dedicated educators, who

are now witnessing their students' futures being sacrificed and their own livelihoods destroyed. Furthermore, the severe psychological impact on students is evident as they increasingly suffer from mental health issues due to their bleak prospects. In a national survey of Afghans in 2021, it was revealed that two-thirds of the Afghan population had personally experienced at least one traumatic event, with nearly half of Afghans reporting high levels of psychological stress (Ahmadi, 2021). Educators, who were once pillars of their communities, struggle to provide support amidst worsening conditions, further highlighting the pervasive sense of despair. The deteriorating situation compounds the challenges faced by both students and educators, creating an environment where hope is scarce and the future remains uncertain.

### **Employment Ban: Taliban's Strategy to Control Women and Its Devastating Impact**

The Taliban's systematic exclusion of women from employment is a core part of their policies. After taking power in 2021, they banned women from holding government jobs. On August 25, 2021, they ordered female civil servants to stay home, claiming their soldiers were not trained to interact respectfully with women (Picheta & Mahmoud, 2021). This directive effectively removed women from government roles, curtailing their participation in public administration and governance. Allen and Felbab-Brown (2020) quoting State Department write, "by 2020, 21 percent of Afghan civil servants were women (compared with almost none during the Taliban years in the 1990s), 16 percent of them in senior management levels; and 27 percent of Afghan members of parliament were women".

In March 2022, an order signed by Qari Ihsanullah Sohail, Chief of Staff of the Deputy for Security Affairs quoted the Emir banning women from employment in offices stating, "women must not leave home." In July that year, the Ministry of Finance directed women employees to send a male relative to take their jobs if they want to be paid their salaries (Mondeaux, 2022). The prohibition on women's employment has inflicted profound and wide-ranging consequences on women, especially those who serve as heads of households or as the sole providers for their families.

In December 2022, the Taliban further tightened their grip by preventing women from working with NGOs, including those engaged in humanitarian efforts (Gul, 2022). This policy has had a devastating impact,



particularly on women who rely on humanitarian aid but lack a *mahram* (escort) to accompany them in public.

These restrictions not only undermine women's rights but also exacerbate the humanitarian crisis in Afghanistan. Women, who often play critical roles in delivering aid and providing community support, are now unable to contribute, leaving a significant gap in the provision of essential services. The ramifications of this policy reverberate across society, amplifying existing socio-economic disparities and jeopardizing the livelihoods of countless families. Women who were previously contributing members of the workforce now find themselves deprived of not only economic opportunities but also agency and independence. The abrupt loss of employment plunges these women and their dependents into uncertainty and vulnerability, exacerbating poverty and instability in already marginalized communities.

Furthermore, the Taliban's actions perpetuate a cycle of gender inequality and reinforce oppressive norms that stifle progress and development (see Byrd, 2024). By denying women the right to work, they deprive the country of valuable contributions essential for its growth and development, and perpetuate a regressive ideology that undermines the principles of equality and human rights.

The Taliban's policies not only violate the fundamental human rights of women; they inflict deep psychological and emotional harm. The Taliban have stripped women of their dignity, autonomy, and sense of self-worth, leading to increased rates of depression, anxiety, and other mental health issues.

Furthermore, the Taliban's ban on women's employment is not only devastating the economy; it is creating significant security concerns. The economic desperation is driving many women into a state of dependency on humanitarian aid, reducing their autonomy and dignity, and in some areas forcing them into begging to survive.

This enforced economic disenfranchisement is fostering widespread resentment and frustration, which can significantly contribute to social instability. The desperation experienced by women and their families creates fertile ground for extremist groups looking to exploit vulnerable individuals struggling to survive and provide for their loved ones. In this context, the potential for radicalization grows, as people who feel abandoned and powerless may become more susceptible to recruitment by groups promising solutions or a sense of purpose.

Additionally, the pervasive environment of fear and helplessness amplifies the psychological toll on the Afghan population, particularly women who endure constant repression and uncertainty. This relentless mental strain can lead to a rise in domestic violence, self-harm, and other manifestations of social unrest. The systematic oppression and exclusion of women from the workforce severely undermines the social cohesion necessary for a stable and resilient society.

As women are forced into the shadows, their absence from public life weakens the communal bonds and diminishes the collective resilience of the population, leaving communities more vulnerable to internal conflicts and external threats. The Taliban's policies, therefore, represent not only a blatant violation of human rights but a profound security risk as they erode the social fabric and economic stability that are essential for lasting peace and security in Afghanistan.

### **Women's Access to Justice Under the Taliban Rule**

Since coming to power, the Taliban have issued numerous edicts and directives that blatantly violate women's rights. Women's access to justice has been severely impacted by actions such as the dissolution of the Afghan Independent Human Rights Commission, the Independent Bar Association, the Ministry of Women's Rights, the Commission to Eliminate Violence Against Women, as well as the closing of shelters for women suffering domestic violence. The Taliban have also suspended the 2004 Constitution and subsequent laws, including the Elimination of Violence Against Women Law.

The Taliban have not only dismantled laws and mechanisms designed to protect women's rights but have also re-opened previously settled divorce cases involving domestic violence, claiming these re-evaluations were requested by former husbands. In March 2023, the Taliban invalidated thousands of divorce cases that had been settled during the Republic (Ahmadi, 2023). This decision has placed hundreds of women in unsafe situations. Many of these women have been seriously harmed by their husbands, from whom they had sought protection through the courts. Others, who had remarried now face a dilemma, as their previous marriages are deemed valid again. Some women have even been imprisoned for seeking a divorce. These actions by the Taliban have created a climate of fear and insecurity for women in Afghanistan. By reversing legal protections

and undermining women's rights, the Taliban have pushed many women into dangerous and precarious circumstances. International attention and intervention are urgently needed to address these injustices and provide support and protection to the affected women.

The absence of female employees in the police and justice sectors discourages many women from seeking justice. Imposing requirements for women to be accompanied by a *mahram*, and penalizing those who lodge complaints against their husbands, who may be their only *mahram*, further exacerbates the situation. When women do seek help from the justice sector, they are often referred to mediation by their elders, community leaders, and mullahs.

Women seeking help from the Taliban's justice sector often face humiliation and blatant prejudice, particularly when they complain about domestic abuse. One woman from eastern Afghanistan recounted her personal experience: "I begged my brother to go with me to the court to file a complaint against my abusive husband. First the clerk refused to talk to me directly and hushed me every time I tried to explain my problem. He then turned to my brother and told him he had no honor for bringing his sister to the court. At the end we were told to resolve the case through mediation" (personal communication, June 2024). Decisions rendered by elders often lean towards reconciliatory solutions, urging women to exhibit patience and find ways to coexist with their circumstances.

Several other women from different provinces have reported similar treatment. They are often told that the era of democracy is over, and that domestic violence is a Western concept with no place in the Islamic Emirate. This systemic bias and the stigmatization of domestic abuse complaints further deter women from seeking justice and protection, leaving them vulnerable and without recourse in the Taliban-controlled justice system.

In December 2021, the Taliban's Emir issued a decree recognizing women's right to inheritance and to choose their partners (Mackinstosh, 2021). However, marriages of minors and forced marriages have significantly increased, according to Afghan women and rights organizations (UN Women, 2024). Due to the lack of mechanisms to register and document forced marriages, it is difficult to provide reliable data. Country-based media is banned from reporting on violence against women.

In April 2024, the Taliban issued directives to media outlets, instructing them to refrain from reporting on violence against women. In the same

month, media outlets in Uruzgan province were further instructed not to air women's voices.<sup>2</sup> These measures come at a time when violence against women, including domestic violence, is on the rise (UN Women, 2024, Ahmadi, 2023). The Taliban are keen to prevent attention to this issue, as they have dismantled all mechanisms and policies that were previously established to protect women's rights, such as the Independent Human Rights Commission, the Commission to Eliminate Violence Against Women, and the EVAW (Elimination of Violence Against Women) Law.

By prohibiting media coverage of violence against women, the Taliban aim to obscure the deteriorating situation and avoid scrutiny of their decisions to abolish protective mechanisms. Reporting on such cases would highlight the severity of the issue and prompt questions about the Taliban's dismantling of institutions that once safeguarded women's rights. This suppression not only keeps the reality of women's suffering hidden but also silences any potential outcry or movement toward restoring their rights and protections.

The Taliban's approach ensures that women remain voiceless and invisible in the public sphere, perpetuating a cycle of oppression and further entrenching their control over women's lives. By erasing women's experiences from the public discourse, they deny them not only justice but also the possibility of societal support and change.

### Conclusion

From a security perspective, the Taliban's ideological stance has not only profoundly undermined women's rights in Afghanistan; it has also introduced significant risks to the country's overall stability and security. By relegating women to roles strictly confined by religious duties and familial responsibilities, the Taliban has disrupted social cohesion, exacerbating societal tensions and hatred toward Pashtuns among other ethnic groups that could lead to increased unrest.

The systematic erosion of women's rights, marked by severe restrictions on education and employment, undermines the development of human capital and weakens the socio-economic fabric of the country. This, in turn, can contribute to economic decline, increasing poverty rates, and

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2 See DW.com: دندرك غنم دنمله یلحم یاهن اسر رد ار نازن ی ادص رشن نابلاط – DW – ۱۴۰۲/۵/۲۳

the fostering of conditions conducive to radicalization and extremism. The disempowerment of women effectively marginalizes half of the population, leading to diminished civic engagement and weakening of community resilience against extremist ideologies.

The dissolution of key human rights and women's organizations, coupled with the suspension of protective laws and the invalidation of divorce cases, further erodes the rule of law. This creates a vacuum where impunity can flourish, enabling human rights abuses and perpetuating a cycle of violence.

Moreover, by emboldening patriarchal norms and reinforcing a regressive framework that denies women fundamental freedoms, the Taliban's policies risk alienating the international community, potentially leading to isolation and sanctions. This could exacerbate existing humanitarian crises, increase the flow of refugees, and create spillover effects that threaten regional security.

In short, the Taliban's approach to women's rights is not just a human rights issue – it is a critical security concern, with far-reaching implications for Afghanistan's stability, regional security, and global peace.

The existing “wait and see” approach adopted by the international community has proven ineffective, as immediate and decisive action is required to address this human rights crisis. The international community must develop and implement practical, tangible solutions to pressure the Taliban and hold them accountable. This could involve diplomatic measures, individual and collective economic sanctions on members of the Taliban and leveraging international platforms to highlight and condemn these violations of human rights.

### **A Path Forward: Recommendations**

A unified and collaborative approach among regional and international stakeholders is urgently needed to hold the Taliban accountable and provide hope and support to the affected population, particularly women and girls. This requires the combined efforts of diplomatic pressure, economic sanctions, humanitarian aid, and human rights advocacy. However, the involvement of Islamic and Muslim-majority countries, along with prominent Islamic institutions such as the Organization of Islamic Cooperation (OIC), the Fiqh Academy, and Al Azhar University, is especially crucial.

These Islamic entities have the moral and religious authority to chal-

lenge the Taliban's interpretation of Sharia, which is often used to justify their oppressive policies against women. By leveraging their influence, these institutions can promote an understanding of Islam that upholds the dignity, rights, and educational opportunities of women and girls. Their involvement is essential not only for challenging the Taliban's narrative but also for providing an authentic and culturally resonant counter-narrative that supports the empowerment of Afghan women and upholds human rights values.

By pooling the strengths and resources of various countries and organizations, including these influential Islamic bodies, the international community can address the crisis in Afghanistan more effectively. This coordinated effort is essential to restore dignity and opportunities to Afghan women, who have suffered the most under the Taliban's oppressive policies. Educational and economic initiatives aimed at empowering women and girls are crucial for building a more inclusive and equitable society.

A unified front, supported by both the international community and Islamic countries and institutions, and Muslim majority nations, can reinforce the message that the rights of women and girls are integral to Islamic principles, human dignity and international human rights laws. This collaboration not only strengthens the legitimacy of the efforts but also promotes long-term stability and development in Afghanistan and the region, ultimately contributing to a more just and peaceful society.

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# Intra-Afghan Dialogue: Prospects and Challenges

*Obaidullah Baheer*

Baheer is born in exile and returned to Afghanistan in 2018. He worked at the end of the Republic as an Adjunct lecturer at the American University in Afghanistan. He is now a Visiting Fellow at the London School of Economics as he does his PhD at the New School for Social Research in New York.

## Abstract

This chapter explores the prospects and challenges of approaching a national dialogue and an inclusive government in Afghanistan under the Taliban's rule in the context of international demands and internal dynamics. Highlighting the significance of inclusivity for recognition by the global community, including Russia and China, it considers the extent to which such a government can feasibly be achieved through intra-Afghan dialogue, given the Taliban's history and ideology. Despite initial promises, the formation of a Taliban-exclusive interim government raises questions about the movement's sincerity and the potential for genuine inclusivity. This article further considers the implications of the Taliban's approach to governance, the drafting of a new constitution, and the role of civil society in fostering democratic governance. Finally, it surveys the pathways to a national dialogue, addressing the challenges of meaningful inclusivity and the international community's role in facilitating constructive engagement.

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### Introduction

The international community, including close allies of the Taliban such as Russia and China, have made it clear to the de facto authorities of Afghanistan that the formation of an inclusive government is a major factor in the recognition of the Taliban government. In return, the Taliban have stated that they will form an inclusive – but not “selected” – government (Poya, 2002). Together with the issue of women’s and girl’s rights in Afghanistan, the issue of inclusivity and representation in Taliban governance has been a key issue in the global discourse on Afghanistan. In this light, this chapter will explore the following questions: Why is an inclusive government important for Afghanistan? Would an inclusive government formed by the Taliban really be inclusive? What would intra-Afghan dialogue look like, and who should be included in such dialogue? The chapter’s principal argument is that this inclusive government can (and should) only emerge as a result of an intra-Afghan dialogue. True change will take more than a dialogue between the political elite, however, and it is important to manage expectations. Nevertheless, one thing is clear –for the first time in four decades, Afghanistan is free from conflict and is governed by a single entity. This presents a unique opportunity that should not be missed.

The chapter will first look at the steps made by the Taliban toward inclusivity, before turning to inclusivity at the organizational level, focusing on the constitution; after this, it will discuss who can be considered legitimate representatives of the population in Afghanistan. The final two sections concentrate on the possibility of political plurality in Afghanistan on a party level, and on what the international community can do to support the national intra-Afghan dialogue necessary to enhance inclusivity.

### Inclusivity and National Dialogue

When examining the issue of inclusivity and the Taliban, discussions often return to the Bonn Agreement, the outcome of the Bonn Conference, where Afghan stakeholders were gathered with a view to the formation of a post-Taliban government in December 2001. The Taliban were not invited to the process. As argued by Bette Dam (2001), and recounted in detail in the first chapter of this anthology by Barnett Rubin, the choice by the United States to block any attempt of a negotiated agreement with the Taliban served, in part, to form the conditions for the instability that

followed (Rubin, 2024). It is worth challenging the argument that the United States' choice to exclude the Taliban was a missed opportunity and that the Taliban are repeating this same mistake, however. This is a weak argument for several reasons; fundamentally, it assumes that there was any incentive for either the United States or the Taliban to form a government that symbolically included the Taliban in the post-2001 setup. The United States could not justify its invasion if it included the Taliban as part of a post-invasion government, and the Taliban would not have been able to justify their initial resistance to the U.S. invasion. The United States was unwilling to accept a surrender from the Taliban, let alone include them in the government (Dam, 2021). Today, the same logic applies to the Taliban and those we expect them to accommodate. First, the Taliban cannot justify broad inclusivity when the expulsion of certain individuals was core to their struggle, while the Afghan opposition will not be able to justify joining the Taliban and legitimizing their rule having so long considered them mortal enemies – especially for the token roles in government they are likely to be granted. Second, even if the United States had included the Taliban back in 2001, they would realistically have only included splinter groups; if the Taliban did this today, it would imply that they had inducted non-controversial members from different political parties into their government. This would neither satisfy political inclusion, given that the leaders of different political parties would still be unhappy, nor prove to be a choice based on merit. While the Taliban need to form an inclusive government today, this does not need to be done in a manner echoing the United States formation of a fragile government made up of reviled warlords and corrupt politicians after 2001.

Their agreement to form a transitional government before their August 2021 takeover might lead one to conclude that the Taliban understood inclusivity to be a condition for international recognition of their government. The agreement was disrupted, however, by the fleeing of the Afghan president and the military takeover of Kabul by the Taliban (Quilty, 2022). After coming to power, the movement also attempted to engage in dialogue with different national groups, only to eventually announce an interim government made up exclusively of Taliban. While the Taliban seemed to have been willing to give cabinet positions to representatives of different political groups, many of these meetings with political figures within Afghanistan were later summarily awarded to different Taliban leaders. Taliban leaders, in the form of groups and individuals, visited

the likes of ex-president Hamid Karzai, the former chief executive Abdullah Abdullah and the leader of Hezbi Islami, Gulbuddin Hekmatyar, to discuss the formation of the cabinet. Promises for inclusion were provided by these Taliban leaders to the different parties they met. These promises were discussed in leadership meetings as well. A final meeting in Kandahar under the leadership of the Taliban Emir resulted in the announcement of a cabinet made up exclusively of Taliban members (Khan & Tanzeem, 2021). The Taliban's reference to the current cabinet as the "caretaker cabinet" might perhaps inspire hope that a more inclusive formation could follow (Al Jazeera, 2021). But this inclusive government could emerge only after a national dialogue.

It is worth positively acknowledging certain steps the Taliban have taken since their takeover to keep the prospects of a future dialogue alive. The announcement that amnesty would be granted to all their opponents was an unexpected but welcome step, even if it has not been implemented perfectly (Borger & Siddiqui, 2021). Some of the national opposition chose to stay in the country; most chose exile. The announcement of amnesty was followed by the announcement of a commission tasked with the safe return of ex-Republic officials (Radio Free Europe/ Radio Liberty, 2024). While there was much hope among those who returned, and among Afghans in general, that this commission would lead to a degree of inclusion, it resulted only in guarantees of safety for returnees and the return of their property.

Little clarity exists regarding the complete political structure the Taliban envision for their government. The only existent political manifesto, written by Chief Justice Mawlawi Abdul Hakim Haqqani and endorsed by the Taliban supreme leader, mentions a grand legislative council called the Shura. The members of this Shura are to be selected by the Emir and would be tasked with acting as a parliament with the Emir holding ultimate decision-making authority (Zaland, 2023). There have been no indications from the Taliban that such a Shura will be formed. Instead, the current leader of the Taliban has upended the leadership council, the Rahbari Shura, through which most of the movement's decisions have been made (West Point, 2024). The deputy of the Taliban movement, Sirajuddin Haqqani, a proponent of girls' education and the formation of an inclusive government, seems to have been demoted to the position of interim interior minister now that the leadership council has been dissolved. If the leader of the Taliban can revoke the traditional leadership council, then it is unlikely that he would want to form a legislative council. While

is unclear how much political power, if any, such a legislative shura would hold, such a body would increase the space for political participation and inclusion if the Taliban were to choose it.

## The Constitution of Afghanistan

An inclusive government in Afghanistan is vital to the drafting of a new constitution. The Taliban suspended the constitution drafted in 2004 on their coming to power, announcing that parts of the 1964 constitution drafted under King Zahir Shah would be instituted (Voice of America, 2024a). The past two years of Taliban rule, however, have seen a series of edicts from the supreme leader (Afghanistan Analysts Network, 2024). Ernest Fraenkel (2018), who wrote about the Nazi regime, describes such a system as a *dual state*: a state in which a totalitarian regime enacts a normative constitution while creating a parallel prerogative state in which the original constitution is undermined according to the needs of the ruling group. Historically, the forming of a constituent assembly to draft a new constitution after major political upheavals is a challenging task. Scholars have called this the *opening dilemma* – a period in which even democracies have a difficult time selecting a constituent assembly to draft a constitution when no representatives of the people have been elected yet (Bensel, 2022). In Afghanistan, this issue is further compounded by the lack of legitimate popular representation (a point that will be discussed later). Although the Taliban have announced their intention to draft a new constitution, it is imperative that the commission charged with the drafting process and the body responsible for ratifying it are not exclusively Taliban. While it is unclear which political body would ratify the constitution, interim Chief Justice Abdul Hakim Haqqani has indicated that the Shura (grand council) would be mandated to draft and ratify the constitution, with the leader reserving the power of veto (Rahimi & Watkins, 2024). The formation and structure of such a Shura would be a fundamental part of the discussions in any national dialogue; questions of legitimacy would, naturally, hang over a constitution drafted and ratified by the Taliban exclusively.

In the mold of other post-revolution regimes, the Taliban, deeply anxious to protect themselves against any counter-revolution, are currently working to consolidate their power. This leaves little room for action to build inclusivity: as William Byrd (2024) argues, it is not in the movement's self-interest to be more inclusive in this initial stage of their governance.

Acknowledging this institutional hesitance, the international community has to be mindful not to fuel any anxiety related to the hatching of conspiracies, or to give the impression that the Taliban are being excluded from conversations regarding Afghanistan's future. Whilst it is important that the international community gives a platform to those excluded by the Taliban, and eventually includes such individuals in international dialogue, caution should be exercised when it comes to endorsement of those who have officially denounced political reconciliation with the Taliban. A mixed message is sent to the Taliban, for example, with the financing and the hosting of offices for ex-Afghan military figures such as General Sami Sadaat, a man who stands accused of war crimes and who has declared military resistance against the Taliban – albeit with almost entirely no activity in the field (Ridley, 2022). International actors should also refrain from attending conferences organized by political groups such as the National Resistance Front (NRF) that have launched their insurgency campaigns in Afghanistan. The presence of the U.S. chargé d'affaires to Afghanistan Karen Decker at the Herat Dialogue, an event hosted and funded by the NRF, was one such recent example (Ariana News, 2024). This is counterproductive to international engagement with the Taliban and damages the trust required if they are to make concessions; the Taliban, barring other reasons, will only be willing to start a national dialogue once enough trust has been established to be seen as a viable path to international recognition. The UN Security Council resolution 2679 and subsequent Doha meetings, the last of which was attended by the Taliban, have charted a clear path forward for engagement. The Doha meetings aim to use confidence-building measures to build trust whilst impressing upon the Taliban the steps they would need to take in order to be recognized (Voice of America, 2024b).

There are also practical and moral reasons why the international community must be wary of imposing warlords and corrupt politicians who were recently exiled from Afghanistan. Though inclusion is fundamental to post-war societies if they are to be prevented from reverting to conflict, the imposition of warlords was central to the failure of the U.S. mission in Afghanistan (Niland, 2014). Allegations that the then-U.S. special envoy Zalmay Khalilzad handed the Taliban a list of such individuals to be included in the government undermine the utility of the national dialogue. Though the Taliban officially denied any such list being handed to them, it is likely that the United States and other international actors

have proposed names to the Taliban for inclusion into their government (Afghanistan International, 2023). This raises the important question of who should be considered a good, appropriate, candidate to represent the Afghan people.

### **Afghan Legitimacy**

The past 40 years of history demonstrate that, for the most part, those standing in line for an invitation to the national dialogue do not represent the Afghan people. Their participation in coups, the civil war and the failed and corrupt democratic system discredits them. Even the leaders and parties of the Afghan fight against the Soviets such as Hezbi Islami, Jamiat Islami, among others who used to enjoy the support of a large portion of the population, have now lost their legitimacy.

Most of these individuals were eventually given immunity for their past crimes and were handed a fresh start at the 2001 conference in Bonn, where Afghanistan's post-Taliban government was arranged. In the following 20 years, they joined others in forming a kleptocratic elite and gaining positions of power through electoral fraud (Special Inspector General for Afghanistan Reconstruction, 2021; Miller, 2024). The result was an unstable, inefficient regime which collapsed with the slightest pressure in the face of the Taliban surge. Historically speaking, Afghanistan has faced a prolonged crisis of representation that has only been exacerbated by the Taliban takeover, making it almost impossible to propose any party or person to represent the Afghan people.

In terms of legitimacy, ideally, the Taliban should have been negotiating the future of Afghanistan with the nation's civil society. Though many factors impeded the formation and growth of such a society in the country during the twenty years of U.S. occupation, the armed conflict underlay most of them. Only grassroots movements and a general, invested, engagement in the body politic can lead to sustainable change in the country: Afghans, that is, must be provided the support required to establish public spheres as conceptualized by Jurgen Habermas (2018) – egalitarian spheres capable of laying the ground for the emergence of an organic opposition. Whilst it remains important to pressure the Taliban to reform, the emergence of a public sphere is essential for sustainable change. A concept such as Adam Michnik's (1986) new-evolutionism, focused on creating grass-root movements, helpful to Poland as it found its path to

democracy, can prove central to Afghanistan's political and civic development. Once such a public sphere has emerged, Afghans can move past the negation of bad policies instituted by the Taliban to politics affirming a democratic Afghanistan (Goldfarb, 2005). The earliest stages of a development of this nature are evinced by the emergence of public intellectuals who have taken to the airwaves to speak truth to power. Among these men and women, the men (at least) have been invited to joint meetings with the Taliban to communicate their concerns to Taliban leadership (Tolo News, 2024). Despite intellectuals being detained by Taliban intelligence units from time to time, they have not stopped their social criticism. Women such as Tafsir Siaposh have continued to debate Taliban scholars on TV. Others such as Dr. Zerka Malyar and former member of parliament Mahbooba Siraj have also held public meetings with the group's leadership (Jalalzai, 2024; Al Jazeera, 2023). There are also men and women leading social initiatives that make both the Taliban and the international community recognize them as important civil actors. Ashely Jackson's (2021) work studying the interactions and negotiations between the Taliban and the civilian population during the Taliban's insurgency phase shows us that the Taliban are not indifferent towards the populations they rule, and nor had those populations rolled over for them. If the Taliban have previously shown some understanding of the importance of winning over those they govern, it is likely they will attempt it now that they are in power. However, the development of a strong public will take time and substantial effort to become a cohesive entity capable of exceeding local influence to generate pressure, nationally, sufficient to exact reforms from the Taliban.

The political opposition to the Taliban agree upon little. This was made clear through the Doha talks prior to the Taliban takeover, where the differences between powerful entities of the Republic hindered the emergence of a cohesive and unanimous vision for the talks' outcome (Baheer, 2023a). The international community have merely called upon the opposition to come to terms with one another instead of facilitating small-scale meetings between interested parties themselves. These meetings could inspire the concept of *agonistic pluralism* between the opposition groups – a form of domesticating hostility in which different groups can maintain their core beliefs while rallying around a common cause, seeing each other as adversaries rather than enemies (Mouffe, 1999). Such talks would have to be held away from the public eye as they should not appear to be dialogues regarding the future of Afghanistan without the Taliban. The



Afghanistan Future Thought Forum, founded after the Taliban takeover in 2021, is one such model to be emulated; including members from different political backgrounds who agree that a return to conflict is undesirable, the forum's meetings have been hosted by different governments. The forum itself has developed a working relationship with the Taliban (TOLONews, 2023). Such forums have to tread a fine line between gaining the Taliban's trust and legitimizing them without achieving tangible concessions. The recent public conferences, The Moscow Format and the Herat Dialogue, held in Russia and Tajikistan in November and December of 2023 respectively, were not only committing the error of platforming warlords and insurgent groups but were also attempting to discuss Afghanistan's future without the Taliban (Zahidi, 2023; O'Donnell, 2023). Viewed by the Taliban as attempts to form governments in-waiting, forums like these only serve to increase the Taliban's distrust of the international community.

### **Engaging and Incentivizing the Taliban**

Ultimately, due to the absence of a functioning democracy in the past twenty years of NATO occupation and the tumultuous state of political affairs before that, there are very few viable figures that might be proposed to the Taliban for partners in dialogue. Ultimately, this problem might best be solved by encouraging the Taliban to select the participants for a national dialogue themselves. Loose conditions can be set for both the ethnic, political and gender inclusivity expected of this dialogue and the resulting government itself. The initiation of such a process can be demanded as a confidence-building measure in the current international engagement with the Taliban. Incentives should be offered to the Taliban to encourage their willing participation in a process of this nature. Ultimately, those who want to be included in the process will have to impose themselves on the Taliban instead of expecting the international community to impose them.

The international community must not attempt to replicate the process implemented in negotiations with the Taliban in Doha. Despite efforts by the Qatari government to re-center the post-15th August, 2021 engagement and dialogue within the Doha agreement framework, there is little in the agreement that could usefully serve to guide future progress. The vague nature of the deal has led both parties – the United States and the Taliban – to accuse the other of having violated its terms. There is also the fact of the end of the war in Afghanistan and the drastic power

asymmetry between the Taliban and their opposition that renders it futile to view the dialogue in Doha's terms. Previous talks in Doha were between two warring parties competing for control over the country. But that is the case no longer. The Taliban hold the entirety of Afghanistan; they must be treated as the *de facto* authorities they are. There is, however, scope for the international community to use its leverage to push the Taliban towards a national dialogue – and the idea of inclusion.

It is important to recognize that the international community's lack of progress on engagement does not indicate an absence of leverage. There are certain things the Taliban need and the international community can provide. These include international recognition of the Taliban's status as the *de facto* government, which would lead to the release of Afghanistan's foreign assets, development aid, and lifting of sanctions against the movement, among other benefits (editor's note: see also Rigsby's chapter in this anthology). While the Taliban understand that recognition will bring benefits, their insistence that it should happen without their making concessions of their own has borne little fruit. An impasse has been created in the engagement process: the international community demand that the Taliban repeal the bans restricting women's right to education and work and form an inclusive government; the Taliban demand recognition (editor's note: see also Anderson's chapter in this anthology). This impasse was recently broken with the report by UN Special Coordinator for Afghanistan Feridun Sinirlioglu on the state of affairs in the country (United Nations, 2023). He recommended to the UNSC that a special envoy be appointed to Afghanistan tasked with pursuing confidence-building measures (CBMs) to facilitate the process of bringing Afghanistan back into the international order. The emphasis on the CBMs is an acknowledgement of the lack of trust between both parties attempting to engage, and the futility of demanding major concessions early. This would translate to the Taliban receiving invitations to certain international conferences to represent Afghanistan (especially in climate-related discussions), sanction relief and other measures whilst being expected to take steps to show their commitment to the process in return. Even if the Taliban cannot announce an inclusive government immediately, initiating a national dialogue process would gain them much favour with the international community.

The label used for such a national dialogue will have to be carefully chosen since the Taliban have refused to endorse any process that might legitimize their opponents. This new process would also have to exclude

foreign mediators. It would be necessary to communicate that dialogue as a confidence-building measure and conditions for accepting a possible outcome are essential – but the process would have to be Afghan-led and Afghan-owned. While this slogan was used to exhaustion before the fall of Kabul on August 15, 2021, a lack of a cohesive vision and sincerity rendered it meaningless. President Ashraf Ghani, apparently believing that his international allies would side with him until the very end, had little incentive to settle the conflict. The Taliban, on the other hand, stand to gain much from the initiation of such a dialogue and announcing an inclusive government. There is also the matter of the Taliban enjoying undivided sovereignty over all of Afghanistan – a state quite distinct from the islands of power that existed during the Republic’s time, from which spoilers were prone to emerge, derailing the negotiation process (Baheer, 2023b).

The Taliban must resolve their own internal differences regarding the role of political parties in the country. The current chief justice considers political parties to be un-Islamic – a view that has been translated into policy with the dissolving of the directorate tasked with the registration of political parties and the announcement in August 2023 by the de facto minister of justice that political parties were now banned (Radio Free Europe/ Radio Liberty, 2023). Acknowledging political parties and including them in the future government of Afghanistan is required if political plurality is to be realized.

### **Prospects and Challenges for a National Dialogue**

It is unrealistic to expect the Taliban to give any major parts of their government to individuals who are not members of the movement in the near future. First, the Taliban distributed positions of power between its top leadership, holding them to be the spoils of war; it is unlikely that any of the major members who still hold any degree of sway and following within the party are to be sidelined for the purposes of the inclusion of non-Taliban. Second, even prior to taking power, the Taliban were unwilling to concede powerful ministries in the putative interim transition government discussed before August 15. Statements from close aides of the former president Ashraf Ghani and the testimony of former special representative for Afghanistan reconciliation Zalmay Khalilzad to the House Foreign Relations Committee have shown that the Taliban had agreed not to make a military take-over of Kabul and were instead willing to agree to

a transitional government. It is only rational to assume that the Taliban, with their hold on most of Afghanistan's territory, would have not settled for anything less than the lion's share in such a setup. Such a transitional setup would have allowed the Taliban to hold the ministries of defence, foreign affairs, the interior, and others. It would be wishful thinking to expect senior positions in any of these ministries to be given to new entrants into the government today. The positions granted as a result of the national dialogue are likely to be tokenistic and subject to close Taliban oversight. Even a setup of this kind, however, would amplify progressive voices within the government. The goal should be to disrupt the internal echo chamber in which adherence to the party line is prioritized over moral conviction. Introducing non-Taliban members into the cabinet could help normalize dissent and the criticism of current policies. Those within the Taliban leadership who criticize the deplorable stance on women's rights might find allies among the new faces in the government. We must not reject incremental progress in the pursuit of an ideal that remains out of reach for now.

Keeping these issues in mind, it is vital that the Taliban appoint a body with the function of advancing dialogue so the process might eventually find formalization, and that a larger weight be attached to failure to deliver on promises made. The current political commission formed by the Taliban, headed by Deputy Prime Minister for Political Affairs Mawlawi Abdul Kabir, which includes six high-ranking members of their cabinet, appears to be a powerful body capable of conducting any future dialogue process.

Afghanistan needs dialogue of four kinds. From the short term to the long term, these are: closed-door dialogues held between select opposition entities outside Afghanistan; these opposition groups engaging with the Taliban both inside and outside the country; a national dialogue hosted inside Afghanistan; and a dialogue between the Taliban and the public within Afghanistan. The first and second types of dialogue are already taking place through platforms such as the Afghanistan Future Thought Forum (AFTF). It is necessary to bolster such efforts and to provide support for other similar initiatives that seek to work with the Taliban rather than against or around them whilst refusing to endorse the Taliban's more problematic policies.

All the international community can currently do is to provide support for independent Afghan efforts to bring together non-Taliban polit-

ical actors, persuade the Taliban to start a national dialogue and hope the Taliban honestly engage with reputable individuals beyond their own movement. The expectations and implications of inclusion should be communicated clearly to the Taliban. It has been unfortunate that most international conferences, including the UN meeting conducted for the Special Envoys for Afghanistan in Doha on February 2024, have so little transparency regarding the process of choosing the Afghan representatives they invite to sit across from the Taliban. The Taliban's refusal to participate in conferences if certain individuals are invited eventually whittles down the pool of participants acceptable to all parties, at least (Zaman, 2024). It is important to note that the dialogue between the Taliban and other Afghan political entities held outside the country must not be imposed on the Taliban. The Taliban had an experience in Oslo after their initial takeover sufficiently unpleasant to lead them to refuse to sit across from their opposition in the second Doha meeting in February 2024. Such opposition groups would have to utilize the support from foreign hosts to invite the Taliban to meetings in which issues of common interest are discussed, paving the way for future dialogue within Afghanistan.

There are no ideal solutions to this problem of inclusion. The Taliban have won their war and can only be removed through another that would cause excessive suffering for the Afghan people – but that does not mean all is in vain. Marginal progress can be made, starting with a national dialogue. Between the extremes of a government run exclusively by the Taliban and a nation of islands created by warlords governed by leeching sovereigns there is a middle ground: a national government to which Afghans of good repute can imagine themselves making a contribution. This is where the Taliban need to meet the world.

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# A Persistently Weak, Below-Subsistence Economy with Large Humanitarian Aid Needs and No Improvement in Sight

*By William Byrd*

Byrd is a senior expert at the U.S. Institute of Peace (the views expressed are his own). At USIP and earlier at the World Bank, since 2001 he has focused on Afghanistan, after working on China, India, and Pakistan. His Afghanistan publications cover topics such as macroeconomics, public finance, governance, corruption, political economy, mining, and counternarcotics.

## **Abstract**

The chapter examines the economic decline and humanitarian crisis in Afghanistan following the Taliban's takeover in August 2021. Utilizing data from the World Bank, United Nations, and other sources, it outlines the initial free-fall of the Afghan economy caused by the abrupt end of foreign aid and the disconnect from international financial institutions. The chapter argues that despite some stabilization through effective macroeconomic management by the Taliban and the inflow of humanitarian aid, the economy remains fragile, with many Afghans living below the subsistence level. New economic shocks, in 2023, including reduced humanitarian aid and the Taliban's opium ban, threaten further decline. The chapter concludes with recommendations for donors to ensure gradual aid reduction, improve aid efficiency, and support economic activities, while urging the Taliban to adjust harmful policies.

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The Taliban takeover of Afghanistan in August 2021 precipitated an economic crisis stemming from the abrupt stoppage of some \$8 billion per year of foreign aid (equivalent to around 40% of the country's GDP), plus large international military expenditures in-country. This enormous shock was exacerbated by the interruption of international financial transactions, the incipient collapse of the banking system, existing U.S. and UN sanctions, and the freezing of Afghanistan's approximately \$9 billion foreign exchange reserves (more than \$7 billion held in the United States; editor's note: in front of this, so it reads. "editor's note: see chapter by Rigsby in this anthology for more on this issue.).

Though macroeconomic data on Afghanistan are limited, especially in the current situation, the World Bank (2023c, p. 18) estimates that Afghanistan's GDP dropped by 21% in 2021 and by a further 6% in 2022. The economic decline was concentrated in the bloated, aid-fueled service sector, and urban areas suffered disproportionately compared to rural areas, many of which benefited at least to some extent from the end of violent armed conflict. Average per-capita income dropped sharply, erasing the gains of the past decade-and-a-half and plunging large numbers of Afghans below the subsistence level. Inflation shot up, peaking for basic household goods at over 40% per annum (World Bank 2022a, p. 11), the Afghani currency continued to weaken (at one point depreciating by as much as 50% against the U.S. dollar), and imports collapsed by 47% in the second half of 2021 due to lack of domestic demand, the aid stoppage, and blockages on international payments.

This chapter argues that the Afghan economy, which reached a precarious low-level equilibrium after months of free-fall in late 2021 and early 2022, is currently suffering from new economic shocks that will exacerbate human suffering and may destabilize the economy once again. Donors and the Taliban regime cannot reverse the economic decline, but can take modest steps to mitigate it. The first section provides background on developments over the past two-and-a-half years and on the current situation, including Taliban management of the economy. The second section looks at humanitarian aid and the need for change, and at other international responses. Then, after listing new and continuing problems that the Afghan economy faces, the chapter puts forward some recommendations for the Taliban regime, international donors, and regional countries.

While economic data on Afghanistan are limited and incomplete, they can be used to assess broad trends and the overall macroeconomic situ-

ation. Basic national accounts statistics continue to be compiled by the country's National Statistics and Information Authority and are summarized by the World Bank. This information can be supplemented by surveys conducted by the World Bank and others, as well as other data such as exchange rate information. In analyzing the Afghan economy, this chapter draws on recent papers by the author as well as documents of the World Bank and other organizations, news reports, and some innovative satellite imagery-based analysis of the opium sector.

### **Background and Current Situation**

After a number of months of free-fall as described above, the economy stabilized at a precarious lower-level equilibrium during 2022 and into 2023. This reflected:

- Severe limits on withdrawals to stop runs on banks, and strong restrictions against the capital flight which had been rampant under the previous Islamic Republic government.
- Effective macroeconomic management by the Taliban in other respects as well – notably maintaining a stable exchange rate through regulatory controls and holding foreign currency auctions from time to time to meet market demand for dollars.
- Elimination of numerous checkpoints on transport routes, reductions in associated bribes, and the end of major conflict, which together brought about improvements in the business environment despite more aggressive tax collection by the Taliban.
- Ramping up of humanitarian assistance, which due to international financial restrictions is being transferred through U.S. dollar cash shipments – totaling \$1.8 billion during their first year in effect (UNAMA, 2023); the war's end allowed aid to reach previously inaccessible parts of the country, though Taliban restrictions against women working complicated the delivery of aid.
- More generally, the ongoing, painful, still incomplete but essential shift away from the artificial aid-fueled service economy, with agriculture and industry declining but by lesser margins than services.

Despite the modicum of stability achieved, the economy remains weak and unable to generate the jobs and livelihoods needed to accommodate the growing population and labor force – hence unemployment and under-

employment are widespread and increasing (Byrd, 2022c). Insufficient demand for their products is the most important constraint cited by Afghan businesses (World Bank, 2022b), ahead of insecurity and corruption which tended to be their most important concerns prior to the Taliban takeover.

Poverty remains very high, and according to the World Bank (2023b, p. 6) household survey, as of April–June 2023, 37% of Afghan households reported not having enough income to pay for food alone, and another 25% insufficient income to cover other basic needs. Hence it is not unreasonable to term the situation a below-subsistence equilibrium or even a “famine equilibrium” (Byrd, 2022a), under which even though the economy is stable, large numbers of households struggle to survive and require humanitarian aid or other outside assistance to make ends meet.

Afghan households have responded to their worsening economic straits by increasing labor participation – from 75% in 2020 to 86% for males and from 16% to 43% for females (World Bank, 2023b, p. 12). Women’s increased labor participation has translated into more employment – albeit in rural and home-based activities with marginal earnings, reflecting also the massive loss of women’s jobs in the formal sector due to Taliban restrictions. Increased male labor participation has been accompanied by sharply rising unemployment, as job opportunities are hard to come by. In addition to secondary education becoming impossible for girls due to Taliban restrictions, many boys and young men have been dropping out of school and entering the labor market to help meet households’ basic needs. Other coping mechanisms that are harmful to households include selling off assets (including livestock), eating less and lower-quality food, and eschewing medical care even when needed (Byrd 2022c). Some send a household member out of the country to find work abroad and send back remittances.

Macroeconomic management since the Taliban took power has been more effective than expected, and far better than when the Taliban were previously in power during 1996–2001. The influx of humanitarian aid and UN cash shipments have been an important factor in stabilizing the economy by supporting the balance of payments and buttressing aggregate demand while also meeting urgent humanitarian needs. But Taliban macroeconomic policies also contributed to exchange rate stability, declining inflation, good revenue performance, control over expenditures, and survival of the banking system. Specifically with regard to revenue collection, the Taliban cracked down on previously pervasive corruption in customs

departments, resulting in buoyant revenues from taxes levied on international trade (the largest source of revenue). They enforced strict withdrawal limits from bank accounts; stabilized the exchange rate through regular foreign currency auctions as well as restrictions against capital flight and regulation of informal money transfer (*hawala*) dealers; and – partly reflecting constraints hindering transactions with foreign money-printing companies – they have not resorted to excessive monetary creation, let alone hyperinflation, of the kind that was prevalent in the 1990s.

The Taliban have also made some mistakes in economic management. The bans on girls' secondary education and women working in many fields, in addition to the direct harms they cause to women, are bad for Afghanistan's economic development. No country can achieve sustained long-term economic growth, let alone reach middle-income status, if half of the population is excluded from post-primary education and participation in the formal sector of the economy. These bans, widely criticized internationally, also undermine international willingness to provide aid. The Taliban's opium ban is harming people's livelihoods, taking away more than \$1 billion of annual income from poorer rural households (Byrd, 2023c; 2023e), a loss which the economy can ill afford.<sup>1</sup> The current negative inflation and substantial appreciation of the exchange rate (see below) are symptoms of and risk exacerbating the economic recession, which calls for looser monetary and exchange rate policies.

### **Humanitarian Aid Issues and Other International Responses to the Economic Crisis**

The international aid community effectively responded to the worsening economic and humanitarian crisis in late 2021 and early 2022 by sending in large amounts of humanitarian assistance. As noted earlier, by providing much-needed inflows of foreign exchange, this response helped stabilize the economy, but at a considerably lower level than before, leaving much of the Afghan population unable to meet their food and other basic requirements and chronically in need of humanitarian aid.

For 2022 as a whole, humanitarian aid funding reached \$3.3 billion

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1 The disruption of the ephedra/methamphetamine industry has had similar adverse effects on the rural highland populations, for whom it is a rare income-earning opportunity (Mansfield, 2023a).

under the Humanitarian Response Plan – an impressive 76% response to the \$4.4 billion requirement put forward in the UN humanitarian appeal for that year. With more than half a billion dollars of other funding, the total reached \$3.9 billion (UNOCHA, 2023). This is similar to annual civilian non-humanitarian aid to Afghanistan in the final years of the previous Islamic Republic regime; for example, \$3.8 billion in 2018 according to the World Bank (2021, p. 10).<sup>2</sup> However, nothing replaced the earlier massive security assistance (close to \$5 billion in 2018) and the very large in-country international military expenditures.

Food security was by far the largest component of humanitarian assistance in 2022, comprising close to 40% of the total, followed by health and nutrition at nearly 22% (UNOCHA, 2023). Correspondingly, the agency that handled the most aid was the UN's World Food Program (45% of the total), followed by UNICEF (18%). Most aid was delivered to beneficiaries by NGOs.

The UN shipments of cash U.S. dollars – totaling some \$2.9 billion since they started around the end of 2021 (SIGAR, 2024) – are costly and carry significant security and other risks. Originally seen as a temporary expedient after the stoppage of normal international financial transactions, these shipments have been continuing for well over two years with no end in sight. Beyond paying for humanitarian activities, these shipments, of a similar order of magnitude as the amount of cash U.S. dollars brought into the country by Da Afghanistan Bank (DAB), Afghanistan's central bank, during the previous Islamic Republic regime (DAB, 2020), have buttressed Afghanistan's balance of payments and helped support macroeconomic stability.<sup>3</sup>

Current humanitarian assistance to Afghanistan and the modalities of its delivery are unsustainable, costly, and inefficient (Byrd, 2023a). International humanitarian aid is critical in responding to natural disasters and other short-term emergencies, but such aid is not well positioned to respond to, let alone resolve, a prolonged economic crisis like that faced by Afghanistan (Byrd, 2023b). The wave of humanitarian aid following the Taliban takeover in August 2021 has crested and is now in decline (see following section). While probably accelerated by Taliban restrictions against

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2 This was derived by multiplying the GDP share of civilian grants in Table 1 by nominal GDP expressed in U.S. dollars. The same applies for security assistance.

3 Though not strictly comparable, Da Afghanistan Bank sold a total of \$2.1 billion at its regular foreign currency auctions during 2020 (DAB, 2021, p. 2).

female education and women working, this trend is only natural. Donors cannot be expected to maintain humanitarian aid indefinitely – instead, it should be viewed as a temporary cushion to dampen the immediate economic shock and its human consequences. However, humanitarian needs will not decline in the near future – on the contrary, the situation may well worsen. And nor, given the Taliban regime’s gender restrictions and other violations of international norms, are there prospects for substantial development assistance to replace humanitarian aid.

The United States and the UN have engaged in some initiatives to ease policy-related constraints on economic activity in Afghanistan, including clarification of the limited scope of sanctions, which neither apply to Afghanistan as a country, to the Afghan state, government ministries and agencies, nor to Afghan businesses or private and public banks. They target only the sanctioned individuals and groups. Clarifications culminated with the U.S. Treasury’s General License 20 of February 2022 (OFAC, 2022).<sup>4</sup> Aid-related and most commercial transactions (excluding certain luxury goods) are explicitly permitted, as well as payment of normal taxes and fees to government agencies, as long as payments don’t go to sanctioned individuals or groups.

However, international financial transactions remain severely impeded, due to (1) foreign banks’ concerns about running afoul of anti-money laundering and countering the financing of terrorism (AML/CFT) laws; (2) the small amounts and limited profits to be reaped; and, perhaps, (3) concerns over reputational risks to foreign banks due to the Taliban’s internationally toxic restrictions against women and girls. In all these respects there was a sea-change from the situation before August 2021, when banks could point to AML/CFT monitoring by DAB – even if that was highly imperfect in practice; there were large profits from transactions associated with massive aid and international military expenditures in-country; and the previous government did not impose formal gender restrictions.

The U.S. government also took actions to protect \$3.5 billion of the more than \$7 billion of Afghan central bank assets in the United States from lawsuits by 9/11 victims’ families, and in September 2022 moved these funds into a Special Trust Fund for Afghanistan established as a foundation in Switzerland (Byrd, 2022b). So far, beyond establishing the

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4 See also the associated Frequently Asked Questions in OFAC, 2022.

Fund and operationalizing its basic structure (Afghan Fund, 2023), as of the time of writing no actions have been taken to disburse any of the funds to benefit the Afghan people as per the Fund's charter.

### New and Continuing Problems

Both new and continuing, intensifying, economic challenges lie ahead for Afghanistan, threatening to precipitate a further downward spiral from the recent precarious equilibrium (Byrd, 2023d):

- Falling humanitarian aid funding, which in 2023 dropped precipitously by 57% to \$1.7 billion, representing an anemic 46% response to the (already downwardly revised) UN humanitarian appeal;<sup>5</sup> UN cash shipments to fund this aid, which help prop up the macro-economy, will with a lag fall commensurately.
- The Taliban opium ban – a serious mistake from the economic perspective (Byrd, 2023c) – which is continuing (Mansfield, 2023b) and will reduce incomes of poorer rural households by more than \$1 billion for a second year in a row, further aggravating poverty and deprivation. (See also Mansfield's contribution in this anthology.)
- Abnormally low precipitation earlier during the 2023–2024 winter season (FEWS NET, 2024), potentially resulting in continued drought in parts of the country. Even though there was more precipitation later, such suboptimal timing of precipitation also can be harmful for Afghan agriculture in addition to resulting in damaging flooding.
- Forced returns of many Afghans from Pakistan – the Taliban stated that over a million Afghans returned from foreign countries in 2023 (TOLO News, 2024). From Pakistan alone over 500,000 of the estimated 1.7 million undocumented Afghans there reportedly were returned under pressure from the Pakistani authorities (Gul 2023). This is the wrong policy in the current economic situation where returnees will be unable to find jobs and other income-earning opportunities. Instead, more Afghans should be working in other countries and sending back remittances.
- Substantial price deflation – prices were down by 9.7% in 2023 as

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5 The 2023 UN humanitarian appeal requirement was originally set at \$4.6 billion (Reliefweb 2023), but subsequently this was reduced to \$3.2 billion, due *inter alia* to limitations on the funding expected to be available (UNOCHA 2024).



a whole – and exchange rate appreciation, with the afghani up by 27% against the U.S. dollar (World Bank 2024, p. 2). These are both symptoms of the economic recession, reflecting other restrictions and constraints,<sup>6</sup> and represent an inappropriate macroeconomic policy stance. The money supply should, rather, have been expanded by putting more currency in circulation, recognizing that this would have required printing afghani notes outside the country in larger volumes than has been done so far.

- Sharply declining export growth, with exports increasing by only 0.4% in 2023, largely attributable to a 46% drop in coal exports, which had led earlier export growth since the Taliban takeover (World Bank, 2024, p. 2). This compares with the over 120% increase in total exports in 2022 (World Bank, 2023a, p. 2).
- Fairly weak revenue growth, up by 5.7% during the first 10 months of Afghan fiscal year 2023–24, which runs from March 21 to March 20 (World Bank, 2024, p. 2). Revenue collection may have begun to plateau, and future increases will depend on the resumption of robust economic growth which is unlikely in the short run.

### **What Can be Done?**

Overall, the economic outlook for Afghanistan is bleak. As long as the Taliban maintain their bans on female education and women working, prospects for normal international relations, let alone much more aid, will be dim. Humanitarian aid inevitably is on a declining trend, the only questions being how fast it further falls (after the sharp drop in 2023), and whether the efficiency and effectiveness of the remaining aid can be improved. Below are examples of actions that the Taliban, Western donors, and regional countries could take to modestly ameliorate the situation, though they will not fundamentally change the outlook.

Short of making major social policy changes or governance reforms, which are most unlikely in the short run, the Taliban nevertheless can further improve their macroeconomic management and correct some of their economic mistakes.

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6 Effective restrictions against capital flight and limited amounts of Afghani currency may well also contribute to deflation and exchange rate appreciation.

First, the Taliban should halt price deflation and reverse recent exchange rate appreciation. This can be accomplished by increasing the amount of Afghani currency in circulation (including by printing more afghani banknotes as needed, which may require international facilitation), temporarily reducing or stopping DAB's foreign currency auctions that have been putting dollars into circulation, and if necessary perhaps even buying some dollars from the market.<sup>7</sup> While neither high inflation nor open-ended currency depreciation are advisable, inflation should return to low positive territory, and the exchange rate to where it was prior to the Taliban takeover, some 20% lower against the U.S. dollar than currently.

Second, avoid overtaxing the private sector. The regime has been successful in mobilizing tax revenue, especially Customs receipts. However, actually collecting all the taxes on the books, which the previous government did not exploit due to lax effort and corruption, would impose too heavy a burden on the private sector and further dampen economic activity. Hence the Taliban should review the existing panoply of taxes, simplify by abolishing duplicate and excessive taxes, and not impose new levies.

Third, the Taliban need to limit the economic damage from their opium ban. Given that an outright reversal may not be politically feasible for the regime, perhaps enforcement of the ban can be relaxed in the poorest, most land-poor areas where farmers have no viable alternatives to cultivating poppy. Durable, sustained elimination of opium poppy cultivation will only be possible with the broad-based rural development and robust economic growth that can provide licit livelihoods for farmers and wage laborers displaced by a poppy ban. There is no prospect for such economic progress in the near future, so a complete opium ban will be very difficult to sustain beyond two to three years; the longer it continues in the current economic environment, the greater the damage to rural livelihoods and the rural economy. And standalone "alternative livelihoods" projects, sometimes advocated by foreign donors, have been shown by experience in Afghanistan during the previous two decades to be ineffective and unsustainable (Byrd, 2023c; 2023e).

Donors also can help mitigate the crisis. They should reduce total aid gradually and on a predictable trend, not abruptly. If humanitarian assis-

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<sup>7</sup> The recommended reduction in DAB's sales of dollars could result in DAB accumulating cash foreign exchange reserves in-country, which would provide DAB flexibility and a cushion to manage foreign exchange markets.

tance drops sharply, it should be partly replaced by non-humanitarian aid for livelihoods and rural development, etc.

Donors should also arrange for third-party monitoring of compliance with AML/CFT laws, to give foreign banks greater confidence to engage in financial transactions with Afghanistan. DAB itself no longer has the capacity to do this monitoring, and in any case, it could not credibly monitor its own sanctioned leadership or other sanctioned Taliban officials. So a qualified private sector entity is needed to carry out this important function, commissioned and supervised by an appropriate international institution.

Further, a modest portion of the frozen foreign exchange reserves in the Swiss-based Afghan Fund should be deployed to ease Afghanistan's macroeconomic problems and support the private sector (Byrd, 2022b), while not directly benefiting the Taliban.

Infrastructure projects financed by the Taliban from their own budget resources or other sources make good sense, as long as they are well-designed and don't entail sovereign debt, which Afghanistan can ill-afford to build up.<sup>8</sup> Also, there are a number of nearly completed donor-funded infrastructure projects that should be finished, for small additional cost.

Donor countries can facilitate smooth flows of remittances into Afghanistan from Afghans working in other countries. These have been an important safety net in the past when the country went through wars and droughts but avoided mass starvation, and will continue to be important in the near future as well.

In the humanitarian aid realm, changes are needed (Byrd, 2023b). Donors should gradually reduce reliance on the UN cash shipments by progressively replacing them with normal banking transactions as well as innovative workarounds such as private sector-run swap arrangements, more use of digital currency to deliver aid, etc. Increasingly constrained humanitarian aid funds should be better prioritized by the UN and donors, to maximize (1) the number of lives saved per dollar spent; and (2) aid's positive impact on economic activity through supporting livelihoods and delivering more aid through the Afghan private sector.

Further, some of the multiple overheads that reduce the amount of

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8 A positive characteristic of aid to Afghanistan during 2001–2021 was that the bulk was in the form of grants not loans, leaving the country without the large debt burdens that plague many developing countries.

aid actually delivered from each dollar of assistance funding should be eliminated. For example, aid funding by multilateral development banks (the World Bank and Asian Development Bank) and associated trust funds should be directly channeled through implementing entities (NGOs and the private sector), rather than through intermediaries such as UN agencies which levy significant overhead costs.

These actions would be facilitated by a regular portfolio review to assess the cost-effectiveness of different interventions. Better aid coordination to minimize duplication and waste and greater reliance on pooled funding, which is the strongest modality for aid coordination, should be prioritized. The World Bank-administered Afghanistan Resilience Trust Fund would be a good vehicle for effective pooled funding of aid.

Regional countries have important roles to play as well. Pakistan should facilitate Afghan exports (most of which go to or through Pakistan), not create roadblocks hindering them, and should facilitate transit trade, which, as per normal international practice for landlocked countries, should not be taxed or impeded.

Deportations of Afghans back to Afghanistan are harmful from an economic and humanitarian perspective and are not likely to be beneficial for Pakistan's economy, either (Aamir, 2023). It appears the deportations are being used to put political pressure on the Taliban (Mir, 2023). Hence stopping them makes good sense from an economic perspective. And more generally, countries should temper their praise for the Taliban's continuing opium ban, which in addition to the other problems it causes is spurring outmigration from Afghanistan both to regional countries and farther abroad (Byrd, 2023e).

Energy transmission through Afghanistan from Central Asia to South Asia has great potential, since energy can be produced much more cheaply in the former than the latter. The CASA-1000 electricity transmission project from Kyrgyzstan and Tajikistan through Afghanistan to Pakistan was well developed prior to August 2021 (CASA-1000, 2023). This project will benefit Central Asian countries and Pakistan more than Afghanistan, and the transit fees accruing to the latter can be segregated for specific purposes (e.g., infrastructure maintenance or basic livelihoods projects), not turned over to the Taliban.

Finally, water management is an area for much-needed investment by Afghanistan as well as cooperation from regional countries. After decades of being unable to engage in new large-scale water conservancy projects

(in part due to regional countries' assertion of their downstream riparian rights), the Taliban regime is going ahead with at least one significant project (the Qush Tepa canal in northern Afghanistan), entirely funded from the Afghan national budget so far (Jalalzai, 2023). Such projects need to be technically sound in order to make effective use of Afghanistan's water – the country's critical and scarce resource. There are also opportunities for win-win projects in Afghanistan that would benefit regional countries. For example, irrigation and hydel projects along the Kunar River in eastern Afghanistan could also benefit Pakistan by enabling better management of water flows in the important Indus River basin and providing electricity (World Bank, 2014, p. 11).

To conclude, this chapter has argued that the fragile, below-subsistence equilibrium into which the Afghan economy descended after several months of free-fall following the Taliban takeover in August 2021 is now threatened by new shocks – most notably a sharp decline in humanitarian aid and the Taliban's opium poppy cultivation ban. There are no “silver bullets” that will revive Afghanistan's economy, let alone stimulate the robust economic growth that is essential for national development over the longer term. But this chapter recommends actions that the Taliban, Western donors, and regional countries could take to modestly ameliorate the situation and to help stabilize the Afghan economy – albeit at a low level.

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# Whistling in the Wind: The Inevitable Return of Poppy Cultivation to Afghanistan

*By David Mansfield*

David Mansfield is an independent researcher, and has since 1997 been conducting research on illicit economies in and at the borders of Afghanistan for, among others, the Afghanistan Research and Evaluation Unit and Alcis. He has a PhD in development studies and is the author of *A State Built on Sand: How Opium Undermined Afghanistan* (Oxford, 2016).

## Abstract

This chapter examines the Taliban's efforts against drug production and trade in Afghanistan following the Taliban's new drug edict in October 2023. Utilizing data from satellite imagery analysis, the authors extensive field work in Afghanistan, and reports by the United Nations Office on Drugs and Crime, the chapter explores the political and economic impacts of the Taliban's drug ban, as well as its implementation. The main argument presented is that while the ban may lead to significant political and economic ramifications, including undermining the livelihoods of millions involved in poppy cultivation, it could also provoke rural unrest and weaken Taliban rule. The chapter concludes that international engagement needs a more realistic approach to counternarcotics, that recognizes (i) the uneven nature of the Taliban's current efforts with a focus on banning poppy cultivation, not prohibiting the trade in opium and its derivatives, and (ii) that transitioning away from illicit drug production requires a growing economy and the creation of large numbers of jobs to support the land-poor - not simply a focus on alternative crops targeted at the landed. As such, any future counternarcotics efforts should not be pursued as "stand alone" interventions as was the case in the past, but integrated across the entire development effort in Afghanistan.

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## **Introduction**

There was considerable scepticism when the Taliban's leader Mullah Haibatullah Akhundzada first announced a drug ban on 3 April, 2022. Barely seven months after the Taliban took power, drug prohibition was not an obvious priority for the newly-established government in Kabul, given how the Republic's efforts to ban poppy had been used to mobilize rural support during the insurgency and the growing humanitarian crisis following the collapse of the Afghan Republic in August 2021; this collapse led to a curtailment of international development funding and the seizure of the Afghan Central Bank's foreign exchange assets – two things critical to the functioning of the Afghan economy (editor's note: see also Rigsby's and Byrd's chapters in this anthology).

However, in September 2023, some 18 months after the drug ban was announced, imagery analysis from the specialist geographic information services company Alcis revealed that opium poppy cultivation had fallen from 211,083 hectares in 2022 to 22,642 hectares in 2023, an 86% reduction (Mansfield, 2023d). A week later, the United Nations Office on Drugs and Crime (UNODC) reported an even more pronounced 95% fall in cultivation between 2022 and 2023, estimating cultivation had fallen to as little as 11,000 hectares compared to 233,000 a year earlier. While there were some questions over the efficacy of UNODC methods and ultimately the accuracy of the results, there was little doubt that the Taliban had delivered an effective ban on poppy cultivation; by December 2023, there were growing signs that an unprecedented second consecutive year of a poppy ban would be imposed (UNODC, 2023; Byrd, 2023). Recent projections, with 21 of 34 provinces complete, shows 7,306 hectares of poppy for 2024 (the remaining 13 provinces accounted for only 52 hectares in 2023).

Moreover, there was also evidence that, alongside these efforts to curtail the poppy crop, the Taliban had been engaged in an even more robust effort against the methamphetamine industry. In fact, ephedra, the plant used in the production of methamphetamine and ephedrine production, was the target of the Taliban's initial drug control efforts in December 2021, several months prior to their leader Mullah Haibatullah's call for a nationwide drugs ban (Mansfield, 2023b). By November 2023, analysis showed more than 700 ephedrine labs had been closed, the price of ephedra had risen almost five-fold, the cost of trade and production of ephedrine and methamphetamine had more than doubled over 2020 levels, and batch volumes had reduced – all dramatically reducing the incomes of those involved in its production and trade (Mansfield, 2023e).

Despite these obvious achievements, the drugs trade continues within Afghanistan and on its borders. As of January 2024, poppy farmers remained free to sell their crop in local bazaars – although discretely – and while the Taliban’s announcement of a new drugs law in October 2023 had, in principle, led to further restrictions on the cross-border drugs trade, seizures by Afghanistan’s neighbours continued largely unabated. Moreover, while the methamphetamine industry in Afghanistan had been significantly disrupted by the Taliban’s efforts, it remained operational and the authorities in both Iran and Pakistan continued to make significant seizures.

The persistence of production and trade was in part a result of just how pervasive drugs have become in Afghanistan over the last few decades and the difficulties of tackling any illegal economy in the midst of a protracted conflict. This is particularly the case in a country where the state has historically had such limited reach into its hinterlands, and where drug production and drug control are often instrumentalized by both governments and insurgent groups and become central to the conflict. However, it was also a function of the nature of Taliban rule and the politics of Afghanistan. For all the statements about the overwhelming coercive power of the Taliban regime and the centralization of decision making in the hands of Mullah Haibatullah – as well as the how many interpret the dramatic reductions in aggregate levels of poppy cultivation – the central authorities power over the rural population continues to be negotiated in many parts of Afghanistan, especially in remote rural areas where drug crops are concentrated. As this article will show, the Taliban’s approach to counter-narcotics reflects this political reality, where concessions are often offered to more powerful groups, such as the landed in the Taliban’s heartlands of the south and southwest, who have clearly gained considerable economic advantage from a drugs ban that has dramatically inflated the value of the inventory they have accumulated over many years of production.

Ultimately, a comprehensive and enduring ban on poppy alone would impact an estimated 10 million people across Afghanistan, a country with a population of only 40 million (Mansfield, 2023d). Tackling what continues to be a persistent drugs trade would widen the impact even further, undermining the livelihoods of a much wider range of both actors and sectors supporting the drugs economy; indeed, it would have a multiplier effect across the legal economy, deflating incomes and driving down demand for goods and services in rural areas. In the current strained eco-

conomic climate this kind of ban would likely lead to increasing rates of outmigration and possibly growing dissent in the countryside. In the last two decades, imposing this kind of collective shock on rural communities in Afghanistan has proven politically destabilising. Therefore, it is only sensible to question whether the Taliban will continue its efforts, despite the religious credentials afforded to the ban and what can be achieved from international engagement on counter-narcotics in the current environment – an area explored in the conclusion of this article.

This chapter examines how this most recent Taliban drugs ban has been imposed, and what both the methods deployed and the uneven nature of enforcement tell us about Taliban rule and the feasibility of sustaining the ban alike. Rather than simply assessing whether the ban has been effective in reducing levels of drugs production in Afghanistan, it explores the way that efforts to restrict drugs production have been imposed, which areas and populations have been targeted, the groups that have been either advantaged or disadvantaged by these efforts, and subsequently how the ban could impact Taliban rule. Building on this reading of the effects of the current ban on political economy, the chapter offers both a prognosis of its trajectory and proposed international efforts to support its continuation, including support for so called “alternative development” – rural development projects aimed at reducing poppy cultivation which are often targeted at landed farmers in areas where drug crops are most concentrated. It is important to note that whilst this chapter builds on a rich body of historical work on drugs production in Afghanistan, it focuses specifically on the period since the Taliban takeover in August 2021. Given the paucity of primary research on drugs production during this period, the chapter draws largely on the recent work of the author and his research partners at Alcis, both of whom have worked in Afghanistan for almost three decades.

The chapter is divided into three further sections. The next section examines the iterative way in which the drugs ban has been imposed, and documents what can be seen as a cautious approach to enforcement, in stark contrast to expectations that prohibition would be either immediate and robust (in line with a narrative of the Taliban’s draconian rule) or not imposed at all, on the basis that Haibatullah’s announcement was merely a case of politicking on the international stage, possibly in pursuit of diplomatic recognition. The third section looks at means and effects of the ban’s imposition, focusing on the provinces of Helmand in the south-west, Nangarhar in the east, and Badakhshan in the north-east. It shows the di-

vergence in the level of compliance (with Badakhshan a notable anomaly) and the impact on the rural population, and what this means for consent.

The fourth, concluding, section points to the inevitable return of widespread poppy cultivation to Afghanistan – inevitable, in part, because the level of assistance required to fill the economic gap that the drugs ban has inflicted on rural communities would take more than a decade of significant funding for the major reconstruction effort required; and given the current political impasse between the Taliban authorities and the international community, in particular Western donors, this reconstruction appears to be out of the question. The return of widespread poppy cultivation can further be considered inevitable because of the uneven way the ban has been imposed, both between and across provinces. In particular, the Taliban will look to rescind the ban once its primary rural constituency – the landed and influential farmers of the south and south-west – are no longer advantaged by it and their inventories have run low. At this point, maintaining the ban will impose a significant political cost on the leadership and any benefits gained on the international stage will soon be outweighed.

### **The Taliban Drug Ban: Draconian Statement; Iterative Process**

It was not until 14 months after Haibatullah's initial announcement of the drugs ban, with Alcis's release of poppy figures for Helmand province, that the international community recognized a drug ban to actually be in place (Alcis, 2023). Until then, then the ban had been met with considerable cynicism. With restrictions on both the freedom of the press and on the movement of United Nations staff within Afghanistan following the Taliban takeover, donors had been denied the opportunity of reporting from remote rural parts of Afghanistan where drug crops like opium poppy, cannabis and ephedra are found. Like many governments, including the Afghan Republic, the Taliban also proved rather reluctant to support journalists and others in their efforts to examine the drugs issue more closely, conscious that a failure to deliver on the ban would reflect poorly on their rule and the religious credentials of Haibatullah as the Amir al-Mu'minin (leader of the faithful).

In 2022 and for the early months of 2023, media accounts of the Taliban ban only served to muddy the waters, reporting on performance measures for counter-narcotics efforts that were often out of date or inap-

appropriate for the changing circumstances and Taliban rule. For instance, it was not unusual for journalists and commentators as late as April 2023 to cite UNODC reports of rising poppy cultivation between 2021 and 2022 as evidence of the failure of the Taliban drugs ban, failing to recognize that the 2022 crop was planted in the fall of 2021, five months prior to Haibatullah's ban, and that as early as January 2023 there was already a growing body of evidence indicating there would be a dramatic fall in the level of poppy cultivation in 2023. At the time, media criticisms of the Taliban's failure to deliver widespread eradication – the physical destruction of the crop, another counter-narcotics measure often used during the Republic – also seemed misplaced given such low levels of planting.

What was often missed in these critiques was the iterative process by which the ban was imposed: a reflection of the political realities of Afghanistan, where those in power – even the Taliban – are often required to negotiate with communities to gain access to rural areas where the Afghan state has limited or no presence and where livelihood options are limited. A less cautious approach risks dissent that may soon spread and undermine the government's authority with other important constituencies in the countryside.

While the prohibition announced by Haibatullah was framed as absolute and immediate, it was in fact often implemented iteratively at the provincial and district level: launched through a series of intermediate acts that served both as warnings to those involved in the production and trade of drugs of the potential for more severe sanctions to come, whilst simultaneously giving the Taliban leadership the ability to gauge reactions amongst its constituents, both the local population, and its own rank and file, thereby better managing the risk of widespread dissent.

While many in the international community might have expected a more draconian stance to drugs prohibition from the Taliban following Haibatullah's pronouncement and an immediate outright ban, viewing anything else with cynicism, what materialized was a more gradualist approach shaped by the political realities of rural Afghanistan. In fact, the Taliban's efforts to ban poppy began with just such an example when they targeted the minor spring-planted poppy crop in Helmand and Kandahar in the spring of 2022, only a few weeks after Haibatullah first announced the drugs ban. This campaign prompted ridicule as it left the major crop planted in the fall of 2021 (before the ban was announced) intact, and led many to question the integrity of the Taliban's counter-narcotics efforts.

Videos even showed tractors destroying the much smaller spring planted crop while leaving larger more mature plants fields untouched in neighbouring fields.

However, recognising that destroying the standing fall planted crop only a week or two before harvest would have proven deeply unpopular with Taliban commanders and would have provoked rural unrest, the Deputy Ministry of Interior, issued a two-month grace period for any crop grown prior to the ban – contradicting Haibatullah’s call for an immediate and comprehensive prohibition. This iterative strategy proved critical to the success of the ban on the subsequent 2023 crop, as it allowed farmers to harvest what they had already planted in the fall of 2021 and retain as much as possible – even selling off other assets such as cars and motorbikes – to minimize crop sales (Mansfield, 2023c). With the price of opium increasing by more than 300% between the announcement of the ban and the planting season in late 2022, and by 900% at the time of the planting of the 2024 crop, it has provided more landed farmers in the south and south west where inventory is more widespread, with assets to not only better manage the impact of the poppy ban but, in some cases, to prosper from it (see Figure 1).

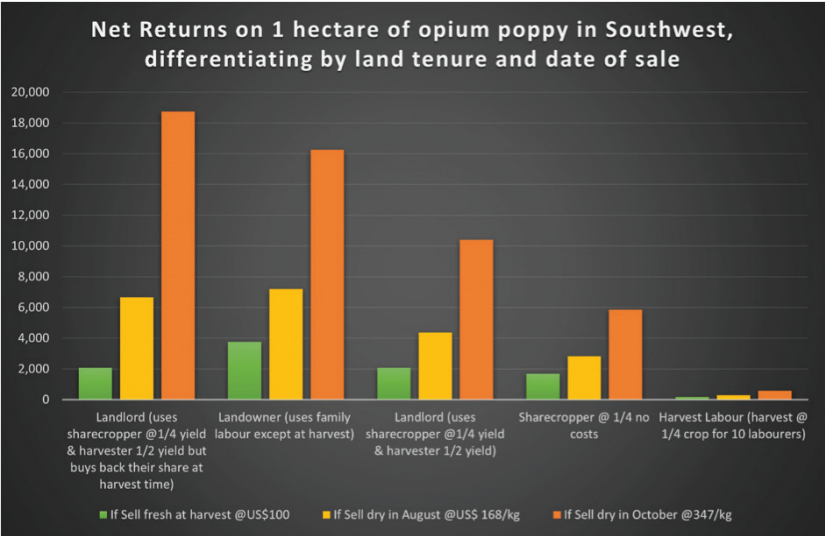


Figure 1. Net returns earned on one hectare of opium poppy and how they vary by land tenure and time of sale. Landowners employing both sharecroppers and harvesters to tend their crop can earn significantly more from their poppy crop than the land-poor, particularly if they sold their opium some months after harvest, when prices had increased more than threefold.



A similar iterative process of enforcement can be seen with the Taliban's efforts to ban the methamphetamine industry in the south-western provinces of Farah, where the trade in ephedra, as well as the production of ephedrine and methamphetamine, was concentrated during the former Republic. In December 2021, the Taliban gave traders in the village of Abdul Wadood – the largest entrepôt for ephedra in Afghanistan – one month to sell off the large volumes of ephedra they stored in the bazaar. Once this was achieved, the district governor of Bakwa targeted the ephedrine labs that dominated the district, issuing multiple warnings to owners and chemists, known locally as “cooks”, before eventually raiding and closing Abdul Wadood bazaar on 17 September 2022 – an act serving as a signal for any remaining ephedrine labs to cease operation. While many lab-owners and cooks established labs nearer to the source of the wild ephedra crop in the central highlands, imagery shows there continues to be very little ephedrine production in Bakwa (see Figure 2).

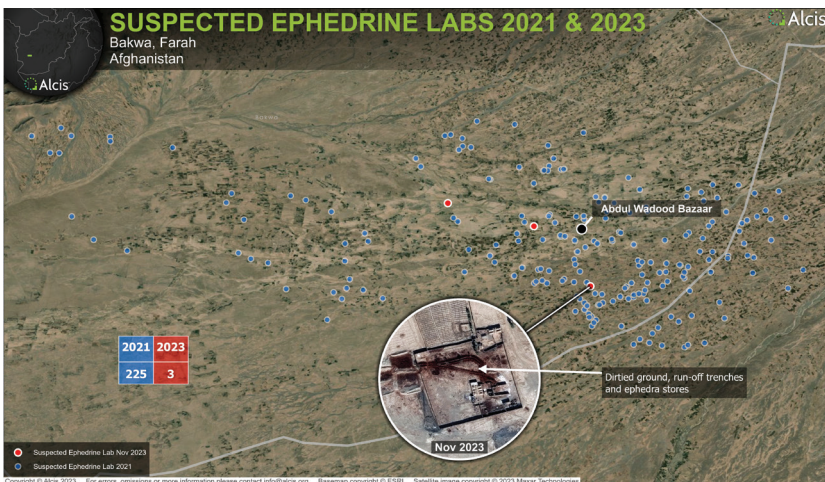


Figure 2. Image analysis showing the dramatic reduction in the number of ephedrine labs in the district of Bakwa in Farah following the Taliban clampdown in September 2021.

There were also considerable negotiations over the enforcement of the poppy ban on the 2023 crop in many more remote parts of the country, a further reflection of the limits of Taliban rule. Some populations, most notably Badakhshan, but also in key southern districts of Nangarhar, as well as Shah Wali Kot, Khakrez, and Nesh in Kandahar, simply ignored Haibatullah's edict, including the local commanders responsible for its im-



plementation (see Figure 3). In areas like Achin in southern Nangarhar and Jurm in Badakhshan, while the local authorities made some effort to destroy the crop, they withdrew when communities resisted. These were all areas where the local population were unwilling to comply – but perhaps more importantly, local Taliban commanders, fearful of a backlash, were reluctant to press rural communities and eradicate their crops.

In the latter half of 2023, we have seen the same judicious approach to the cross-border drugs trade in both Kang on the Afghan-Iran border, and in Durbaba on the Afghan-Pakistan border with Khyber Pakhtunkhwa. Since July 2023, cross-border smugglers and traders have faced growing pressure from the Taliban authorities to abandon their trade. In Kang, cross-border smugglers were informed that the catapults that they had been using for almost five years to propel drugs across the Iranian border – and that had proliferated following Haibatullah’s ban – were banned. Those subsequently caught breaking this rule, along with those carrying drugs across the border by bag in the region of Durbaba, Nangarhar Province, were then arrested and held for a day before being released along with their contraband. A week or more later, those apprehended on the border with drugs were arrested and held for three days, only to be released without their loads, resulting in financial loss and a warning to those in the wider community that the cross-border drugs trade was now a riskier venture.

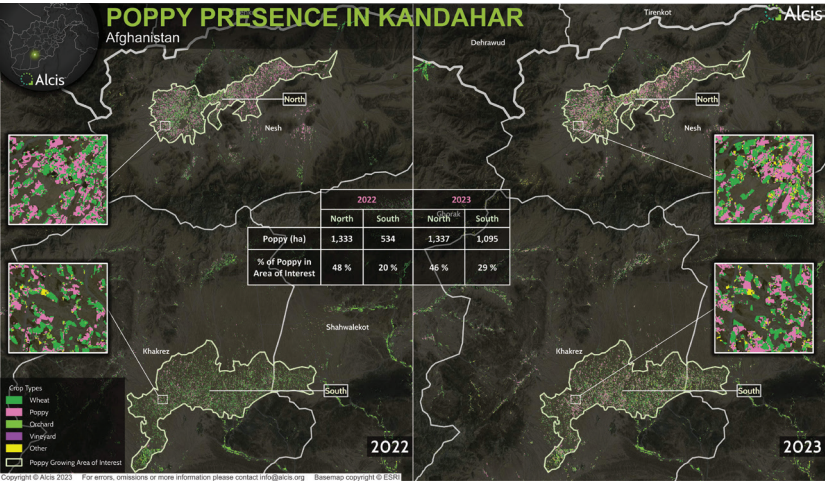


Figure 3. Image analysis showing persistent poppy cultivation in Kandahar in the districts of Khakrez, Nesh, and Shah Wali Kot, despite the imposition of the Taliban ban, in 2023

In the process of imposing the drugs ban there are countless other examples of the Taliban authorities adopting this more cautious approach where those involved in the production and trade are issued multiple warnings before serious action is taken. This has allowed some groups to negotiate and adapt, even to adopt strategies where the value of assets can be increased to compensate for future loss of income – the storing of opium to sell later when prices have risen, for example. However, this slow ramping up of the pressure on drugs production and trade has also brought restrictions and uncertainty, creating an environment in which many of those cultivating, producing and smuggling drugs are exposed to increased risk and costs. As the drugs ban enters its second year, and its impact potentially deepens and widens to cover a larger population, it risks destabilising the political situation, as the next section will discuss.

### **The Political Risks of a Continued Ban**

At the time of writing (June 2024), Afghanistan had entered uncharted waters with the Taliban acting to impose an unprecedented second consecutive year of a nationwide poppy ban. While some might celebrate this as an achievement for counter-narcotics, when the Taliban were last in power their efforts to curtail poppy in 2000/01 led to rural unrest after only a single season (Mansfield, 2016, pp. 121–138).

While it could be argued that there is much greater potential for a more enduring ban this time round, given that when the Taliban seized Kabul in August 2021 they inherited a very different country with established government institutions and a much larger economy. However, there is also an economic reality that undermines any ban on opium poppy cultivation in Afghanistan, and we should be careful not to exaggerate the ability of Taliban rule to overcome it. As the scholar and author Tom Barfield notes:

Those Afghan leaders who would best succeed during the [20th century] employed a “Wizard of Oz” strategy. They declared their governments all-powerful but rarely risked testing their claim by implementing controversial policies. The leaders most prone to failure and state collapse were those who assumed that they possessed the power to do as they pleased, and then provoked opposition that their regimes proved incapable of suppressing. (Barfield, 2010, p. 164)

There is already considerable evidence that the current ban has not been uniformly accepted by the rural population or by those within the Taliban's own ranks responsible for implementing it (Mansfield, 2023c). This uneven enforcement exposes some of the fault lines in Taliban rule, particularly in the more mountainous and Tajik dominated area of Badakhshan where cultivation increased between 2022 and 2023 and local commanders resisted calls from Kabul and Kandahar to impose the ban.

History also shows that it is not simply a matter of the coercive power of the state; rural communities have agency and influence over the politics of Afghanistan far beyond their immediate areas. When the economic impact of a ban on poppy cultivation is felt collectively across a large number of households, local resistance can quickly escalate, prompting those in the districts responsible for enforcement to retreat, unwilling to impose further losses on their own families, neighbours, and communities, and to risk exposing the limits of their power. Experience has shown that in Afghanistan resistance to a continued ban at the district and provincial level can take time to mobilize and will differ between areas as a function of socio-economic conditions, political and environmental conditions. However, once the economic effects are severe and felt collectively across a wider area, dissent, unrest, and even violent resistance, has proven inevitable, as highlighted by the unravelling of both the poppy ban and the political situation in Nangarhar between 2010 and 2013 (Mansfield, 2016, pp. 169–208).

### **Helmand: The More Resilient South, but Only while Stocks Last...**

Currently, those with inventory from cultivating opium over the past decade continue to prosper from the ban and are largely immunized from its economic effects. This is particularly true in the south and south-west where a larger proportion of the rural population have the advantage of larger farm sizes. These are also what might be considered the Taliban's "heartlands" where many of the Taliban's leadership are from, and where the movement drew both support and fighters during the insurgency.

Even here, however, there is both a political and economic reality that the leadership and its commanders must contend with. Ultimately, the opium stored by farmers in these more advantaged areas will eventually run out, and although the better-off are currently less concerned about their own immediate economic situation, a second consecutive year of a ban will result in growing disquiet and concern that continued prohibi-

tion will impact on more marginal members of their communities: the sharecroppers, tenants and small landowners. This will result in further impoverishment and, in turn, the risk of increased crime and instability. While opium prices have risen and inventories increase in value, even the wealthy consider the larger impact of the ban and how it harms the wider community whose interests they are often called on to represent, and who have a history of turning against the rural elite.

With a ban now in place for a second year, and the Taliban pursuing efforts to destroy any residual planting that they find, there is a growing threat of increased outmigration from the southern region, even in provinces like Helmand where irregular migration has typically been at a minimum, largely due to high levels of poppy cultivation. Historical evidence shows that in the absence of economic alternatives, and with societal discordance, farmers will feel increasingly aggrieved by a government seen as imposing restrictions on livelihoods while offering little in return. It is a phenomenon that the Taliban took full advantage of as insurgents in the wake of the Republic's efforts to eliminate opium poppy over the last two decades. While improved physical security has often been a brand that the Taliban has traded on, it can quickly sound hollow when a growing number of community and family members are compelled to commit crimes or migrate to meet their basic needs.

### **Nangarhar: A Growing Crisis**

We can see a contrast between the relatively better-off farmers in the south and south-west and those in the east where landholdings are much smaller, population densities higher, and there are few signs of the opium stores. In fact, after only one year of being forced to abandon poppy in the eastern province of Nangarhar, there was growing evidence of households pursuing coping strategies that are indicative of heightened levels of economic distress. This includes the sale of long-term productive assets, including farm equipment, jewellery, and land to meet basic expenses, and the sending of male family members abroad. A second consecutive year of a ban will hit these communities particularly hard; over time there are fewer assets to sell.

Despite the economic impact of the ban, the Taliban seems determined to curtail opium production across the province of Nangarhar in 2024, even in the more remote mountainous areas bordering Pakistan

where cultivation persisted in 2023. In late December 2023, the local authorities pressed into the upper reaches of some of the most hard-to-reach valleys, arresting farmers and destroying their crop, in part to serve as an example to those in lower areas not to plant.

While the current campaign may serve to further reduce poppy cultivation in Nangarhar, and to remove the persisting cultivation in the higher valleys of Achin that proved so embarrassing to the district authorities in 2023, it will inevitably fuel rural resentment. In the absence of viable economic alternatives (e.g., jobs, export markets for crops), it will also leave farmers with the same options as they faced during the Republic: either to leave the area or to resist those imposing the economic hardship, drawing on external support where they could. While some might think this resistance can be contained in these more remote upper areas in the southern districts of Nangarhar, where poppy is at its most concentrated, evidence shows that once it takes hold it can quickly spread to the lower areas of the province straddling the Kabul River (Mansfield, 2014).

### **Badakhshan: A Thorn in the Emirate's Side**

The situation in Badakhshan may offer the best example of just how difficult it is for the Taliban to maintain the ban without experiencing significant economic and political fallout. In 2023, the provincial authorities, most of them hailing from within the province, were unwilling to enforce a ban on the area or even to press for reductions, resulting in the increased levels of cultivation we have seen in the province in 2023 (see Figure 4). This will not have gone unnoticed in other parts of the country, particularly in the south and the east where the ban was largely complied with.

Early indications were that the same happened again with widespread planting in the fall of 2023, which brought criticism in January 2024 from the Chief of Army Staff, Fasihuddin Fitrati, and the most senior Badakhshi commander in the Taliban government, and the threat of eradication (Tolo News, 2024). If communities and the elites in the east and the south are not to use a second year of continued cultivation in Badakhshan as leverage and an excuse to return to poppy in 2025, the Taliban leadership knew it needed to adopt a more aggressive position in the first few months of 2024 before a further spring crop of poppy was planted and the likelihood of resistance grew. In fact, the new Governor of Badakhshan, a Kandahari from Maiwand District, may have been appointed in June 2023 for

just such a task. However, as of January 2024 he had done little to either deter planting or engage in an early eradication campaign against the fall planted crop; he had, rather, spent some time replacing senior posts in the provincial administrations previously held by Tajik's with Pashtuns from other provinces (Hasht e Sabh, 2024)

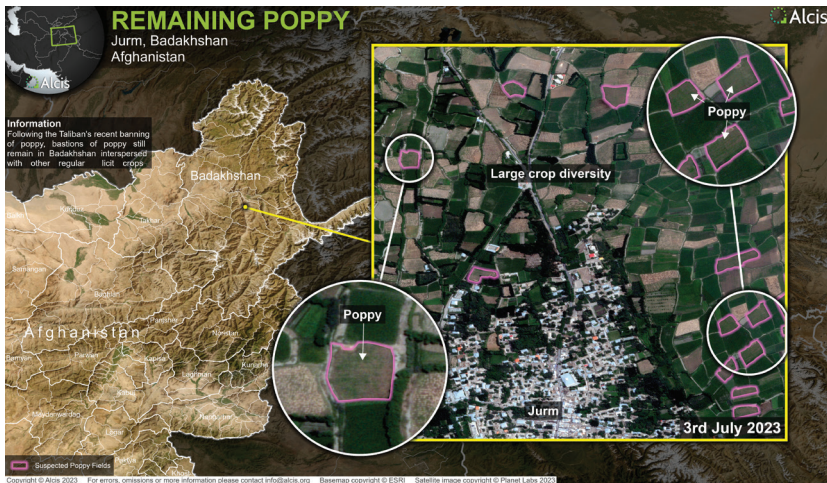


Figure 4: Image analysis showing poppy cultivation in the district of Jurm, Badakhshan Province, in July 2023 despite the imposition of the Taliban ban and an eradication campaign.

It was not until April 2024 that an eradication campaign began in earnest, any only a few weeks later violent unrest ensued as farmers in the districts of Argo and Darayem pushed back against both crop destruction and the influx of Pashtuns from Baghlan and Kunduz who were given the task (Mansfield 2024b). The subsequent standoff between local communities and the provincial authorities in Badakhshan led to a senior delegation being sent from Kabul to quell the growing unrest. While much was made of it both locally and in the media that there was no room for compromises and that all the poppy crop would be destroyed, the resultant campaign resulted in major concessions to farming communities across Badakhshan. As of 1 June 2024, high-resolution imagery over the central parts of Faizabad and Argo showed a patchwork quilt consisting of some poppy fields that had been destroyed, others where only some of the crop was damaged, and many more where the poppy remained completely unscathed (Mansfield 2024b). There was clear evidence that substantial amounts of poppy remained in central Argo in areas where the authorities



claim that all the poppy crops had been destroyed, and large numbers of fields that were left untouched in the villages around the provincial centre of Faizabad (see Figure 5).

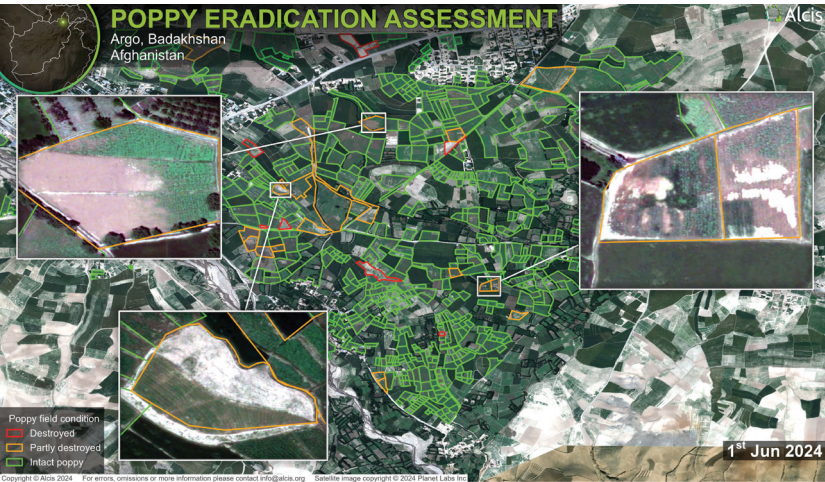


Figure 5. Images from 1 June 2024 showing low levels of eradication (less than 3%) around the district centre of Argo where crop destruction by the Taliban had been centred

Whichever way you look at it, a drive to press for dramatic reductions in poppy cultivation in Badakhshan in 2024 was likely to be destabilising. The economic impact of an outright ban would be severe enough to result in an increase in outmigration to Iran, Turkey and potentially Europe, adding to those leaving from other land-poor provinces where the ban has already been effectively enforced. Unseating local Taliban commanders in positions of power in Badakhshan who had failed to act against the crop, or undermining their authority with an influx of outsiders, particularly Pashtuns, was always going to provoke unrest in a province where the local Taliban are riven and there have already been several high-profile attacks on the leadership (Al Jazeera, 2023).

Ultimately, the poppy ban is proving divisive and has the potential to increase political and economic disparities as it continues. The dramatic increase in opium prices we have seen in Afghanistan over the latter half of 2023, with prices rising to more than 1,000 U.S. dollars per kilogram, an unprecedented high, only complicates matters further. Pushing a ban into a second year without tackling the trade further increases the divisions in the country, inflating the value of the assets of traders and the landed

with their inventories, while denying future income to the small landholders who are heavily dependent on poppy for their livelihoods (Mansfield, 2024a). The fact that the losses and benefits of this policy will be unevenly distributed and have a geographic, tribal, and potentially ethnic dimension, increases the potential for unrest in the rural areas most affected, and could exacerbate tensions within the Taliban. Given all of this, it seems inevitable that while widespread poppy cultivation will not return in 2024, it is only a matter of time before it does.

### **The Futility of Engagement in the Current Environment**

While persistent cultivation in other provinces matters, it is how the ban unfolds in Badakhshan that will be pivotal, not just for levels of cultivation in the country but for Afghanistan's wider politics. On one side, the high levels of cultivation in Badakhshan present a challenge for the Taliban leadership, particularly now that the ban is in its second year, and the negative economic effects are felt by growing numbers of people across Afghanistan. There will be farmers in many other provinces particularly hard-pressed come the spring of 2024, following another winter season primarily cultivating wheat: a food crop that most Afghan farmers cannot produce enough of to meet their family's needs, even when monocropping it, due to their small landholdings. It is likely that a growing number of communities will begin to look to local leaders, and their relatives in the Taliban, to press for the ban to be rescinded in the years ahead, possibly using continued and increasing poppy cultivation in Badakhshan as a reason. This could present a problem for the leadership given the religious nature of the decree and how closely it is associated with Haibatullah.

Yet to maintain the ban would require a more aggressive effort in Badakhshan: the kind of campaign that began in Nangarhar in late 2022 with an effort to deter planting, followed by more widespread eradication in the spring, and culminating in early arrests in some of the most remote (and hostile) parts of the province in the final months of 2023. With high levels of planting in Badakhshan in the fall of 2023, however, and further cultivation in the spring of 2024, it was already too late to deter cultivation, and the potential for a violent reaction to eradication of the standing crop became more likely. While the new Kandahari Governor of Badakhshan may have brought new energy to the job and stronger links to Haibatullah, he needed to garner the support of the local Taliban commanders, whose



reluctance to enforce the ban in 2023 played such a deciding factor in farmers' decisions to plant last fall. Instead he looked to remove them. The result has been a significant climbdown by the Taliban authorities where they have looked to project the appearance of power claiming widespread destruction, but where they have had to capitulate to local interests and allow poppy cultivation to continue (Mansfield, 2024b). If this becomes more widely known, it could lead to farmers in other provinces trying the same and attempt to return to widespread poppy cultivation as soon as next year.

Support from the south and south-west will be key. Here, the landed and most powerful, with large inventories, continue to gain significant economic advantage from the current poppy ban (Mansfield, 2024a). As such, the issue of inventory – who holds it and how long it might last – is critical to the question of how long the poppy ban will continue. As long as it is the land-poor in the south and south-west most impacted by the ban, the push back is likely to be limited. However, at the point where a growing number of landed farmers of influence (perhaps with sons in the Taliban) begin to feel the pinch, maintaining the ban will become considerably more difficult. It seems inevitable that while widespread poppy cultivation has not returned to Afghanistan in 2024 it is only a matter of time before it does.

Moreover, given the economic impact of the ban on the rural population and the potential political ramifications, there is a need to question whether the dramatic reduction in poppy cultivation is an unambiguously positive outcome. While the automatic response is to automatically consider any drugs ban a “good thing” that should be welcomed, as suggested by the United Nations Independent Assessment in November 2023 which called for “further steps to maintain the current trajectory of the eradication of illegal narcotics” (United Nations Security Council, 2023, p. 14); it is not as clear-cut as many might think. If the likely outcomes of enduring reductions in cultivation are a growing economic crisis, political instability, and an outflow of migrants from rural Afghanistan to Europe, one must question whether those arguing that the ban unequivocally produces benefits have given the matter sufficient thought.

It is certainly worth noting that during the former Afghan Republic, while parts of the U.S. government did press for widespread poppy eradication and an outright ban, this was not the position of the United Kingdom as the G8 lead nation on counternarcotics, nor that of European nations, concerned as they were that such a move would lead to an economic and humanitarian crisis and undermine support for the Afghan

government (GIROA, 2006; Holland 2006; European Commission, 2006). In short, the United Kingdom, and others, only pressed for an outright ban in an area only when the political and economic conditions allowed.

Aside from the fact that the importance of such a dramatic reduction was not the consensus of the international community during the former Afghan Republic, or indeed that of the current *de facto* authorities, there remains the question of what an effective response to the Taliban ban might look like. History has shown the limited, and often counter-productive, effects on poppy cultivation when policy makers reach for the formulaic menu of counter narcotics responses (alternative development, for example). Decades of failed alternative livelihoods and development projects in Afghanistan, often simple crop-substitution programmes, show that small-scale bounded development efforts would achieve little in the current economic crisis (Mansfield, 2023a; SIGAR, 2018, pp.106–129; Mansfield 2015).

For example, between 2002 and 2017, the U.S. government spent \$1.46 billion on alternative livelihoods, but this achieved little to prevent record levels of poppy cultivation (SIGAR, 2018). Alternative livelihood interventions taking a one-size-fits-all approach are ineffective and, in the current circumstances, would primarily benefit the landed farmers who have already gained the most from the current ban. Whilst alternative livelihoods may seem like the most logical response to offset the negative economic effects of the ban, they would not scratch the surface of a multifaceted and complex dilemma.

Decades of evidence from other drug producing countries demonstrate sustainable reductions in cultivation require a growing economy and the creation of large numbers of jobs to support the land-poor and absorb those forced to leave poppy cultivation. To achieve the kind of development effort needed to support an enduring reduction in poppy cultivation in Afghanistan would require a dramatic change in the current relationship between the Taliban and the international community. For one, it would require Western donors and others to commit to work closely with the Taliban over the next decade or longer to transform the rural economy. This would not only require a change in political direction but more than a decade of significant funding for a wide range of interventions, including infrastructure and rural development, as well as donors and implementing agencies learning lessons from experience of more than 20 years – which does not look likely (SIGAR, 2018; Mansfield, 2020).

Without this fundamental shift in approach, the international community, left tinkering around the edges, will be able to do little to prevent cultivation returning in the coming years. Funding small scale alternative livelihoods programmes, as the United Nations is pressing for, will be like whistling in the wind, which, given past experience, could prove to be throwing good money after bad; moreover, when the Taliban relent to the economic realities of the rural population and the political reaction it provokes, even within its own ranks, it will only prompt them to blame the international community for what they will claim, not incorrectly, to be a wholly inadequate response (Kabul Now, 2023). As the late European diplomat and long term Afghan watcher Francesc Vendrell noted in response to the last Taliban drugs ban in 2001 when head of the then United Nations Special Mission for Afghanistan: “The Taliban will not put religious purism ahead of their military ambitions” – a suggestion that the leadership would either rescind the ban or simply fail to enforce it if it led to widespread unrest in the countryside and resistance to their rule (Mansfield, 2016, p. 138).

Rather than follow the well-trodden path of funding counter-narcotics interventions in Afghanistan, including poorly-focused alternative livelihoods programs that have repeatedly failed to deliver, it might be better for international donors, and in particular Western donors, to recast the conversation and ask the Taliban leadership as to what their plans are for continuing the policy they chose to enact and what they will do to address the consequences. This might include a discussion about the national development plans they need to mitigate the far-reaching impact of the ban and the kind of compromises they would be willing to make on gender, human rights, and inclusive government to obtain financial support. In the short term, there could be greater financial aid for humanitarian assistance in those areas where the ban has hit the land-poor the hardest. In particular, it would also be useful to hear more from the Taliban leadership about what they propose to do about the trade in opiates. This an area where there continue to be few signs of action as of yet – which raises significant questions over the Taliban’s actual commitment to the drugs ban.

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# Climate Crisis in Taliban-Ruled Afghanistan: The Need for an Alternate Approach

*Shanthie Mariet D'Souza*

D'Souza is a Founder & President of Mantraya Institute of Strategic Studies (MISS) and Visiting Faculty at the Naval War College, Goa, India. For more than a decade she has worked in governmental and non-governmental sectors in Afghanistan, among others as an advisor for the Independent Directorate of Local Governance of the Islamic Republic of Afghanistan. She has written and edited several volumes, including *Saving Afghanistan* (Academic Foundation, 2009) and *Afghanistan in Transition: Beyond 2014* (Pentagon Press, 2012).

## Abstract

Following the Taliban's seizure of power in August 2021, Afghanistan plunged into a severe humanitarian and economic crisis. Since then, a dire situation has been exacerbated by frequent natural disasters such as earthquakes, floods, and droughts, many of which are linked to climate change. This chapter argues that the reduction in international aid and attention given to the country, and the Taliban's inability to respond to these disasters effectively, have together aggravated the humanitarian and economic hardship faced by ordinary Afghans. If left unaddressed, this could result in increased cross-border migration, displacement, and violent extremism as poverty and unemployment levels rise. Drawing on more than a decade of field research in Afghanistan, this chapter unpacks and analyses the role of the international community in Afghanistan in addressing the climate crisis, elaborating on alternate pathways that go beyond a sole reliance on international NGOs for disaster response. The long-term strategy includes engaging the people and the defacto authorities in the global climate change conversations as part of environmental peace-building process and incremental institution and capacity-building to respond to the unfolding crisis effectively.

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## **Locating Conflict Fragility and Climate Change Debate in Afghanistan**

Environmental peacebuilding is an important yet relatively under explored subject of study in the expansive realm of climate change. It provides a useful lens for countries, like Afghanistan, that have both witnessed prolonged periods of violent conflict and are presently experiencing the worst consequences of climate change. Tobias Ide's research has highlighted six adverse effects of environmental peacebuilding (Ide, 2000). Each one of his "six Ds" – depoliticization, displacement, discrimination, deterioration into conflict, delegitimization of the state, and degradation of the environment – are relevant in the current context of Afghanistan. On the other hand, Adriana Abdenur and Siddharth Tripathi provide specific examples on the need to adopt local approaches to climate-sensitive peacebuilding in Afghanistan (Abdenur & Tripathi, 2022)

This chapter attempts to address the gaps that exist in current research and practice. It probes into the Afghan state's capacity to deal with the climate crisis in the context of an abrupt change of regime that significantly diminish the fragile capacity and gains that was built in the last two decades of the international community's intervention in Afghanistan. It makes the case for the international community to play a larger role to prevent the reversal of the fragile gains and the need for a reactivation of a local response mechanism that appears to have been disrupted by the capture of power by a theocratic regime and collapse of the republican government in August 2021.

Following the Taliban's capture of power in Afghanistan on August 15, 2021 and the subsequent establishment of the Islamic Emirate, the international community's measures to compel the new regime to adhere to the norms of human rights, among them a safeguarding of the rights of women, girls and minorities, resulted in the exclusion of the Taliban regime from the global climate change conversation. In 2022, the Conference of the Parties (COP) of the Bureau of the United Nations Framework Convention on Climate Change (UNFCCC) decided not to recognize any Taliban institution as a focal point in Afghanistan (Dickie & Greenfield, 2023). This not only resulted in Afghanistan being disinvited from the annual COP meetings but blocked the Taliban regime's access to key UN climate funds, including the Green Climate Fund (GCF). The Taliban-run National Environmental Protection Agency (NEPA) of Afghanistan was divested of any legal status.

Before that, the Taliban had initiated regressive domestic measures as part of its move to overhaul the administrative apparatus of the deposed Republican government, much of which had been established over two decades of international assistance. One of the early decisions the Taliban took after taking power in August 2021 was to abolish the National Water Affairs Regulation Authority (NWARA), the government agency set up to look after water management throughout the country (Reliefweb, 2022). Immediately after the regime change in Kabul, many of the technical experts associated with the Republican government fled Afghanistan, fearing for their safety. This exodus also included the head of NEPA and his deputy. Threats to their lives came not only from the Taliban but also from those punished for environmental violations, who had been imprisoned by the previous Republican regime after being reported by NEPA. They were released by the Taliban. While NEPA as an institution was retained, the massive flight of human capital affected the organisation's ability and performance.

The focus of this chapter is on climate change and the challenge it poses to Afghanistan under the Taliban. It delves both into the intent and capacity of the Taliban regime to respond to the climate crisis and into the international community's approach to assisting the Afghan people. The chapter argues that, given the incapacity of the Taliban regime, keeping Afghanistan out from the global climate conversation would add to the country's conflict fragility, pushing it further into an abyss. In addition to aggravating human misery and economic contraction, it could lead to large-scale human migration and even compel desperate Afghans to join violent extremist and terrorist organisations that still operate in the country and the region. The chapter uses historical, analytical and comparative methods, building upon primary and secondary source material, as well as over a decade's worth of first-hand information accrued by working in government and non-government sectors in various provinces of Afghanistan, including those worst affected by climate change. Conversations and discussions with multiple stakeholders have provided primary inputs and insights into the local dynamics and on the ground realities of the linkages between conflict and climate crisis.

What follows in this chapter is divided into five sections. The first unpacks the challenge climate change poses to Afghanistan. The second probes into the Taliban's in/capacity to deal with the challenge within the broader context of the governance crisis the country has faced since Au-



gust 2021. The third and fourth sections analyse the international community's approach to Afghanistan and the role of the International Non-Governmental Organisations (INGOs) in assisting the Afghans to deal with the impact of climate change. The concluding section provides pathways for policymakers to revisit their overall approach to Afghanistan which could prevent the worst-case scenario of climate crisis, economic collapse, rise in violent extremism and unending cycles of conflict.

### **Understanding Afghanistan's Climate Woes: The Local and Regional Context**

On September 23, 2020, then-Afghan President Ashraf Ghani, speaking to the 75th session of the United Nations General Assembly, identified “five sources of unrest” in Afghanistan (United Nations, 2020). Along with the COVID-19 pandemic, haphazard industrialization, rampant inequality, and the violence perpetrated by the Taliban, Ghani identified climate change as a source of violence and suffering in Afghanistan. Terming Afghanistan the 17th worst-affected country, recurrently ravaged by seasonal floods and drought, Ghani called for “regional solutions based on international models” to address the problem of climate change.

Ghani's call for placing Afghanistan's climate woes in the regional context arises from the significant overlaps between Afghanistan and its neighbours. Its fossil fuel-dependent South Asian neighbours like Pakistan and India have remained prone to disasters related to climate change. Iran and the Central Asian countries that share boundaries with Afghanistan are also considered extremely vulnerable. Heatwaves, water shortages, recurrent flooding and their impact on human lives, agriculture, and livestock have been significant. In effect, the fight of this entire landmass against climate change boils down to national commitments and resources they can gather for the purpose.

Over the years, independent assessments have underlined Afghanistan's immense vulnerability to climate change. According to the Global Climate Risk Index 2019, (the last year the index has data for), Afghanistan was ranked sixth among countries most affected by climate impacts (Kumar, 2023). According to similar surveys like the INFORM Risk Index 2023, Afghanistan ranks fourth on the list of countries most at risk of a crisis. The country is eighth on the 2021 Notre Dame Global Adaptation Index of countries most vulnerable and least prepared to adapt to climate

change (OCHA, 2023). Between 1950 and 2010, the average annual temperature rose by 1.8 degrees in Afghanistan (Batha, 2023), which is about twice the global average. According to the climate change projections for Afghanistan, developed by NEPA and the United Nations Environment Programme (UNEP) in 2015, by 2100 the country will see a strong increase in mean annual temperature coupled with an overall decrease in water availability, impacting the country's diverse ecosystems. (UNEP, 2017)

One of the major manifestations of climate change is the increasing frequency of drought in the country. Over the past two decades, drought has been sporadic, with its intensity worsening over the years; the drought of 2018 directly affected 22 of the 34 provinces and produced at least 300,000 internally displaced persons (IDPs). Drought between 2021 and 2022 has affected 80 percent of the country. It coincided with the main wheat season harvests in May–July 2021, which are critical months for food security and livestock production. In 2023 and 2024, the country experienced its worst drought in 30 years, affecting 25 out of 34 provinces, with the highest increases reported in Parwan, Kunar, Baghdis, Baghlan, and Samangan provinces (Reliefweb, 2024).

Precipitation has been scarcer in peak winter months as well. Between October 2023 to mid-January 2024, Afghanistan received only 45 to 60 percent of the average precipitation compared to previous years, well below the 40-year average. On January 23, 2024, the UN Office for the Coordination of Humanitarian Affairs (OCHA), warned that such unseasonably dry and warm winter could be devastating for Afghanistan's rain-dependent agriculture, especially the seasonal cash crops, affecting the prospect of pasture recovery (Siddique, 2024).

Changing weather patterns and erratic unseasonal rains led to at least three flash floods ravaging many provinces between July 2023 and April 2024. Severely parched land loses the capacity to absorb water, which typically leads to such floods when it rains after a long gap. The difficulty in growing crops and maintaining livestock has led to widespread food insecurity and malnourishment, affecting as many as 40 million people, including close to eight million children. Approximately 80 percent of Afghanistan's population relies directly on the natural resource base for their livelihoods. These climatic changes can therefore seriously disrupt the country's food security, economy, and stability and become a threat multiplier.

Further, rising temperatures directly lead to less-than-optimal water and sanitation conditions, already troubled by altered precipitation patterns across the country. For years, residents of Kabul have dug deeper to access groundwater (author's field-notes, June 2007– May 2017). In other areas of the country, such fast-depleting water columns directly affect agriculture, the raising of livestock, and the lives of people. El Niño conditions, which bring in some amount of rain, may offer some opportunities for drought recovery. But these also pose the risk of flooding and pests that affect crops.

The coming years are not expected to provide any respite from this catastrophic phenomenon. According to the Afghanistan Drought Risk Management Strategy (2019–2030) of the UN's Food and Agriculture Organization (FAO), by 2030, annual droughts in many parts of the country will likely become the norm (FAO, 2019). This combined with other natural hazards such as flooding and earthquakes, can further limit the coping and earning capacity of the population (author's field-notes, August 2016). According to the UN's Department of Economic and Social Affairs- Population Division, the population of Afghanistan is set to expand significantly towards 2030, which could put enormous strain on the resources of the country and its capacity to fight climate change (UN-DESA-PD: 2022).

### **Taliban's Governance Crisis: Capacity Deficit and Flight of Human Capital**

Afghanistan's inability to respond to climate change under the Taliban can be viewed in the context of a complete collapse of governance structures and flight of human capital since August 2021. The Taliban regime has failed in two ways to respond to the unfolding crisis: first, in successfully developing and managing the official competencies required to meet both short-term exigencies and the necessities of long-term planning and institution-building; and second, in finding adequate resources. Both are linked to the regime's obscurantist policies and somewhat lackadaisical approach to human suffering.

In the days following the Taliban's capture of power, many critical and longstanding functionaries of Afghanistan's Republican government fled the country fearing persecution, leading to a brain drain and a crisis of governance; the Taliban then proved to be clueless and incompetent when it came to operating the state machinery set up by the international

community over the last two decades. Those who could not escape went into hiding, waiting to assess the new regime's approach towards the agents of the previous administration and contemplating methods of leaving the country. Many of them were personnel and officials belonging to the Afghanistan National Disaster Management Authority (ANDMA).

Set up in 1973, the ANDMA has nearly five decades of experience dealing with natural and climate disasters in the country. However, in the past two decades of the Republic, it has been relying on international aid to augment its capability. For example, the United Nations Assistance Mission in Afghanistan (UNAMA) and the Asia Development Bank collaborated with the Government of Afghanistan and other partners to develop a National Plan for Disaster Management and a Strategy for Institutional Strengthening in Risk Management in 2005 (UNDRR, 2005). These plans detailed a roadmap for strengthening Afghanistan's disaster response capacity and identified areas for international assistance. In 2017, the World Bank, with financial support from the Government of Japan and the Global Facility for Disaster Risk Reduction, produced a comprehensive multi-hazard risk assessment at the national level (World Bank, 2017).

Before the Taliban takeover, NEPA had prepared a national climate action plan and emissions inventory. During my field research in Afghanistan, NEPA was construed as one of the successes of the two-decade-long international intervention (author's field-notes, September 2012; August 2016). The Taliban has not established any agency to replace the dismantled NWARA (Reliefweb, 2022), nor has it provided any indication about measures it will take to mitigate the impacts of climate change and to enact water governance. None of these, including the promotion of clean energy, appears to be a priority for the Islamic Emirate, which hopes to rule the country under shariah (Islamic canonical) law. Worse still, media reports have indicated that cash-strapped and cut off from international aid, the Taliban-led government is tapping into the country's coal mines to boost revenue (REFRL, 2022).

Similarly, the former Republican government led by President Ashraf Ghani had officially declared a drought on June 22 and predicted that wheat crops in the country would be reduced by nearly 2 million tonnes and more than 3 million livestock were at risk of death (IFRC, 2021). After taking over the reigns of power, the Taliban regime failed to document the actual impact of the drought.

Overall, the Taliban regime has displayed little understanding of cli-

mate vulnerability, while often claiming to have rolled out policies related to climate change, such as enforcing limits on emissions from coal-fired heating systems. Otherwise, its policies to deal with climate issues have been mostly extemporaneous, including the occasional provision of small monetary handouts to victims of drought, earthquake, and floods. Taliban spokesperson Zabiullah Mujahid has underlined the limited capacity of the Taliban regime to deal with the crisis by saying: “Afghanistan is a poor country and cannot handle disasters on its own; therefore, we need the help and support of other countries” (Saifullah, 2023). Clearly, the development of local competencies to meet exigencies and to plan for dealing with climate change seen under the Republican regime seem to have been replaced by rudimentary and ad hoc measures, grossly inadequate given the scale of the crisis.

### **The International Community's Ad-hoc Approach: Isolation vs Recognition**

The international community's current strategy of isolating the Taliban has neither brought about any change in the group's world-view on women and human rights nor has it helped in addressing the governance deficit and climate crisis inside Afghanistan. Since August 2021, there has been a dwindling of funds from the international community impacting the implementation of those critical projects already approved. This includes funds for water resources development and climate change mitigation projects. The projects that have come to a halt include a \$21.4 million rural solar energy project backed by the GCF, the project to create a national carbon inventory, a \$36 million project funded by the Global Environment Facility and others to boost renewable energy, make agriculture and forestry more climate-resilient and safeguard ecosystems, and several green projects worth \$90 million in the pipeline (Banerji, 2021).

Similarly, before the Taliban's takeover, Afghanistan's climate plan estimated that the country needed \$20.6 billion to fund climate adaptation and emission-cutting initiatives between 2021 and 2030. (Talaash & Batha, 2023) The GCF had approved nearly \$18 million for a sustainable energy project in Afghanistan. That project was put on hold, pending a “full review of current and emerging risks”, according to the GCF (Dickie & Greenfield, 2023). In addition, the erstwhile Republican regime had sought \$750 million for various projects, such as improvements in irriga-

tion and the deployment of rooftop solar panels in Kabul. They, too, have been deferred.

This precarious situation has made millions, including farmers, more vulnerable to disaster, without any assistance whatsoever from the Taliban regime. A critical lack of infrastructure and leadership to deal with disasters has directly impacted food production, both for domestic consumption and exports. Staple crops of the northern and southern plains and the fruit orchards in the central highlands have suffered massively, unveiling a sweeping spectre of mass hunger that is threatening to consume 10 million Afghans, who are no longer covered by the aid provided by the resource-starved World Food Program (author's e-interviews with Afghan stakeholders, September 2022).

In 2023, the OCHA claimed that the number of people facing high food insecurity during the lean season has decreased compared to previous years, mostly due to “extensive, timely and efficient delivery of humanitarian food and agriculture assistance” (Reliefweb, 2023). However, given the declining contribution from the international community, sustaining that momentum may be a challenge. Consequently, the vast majority of Afghans would remain outside any assistance programme. According to an assessment, the amount of aid Afghanistan currently receives from EU and UN projects is less than 10 percent of the previous aid, leaving the average Afghans weaker, vulnerable, and more exposed to the hazards of climate events (Kumar, 2024). Under the Taliban regime, sustained high food prices, soaring unemployment, and macroeconomic instability in the country are the order of the day. According to a recent survey, unemployment among men has surged to 31 percent (Mehran, 2024). Most women have been barred from work. An average Afghan works for a daily salary of 200 afghani, which is highly insufficient for buying “a bag of flour which is 2,150 afghani, a tin containing sixteen litres oil at 1,800 afghani, a bag of 24 kilograms of rice at 3,100 afghani, 7 kilograms of bean which costs 700 afghani and a bag of 7 kilograms of sugar that is 430 afghani” (Tolo News, 2022). This situation could worsen, triggering the outward movement of the population as climate refugees sooner rather than later.

Ironically, Afghanistan went unrepresented in the COP28 climate change conference held in Dubai in November to December 2023 – the third year in a row since 2021 that policy seeking to isolate the Taliban has not distinguished between the regime and its victims.

Despite being one of the countries most vulnerable to climate change

and one of the lowest emitters of greenhouse gases, Afghanistan did not find a place on the global climate table. The Taliban-controlled NEPA issued a statement regretting the “political factors” that resulted in the Afghan delegates not being extended an invitation to attend the conference (D'Souza, 2023). The NEPA has made several appeals for Afghanistan's inclusion in the COP process and to restart 32 climate change-related projects worth \$824 million postponed by donor institutions.

In a recent meeting of April 2024, NEPA also outlined smaller projects that it plans to undertake within its limited capacity (Tolo News, 2024). For the international community, however, any proposed inclusion of the Taliban in the COP process may inadvertently be interpreted as recognition of the regime. This is a challenge given the Taliban's regressive policies on girls and women (D'Souza, 2024). Since the capture of power, the Taliban have banished women to within the four walls of their homes. Through a series of edicts, the Islamic Emirate has put a curb on women's education beyond secondary levels, made the presence of women in public places illegal without a male guardian, has stopped local agencies and international NGOs from recruiting women as staff, and has slashed the salary of women employees working in fields such as health, security and art and craft. It has even made women conversing in the open illegal, to be punished by beatings, prison terms and even public stoning. No amount of international criticism has deterred the Taliban regime from unveiling new and harsher edicts each passing month. It describes women's issues as an internal matter and compliant with Islamic laws.

Engaging with such a regime unveils serious ethical issues, especially for democratic societies that treat women as equal to men and recognise their contribution to society. However, Afghanistan, being affected by climate change to the degree that it is, poses a unique challenge. The impact of climate change on the country, the potential region-wide spillover and the consequent increase in the flow of refugees into European countries that will follow should remain a source of concern for the international community. These hard truths need to be factored into the policies of the international community.

### **The INGO-led Response: The Parallel Service Delivery**

Many of Afghanistan's security-related problems depicted a declining trend following the Taliban insurgents' assumption of power. Certain se-

curity challenges continue to be posed by Islamic State Khorasan Province (ISKP) and the remnants of the deposed civilian regime. However, these are neither significant enough to disrupt the climate-related projects in the country, nor believed to be directed towards ameliorating the crises faced by the common Afghans. The host of problems faced by Afghanistan relates to all three aspects of the climate crisis – mitigation, adaptation, and resilience and the responses from the international non-governmental agencies (INGOs) must cover all three if they are to be effective. The following analyses seem to indicate that most of the projects currently in the works respond to the mitigation and adaptation needs in only a limited fashion.

In the absence of adequate resources and a lack of official competencies, small projects on a limited scale are being executed by the United Nations and the European Union to confront climate change, boost agriculture, and improve food security in Afghanistan. These are small project-based initiatives and are being implemented in a few provinces of the country; while they are not in the realm of developmental aid, their implementation has positively impacted the lives of the identified population. Such impact is limited to the area of implementation. Climate-proofing the country, or at least a significant area, is beyond the scope of such projects (author's e-interviews with Afghan stakeholders, July 2023). For instance, the United Nations Development Programme (UNDP) is implementing a solarization initiative aiming to tackle Afghanistan's energy challenges (UNDP, 2024). The country imports 75 percent of its electricity from neighbouring Iran, Tajikistan, Turkmenistan and Uzbekistan, which is barely enough to cover 40 percent of its needs, forcing even the critical health facilities among others to be without power for more than six hours every day. The situation is worse in more remote provinces where such shutdowns can last 12 hours a day. The UNDP project has benefited hospitals, health centres, schools, and small farmers in Kabul and Kapisa provinces. Afghanistan needs an expansion of such projects to almost all of its provinces. This may be beyond the capacity of the INGOs and needs to involve both the government and the local organisations in its implementation.

The other climate adaptation projects in play include the EU's initiatives in the field of resilient agriculture. In July 2023, the EU announced a humanitarian donation of €7.6 million to address climate change and food insecurity in the country through an agricultural project to be implement-



ed by the British non-profit Afghanaid in Badakhshan, Daikundi, Ghor, Jowzjan, Samangan, and Takhar provinces (Delegation of the European Union to Afghanistan, 2023). Here too much emphasis has been placed on involving women in climate adaptation. Afghanaid lays special emphasis on implementing a women-centric climate action plan by training women in preparing bio-briquettes and gabion baskets, and involving them in kickstarting reforestation and nurturing drought-resistant home gardens.

Since September 2023, another EU-funded €3.3 million climate adaptation project in Afghanistan has been implemented by the Norwegian Afghanistan Committee (NAC). The project, which will last for three years, will enhance the capacities of local communities in seven provinces – Badakhshan, Daikundi, Faryab, Ghazni, Kapisa, Paktia, and Takhar – to take up climate-smart agriculture, livelihood diversification, and efficient and sustainable natural resource management.

Climate resilience projects have recently been initiated in a limited scale. In May 2024, the NAC, in collaboration with the Chr. Mikkelsen Institute (CMI) and NEPA, concluded a three-day climate dialogue and symposium on the consequences of climate change in Afghanistan, where community members from rural Afghanistan were invited to discuss the impacts of climate change and share their recommendations to build community-led resilience. Similarly, the Aga Khan Development Network's women-led climate resilience projects include growing micro-forests to support communities in combating climate change while supporting them in earning livelihoods in Badakhshan, Baghlan, Bamyan and Takhar provinces (AKDN, 2024).

The scale of these projects is limited; significant expansion (impossible to achieve without capacity building and the involvement of local NGOs) is required. Unless backed by a visible increase in the availability of resources, the areas of implementation would remain limited and the outcomes would not evolve beyond tokenism.

### **The Long Road Ahead: Future Pathways**

The exclusion of Afghanistan by the international community from global conversations on climate change has been a self-limiting strategy. While being ethical, it mixes ideals and politics with the priorities and needs of the Afghan populace. These concerns over the Taliban's regressive policies on girls and women need to be balanced against on-the-ground reali-

ties and necessities of the people in Afghanistan and developing adequate leverages to bring about a behavioural change. This balancing act could start with both issue- and project-based engagement with the Taliban regime with a view both to enhancing its capacity to respond to the climate crisis and to bring about an incremental change in their behaviour and world view. This could culminate in the Taliban becoming socialised as a participant in international negotiations, governance and cooperative frameworks on climate change. As the dilemma on recognition and assistance remains unresolved, Afghanistan could be subjected yet again to a vicious cycle of conflict with climate change acting as a threat multiplier.

Existing EU and UNDP projects certainly do make some difference to the lives of Afghans, but they are limited to only a third of the country's provinces. The country needs a much larger and immediate range of international interventions in terms of enhancing the capacities of Afghans to act in the face of growing challenges caused by climate change rather than merely relying on parallel delivery mechanisms. As with any other country, in Afghanistan it is the people who must assume the role of primary respondents to climate challenges as catalysts of environmental peace building efforts. Both the international community as well as the countries of the region have a responsibility to provide them with the necessary assistance and tools to deal with the impending climate crisis as it exacerbates food insecurity, impacts public health and results in climate refugees.

The international community needs to take cognizance of the fact that frequent natural disasters, coupled with the prolonged economic crisis, could serve to exacerbate migration and a rise in violent extremism, with the unemployed and displaced youth compelled to join militant groups like al-Qaeda and ISKP due to the lack of economic opportunities. While both neighbouring and more distant countries alike would be affected by the spread of radicalization, European countries are likely to be the target of the mass-migration of refugees. Moreover, countries like Pakistan and Iran could continue to forcibly deport large numbers of Afghan refugees, thereby reducing their attractiveness as refugee destinations.

According to the UNHCR, a record 28.3 million Afghans need humanitarian and protection assistance in 2023, which represents a huge spike of 3.9 million from the 2022 figures of 24.4 million, and 9.9 million more from the early 2021 figures of 18.4 million. In 2023, 20 million people face acute hunger, with 6 million people in "emergency" levels (one step away from famine) – one of the world's highest figures (UNHCR,

2023). There should be greater engagement between the donor agencies and the UN with the Taliban regime, especially on a pressing issue like climate change, which plays a crucial role in such endemic poverty and food insecurity.

Afghanistan needs urgent help to deal with the growing climate vulnerabilities and crisis. It needs immediate assistance for comprehensive climate action strategies. The international community's support is crucial in building resilience and ensuring sustainable development in the country. The UN approach of leaving no one behind (LNOB) is set out in the Shared Framework on Leaving No One Behind: Equality and Non-Discrimination at the Heart of Sustainable Development; this includes a shared framework for action to ensure that the institution of the UN System actively seeks to combat inequalities and discrimination in support of the implementation of the 2030 Agenda for Sustainable Development.

Operationalizing the commitment to LNOB in Afghanistan and addressing climate crisis and conflict fragility, the international community must provide financial assistance and engage with the de facto authorities on crucial humanitarian, governance and economic issues. Doing so will enhance a shared capacity and build stake holder ship to tackle the challenges of climate change impacting the country marked by sustained conflict. Such a policy should potentially translate to strengthening assistance and institution-building, both increasing interaction with the Taliban on climate stress and disaster management and building platforms of cooperation to include Afghans in global climate conversations and climate action. The international community and the INGOs can also help develop programs for training the ANDMA personnel and provide them with modern equipment and periodic assessments.

There are ample opportunities for developing a cooperative mechanism between the West and the regional countries. The West should perhaps take the responsibility of providing financial and technical assistance while the countries of the region, being conversant with the intricacies of working with the Taliban, should be tasked with implementing and monitoring the projects, in sync with the local culture and customs.

In addition to providing immediate humanitarian assistance for humanitarian relief, there is a need to build climate resilience strategies for the implementation of sustainable water management practices (rainwater harvesting and efficient irrigation systems, for example) to help mitigate the impact of drought. For this purpose, local self-help groups and com-

munities need to be included for climate mapping, prioritization and action. This could help build community-led resilience.

In particular, assistance and resources should be provided to women's groups, working to provide aid to female victims of disasters, to aid them in their efforts to help a vulnerable section of the population grappling with poverty and hunger due to climate-induced shocks. Afghan NGOs women and local grassroots representatives, meanwhile, need to be included in global conferences on climate and disaster management to help build networks of collaboration.

While such extensive engagement with the Taliban regime does run the risk of the latter using it as a source of legitimization, an assessment of the international community's approach of isolating the Taliban in the past two years indicate that efforts have not been particularly successful. To begin with, a change of approach with regard to climate action, in which stalled projects are restarted and greater civic engagement is sought, may save millions of lives and potentially bring about a modicum of moderation within the ranks of the Taliban through increased socialization.

Indeed, Afghanistan should be invited to participate in the COP29 summit to be held in Azerbaijan in November 2024. Excluding Afghanistan will further compound the problems of food insecurity, economic deprivation, violent extremism and climate-induced disasters with regional and international implications.

In the long term, Afghanistan's capacities and resilience must be developed by bottom up approach and long term institution-building; this would go a long way in addressing the threats of climate change the country and the region is experiencing.

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# Recognition and the Taliban's De Facto Future

*By Scott R. Anderson*

Scott R. Anderson is a fellow at the Brookings Institution as well as the general counsel and a senior editor for Lawfare. He was previously an attorney-adviser at the U.S. Department of State and legal advisor for the U.S. Embassy in Baghdad, Iraq. He has worked and written extensively on recognition issues, including in relation to Afghanistan.

## Abstract

This chapter delves into the dispute over the recognition of the Taliban. After reviewing and applying the relevant international legal framework to Afghanistan's present conditions, it argues that multilateral recognition of the Taliban as a local or limited de facto authority could better address the legitimate needs of the Afghan people without requiring that the international community accept the Taliban as Afghanistan's new government. This could in turn help alleviate the human costs of the status quo of non-recognition.

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### Introduction

More than three years have passed since the Taliban deposed the internationally recognized government of Afghanistan and seized control of the country and its governing institutions. By most accounts, the Taliban regime – which now calls itself the Islamic Emirate of Afghanistan – remains in firm command of both, to the point that it is now fulfilling most of the functions one would expect from any governing authority. Yet no foreign government has formally recognized the Taliban as Afghanistan's new government. Instead, the international community seems intent on withholding recognition until the Taliban's treatment of women and minorities comports with the requirements of international human rights law, among other conditions – none of which the Taliban has thus far been willing to meet.

History suggests that this stand-off may be a long one, as Afghanistan has endured extended periods without a recognized government in the past. But it comes at a cost. The lack of recognition deprives the Taliban of access to resources and capabilities that national governments rely on to govern effectively, including control over Afghanistan's substantial overseas assets. It complicates various areas in which foreign governments need to engage with the state of Afghanistan, from diplomatic engagements over regional security concerns to the management of overseas legal disputes. It deters private actors from engaging in transactions with the Taliban or those under their control for fear that they cannot speak for the state of Afghanistan as other governments can. And, perhaps most significantly, it hinders the Taliban regime's ability to provide public services and fulfil other essential governmental functions that innocent Afghan citizens rely on, adding to the enduring economic and humanitarian crisis the country is facing.

This chapter contributes to the broader policy debate around Afghanistan by delving into this dispute over recognition and considering what steps the international community might take to mitigate the attendant costs without compromising its current position. Drawing from relevant international legal authorities, it provides an overview of the relevant legal framework before applying it to Afghanistan's present conditions. From there, this chapter examines an under-studied aspect of this legal framework – the role of local or limited de facto authorities – and considers how it might provide a legal foundation for a more calibrated relationship between the Taliban and the international community that will allow the Taliban to better address the legitimate needs of the Afghan people without formally accepting its claim to be Afghanistan's new government.



Until either the Taliban or the international community concedes to the demands of the other to some degree, the status quo and its human costs are likely to persist. But the international community can mitigate the latter by accepting that the Taliban now fulfils certain essential governmental functions in-country and extending them the legal capacity to do so more effectively as limited *de facto* authorities. This will require that the international community both clarifies the functions the Taliban may validly fill as a limited *de facto* authority and facilitates its ability to do so. More difficult still, the Taliban will need to demonstrate a willingness and ability to do so in good faith. But if both sides can take these steps, it will provide a foundation for a more manageable and humane status quo as they navigate the longer and more difficult road to fully reintegrating Afghanistan into the international community.

### **Recognition in Law and Practice**

In international law and diplomacy, “recognition” is a term of art used to describe the act by which one state, acting through its government, acknowledges that another geopolitical entity is a state entitled to certain rights and obligations as a matter of international law, and that a given regime is that state’s government and thus has the capacity to exercise those rights and duties on its behalf (Henkin, 1987; Crawford, 2006; Crawford, 2019). While recognition of a government always implies recognition of an associated state, one state may recognize another without recognizing any associated regime as its government. As a result, one state may recognize another as existing, but see it as being without a government able to act on its behalf in international affairs (Roberts, 2009; Crawford, 2019). This is more or less the situation that Afghanistan presently finds itself in, at least in the eyes of the international community.

The international legal relationship between states and their governments is much like that between corporations and their senior executives. Like corporations, states generally have their own legal personality, meaning they can own property, enter into legally binding agreements, and be held liable for unlawful conduct as if they were an independent person. Governments exercise a state’s legal rights and duties on its behalf, just as the legal rights and duties of corporations are managed by their senior executives. Both corporations and states can survive as legal entities even if their senior executives or governments change or disappear. But just as

corporations are liable for the decisions made by former senior executives, states generally remain legally responsible for the decisions of their past governments (Crawford, 2006; Crawford, 2019). In this sense, recognition can determine not just who can act on a state's behalf, but for whose decisions a state will be held responsible.

Unlike with corporations, there is no higher legal authority that can determine a state's rightful government in cases where it is unclear or disputed. Instead, other states generally make this determination individually as part of their bilateral relationship with the state in question. While international organizations such as the United Nations are often described as recognizing a certain government, this is only for the purpose of determining who may participate in line with their internal rules and procedures. Member states' individual recognition policies may inform whether they support the participation of an unrecognized regime in that international organization, but the international organization's collective determination is not binding on individual member states and does not compel them to change their recognition policies to comport with those of the international organization (Crawford, 2019).

The conventional international legal standard for when a regime constitutes a state's government is when it has established "effective control", classically defined to mean that a regime is "sufficiently established to give reasonable assurance of its permanence, and of the acquiescence of those who constitute the state in its ability to maintain itself, and discharge its internal duties and its external obligations" (*Great Britain v. Costa Rica*, 1923, pp. 377–378). But this sets a high bar that is open to substantial interpretation, giving foreign governments a great deal of leeway in deciding where it has been met. Formal recognition as a government is also traditionally understood to be discretionary, meaning a state may choose to withhold it even where these conditions are met, though the regime in effective control may still be seen as having some authority as a matter of international law. In practice, states often set conditions on recognition that are aimed at ensuring the regime in question acknowledges and complies with certain international legal obligations, is rooted in some form of democratic power-sharing institutional process, or meets certain other conditions that the recognizing state sees as desirable from a policy perspective (Henkin, 1987; Talmon, 1998; Crawford, 2019).

Withholding recognition brings real legal consequences. A state without a recognized government still has international legal rights that other

states are obligated to respect, such as the rights to political independence and territorial integrity enshrined in the U.N. Charter. It is also generally still bound by whatever international obligations may have been put in place by its prior governments through treaties and related instruments, and – as discussed in greater detail later in this chapter – it may still be held internationally legally responsible for the actions of certain groups or entities, including *de facto* authorities that may control it, fully or in part (ILC, 2021). But absent a government recognized by foreign states, that state may be without anyone able to exercise affirmative legal rights in ways that are contingent on the acknowledgment and acceptance of those other states (Henkin, 1987; Crawford, 2019). For example, a state may indisputably be the owner of property located in a foreign state's jurisdiction, but lacking a government recognized by that foreign state there may not be anyone with the legal authority to access or control that property under its domestic legal system. Similarly, a state may have indisputably valid legal claims before a foreign or international court, but without a government recognized by the associated foreign state or international organization, the state may be without anyone able to authorize legal counsel to present arguments on its behalf.

This lack of capacity can in turn hinder a regime's broader ability to manage the economy and global relations of its associated state, among other consequences. An unrecognized regime that cannot control its state's foreign property may not be able to access foreign exchange reserves or use them to implement economic policies on the state's behalf. Similarly, an unrecognized regime may not be able to staff the state's foreign embassies or send representatives to participate in international organizations or solicit assistance from international financial institutions, making it hard to manage the state's diplomatic relations or weigh in on international issues that bear on the state's interests. Private actors may in turn be less willing to contract with or otherwise engage an unrecognized regime as they know the actions it takes may not be seen as attributable to the associated state in foreign courts, limiting the available remedies in the event of a legal dispute.

The costs from this lack of capacity undoubtedly fall most heavily on the unrecognized regime and those under its control. But they can also prove to be irritants for foreign governments who need to engage with the state in question but lack recognized counterparts through which they can do so. For this reason, most states eventually recognize even odious regimes effectively governing another state. Following the Iranian revolution,

for example, the United States initially refused to recognize the regime of Ayatollah Khomeini as Iran's government. But as the United States found it necessary to engage with someone able to act on Iran's behalf to address various bilateral issues, it gradually conceded (*National Petrochemical Co. of Iran v. The M/T Stolt Sheaf*, 1988). In most cases, the only question is when the accumulated costs begin to outweigh the perceived policy benefits of withholding recognition.

### Recognition in the Afghan Context

Afghanistan is perhaps the leading example as to just how long this can take. Over the past 50 years, Afghanistan has lacked a broadly recognized government almost as often as it's had one. Following the Soviet Union's military intervention in 1979, the United States and many of its allies declined to recognize the various regimes that the Soviets helped to stand up. When the mujahideen ultimately deposed the last of these regimes in 1992, much of the international community similarly refused to recognize any of the various factions involved as Afghanistan's government, though a leadership council headed by Burhanuddin Rabbani was allowed to fill Afghanistan's seat at the United Nations. After the Taliban consolidated power in 1996, only three foreign states – Pakistan, Saudi Arabia, and the United Arab Emirates – proved willing to recognize it as Afghanistan's government, while Rabbani's representatives were allowed to continue. Pakistan subsequently withdrew its recognition after the September 11 terrorist attacks, further isolating the Taliban. Other states generally refused to favor one faction over another with recognition, though the incumbent officials appointed by the Rabbani-led regime were allowed to continue to represent Afghanistan at the United Nations (Rubin, 2013; Rubin, 2020; Anderson, 2021). In this sense, the internationally recognized Islamic Republic of Afghanistan that the United States helped to institute following its 2001 invasion was an interruption in a longer period without a widely recognized government – a state to which Afghanistan returned following that government's fall in August 2021.

The Taliban is undoubtedly aware of the costs of non-recognition and has at times shown signs that it would like to remedy them. During the 1990s, representatives from the Taliban visited the United Nations and various national capitals to actively lobby for recognition (Rubin, 2013; Dam, 2021). The current generation of Taliban leadership has similarly

asserted that it meets the requirements to be recognized as Afghanistan's government and has unsuccessfully pushed for control of Afghanistan's seat in U.N. bodies and access to Afghanistan's foreign reserves, among other attempts at legitimization (ICG, 2024). For this reason, it is perhaps not surprising that, in the wake of the Taliban's August 2021 takeover, U.N. Secretary-General Antonio Guterres described recognition as "the only leverage that exists" over the Taliban (Nichols, 2021).

Nor has the international community been shy about using it. Before the collapse of the Afghan government in August 2021, international interlocutors warned the Taliban that seizing control of the country by force would be seen as an illegitimate act undermining any eventual case for recognition (ICG, 2024). Since then, Guterres himself has vocally urged solidarity within the international community around several conditions for recognition, including demands that the Taliban help preserve regional security (including by combating terrorism and the narcotics trade), work towards greater inter-Afghan dialogue and power-sharing, and bring Afghanistan into compliance with its international human rights obligations, particularly in relation to women and girls (United Nations, 2024). In November 2023, these same conditions were included as key steps on the roadmap to normalization laid out in an independent assessment on how best to engage with the Taliban requested by the U.N. Security Council, suggesting they are likely to remain in place for the foreseeable future (United Nations, 2023).

Thus far, however, the Taliban has proven unable or unwilling to satisfy them. Regional security is the only front where the Taliban has arguably made some progress. While various terrorist groups still operate in Afghanistan, the Taliban has reportedly taken steps to disrupt many of their operations, to the point that even U.S. officials do not contest that the Taliban has effectively met the counterterrorism obligations they agreed to prior to the United States's withdrawal. The Taliban has also actively pursued an array of counter-narcotics operations since outlawing drug production in 2023, though the industry remains vigorous. But the Taliban has sternly resisted calls for power-sharing and has instead focused on consolidating its own control of the government. And the regime has notoriously reimposed any number of harsh restrictions on the activity of women and girls (as well as ethnic and religious minorities) in ways that are widely understood to violate accepted human rights standards (United Nations, 2023; Rahimi & Watkins, 2024).

Due to this lack of progress, the international community has stuck to its strategy of non-recognition with surprising uniformity. No state has recognized the Taliban as Afghanistan's government, and Afghanistan's U.N. seat remains outside of the Taliban's control. While individual states have engaged the Taliban on issues of mutual interest or concern, this has generally been through informal channels and arrangements, not the sorts of formal diplomatic exchanges and international agreements that might be seen as a sign of mutual recognition (ICG, 2024). The country that has come the closest is China, which did accept an ambassador from the Taliban in late 2023. While this move would normally signal recognition, China's foreign ministry has publicly insisted that this was not its intent (MFA, 2024).

Afghanistan, meanwhile, has continued to spiral into a deepening economic and humanitarian crisis (World Bank, 2023). A lack of recognition is not clearly the main, or even a major, driver of this: the economic sanctions levelled against the Taliban by much of the international community would not go away if it were recognized as a government, and there is good reason to doubt whether such sanctions are even the true root cause of Afghanistan's problems. Nonetheless, recognition would provide the Taliban with access to the sorts of diplomatic and economic resources – including diplomatic representation, the ability to engage with international organizations and financial institutions, control over foreign exchange reserves, and the ability to reliably engage with foreign private companies – that governments generally rely on to bring their countries out of such scenarios. Without them, a way forward for Afghanistan is far less clear.

### Navigating a de facto Future

For better or worse, Afghanistan is not the first country to find itself in this predicament. The international community has encountered territories and states without recognized governments in the past, from the Confederacy during the U.S. Civil War to Somalia for much of the 1990s and 2000s. This hard experience has led the international community to develop a specialized set of rules for such scenarios. Specifically, international law allows that, in the absence of a recognized government, otherwise private individuals and organizations may step in and perform certain essential governmental functions on the state's behalf as de facto authorities.

There are signs that some members of the international community

may already view the Taliban as a *de facto* authority along these lines. Secretary-General Antonio Guterres and other U.N. officials routinely describe the Taliban in such terms (United Nations, 2023; United Nations, 2024). So did U.S. Secretary of State Antony Blinken shortly after the Taliban takeover (Plett-Usher, 2021), though U.S. officials have since avoided the term. Less clear, however, is whether these actors are using “*de facto*” in a purely descriptive sense – and, if not, whether they understand its full legal implications.

The terms *de jure* recognition, meaning full and formal recognition, and *de facto* recognition, which generally means something less than *de jure* recognition, have been used in diverse and not always consistent ways throughout history (Talmon, 1998; Crawford, 2019). In contemporary usage, the term *de facto* authority is most often used to describe a regime that meets the effective control test in relation to all or most of a state but is not recognized as its *de jure* government. This is often called a general *de facto* authority. By contrast, where a regime or other entity only controls a part of a state or its institutions, they are generally considered to be only local or limited *de facto* authorities (Borchard, 1915; Morris, 2012). Despite their common nomenclature, international law views the actions of general *de facto* authorities and limited *de facto* authorities quite differently.

The clearest contemporary statement of international legal rules regarding *de facto* authorities is in the Articles on the Responsibility of States for Internationally Wrongful Acts authored by the U.N. International Law Commission, which are widely considered to be an authoritative restatement of relevant customary international law. While only expressly addressed towards state responsibility for internationally wrongful acts, the rules of attribution articulated in the Articles reflect broader principles of international law that apply in other contexts as well (Crawford, 2013). In this sense, they provide a useful touchstone for understanding how various acts of *de facto* authorities may be attributable to their host states, whether internationally wrongful or not.

According to the official commentary on the Articles, general *de facto* authorities are generally considered capable of binding the state as its government (ILC, 2001). Foreign governments that do not recognize a general *de facto* authority as a state’s *de jure* government may choose not to engage with it in various discretionary ways, but disregarding that authority’s capacity to speak for the state can run counter to their own international legal obligations (Henkin, 1987; Crawford, 2019). Notably, the Articles

also lay out a related rule specifically intended to apply to insurrections: while states are not generally responsible for the actions of insurrectionary movements, they become responsible if and when such a movement becomes a state's new government.

Local or limited de facto authorities, however, present a far more complicated picture. The Articles set out a test for when such authorities may speak for a state (though it does not describe them as such), stating in Article 9:

The conduct of a person or group of persons shall be considered an act of a State under international law if the person or group of persons is in fact exercising elements of the governmental authority in the absence or default of the official authorities and in circumstances such as to call for the exercise of those elements of authority. (ILC 2001, p. 49)

The official commentary describes this as “a form of agency of necessity” reserved for exceptional circumstances, such as “during revolution, armed conflict or foreign occupation,” wherein “the regular authorities dissolve, are disintegrating, have been suppressed or are for the time being inoperative.” For a particular set of actions to qualify under this rule, “the circumstances surrounding the exercise of elements of the governmental authority by private persons must have justified the attempt to exercise police or other [governmental] functions in the absence of any constituted authority” (ILC, 2001, p. 49). Where these conditions are met, a limited de facto authority's actions are generally attributable to the state in the same manner as a government (Crawford, 2013). Importantly, this is consistent with the approach taken by many domestic legal systems for identifying which acts by unrecognized foreign authorities they should acknowledge and treat as the acts of a foreign government (Borchard, 1915; Henkin, 1987).

Applying these standards to Afghanistan, a case may certainly be made that the Taliban regime exercises effective control over most if not all of the country and thus is the general de facto authority there, at least for purposes of state responsibility. But many members of the international community are no doubt reluctant to openly reach this conclusion for fear of legitimating or further strengthening the Taliban's seizure of power. At a minimum, however, states should be able to agree that the Taliban serves as a limited de facto authority responsible for various elements of governmental authority within Afghanistan. As the official commentary of



the Articles makes clear, accepting this does not constitute an endorsement of any specific measures the Taliban might pursue in this capacity, only acknowledgement that there was some essential need for someone to step in and fill the governmental function in question (ILC, 2001).

Accepting the Taliban's role as a limited de facto authority may in turn open avenues for more effective multilateral engagement. Even as foreign states withhold either formal de jure recognition of the Taliban and possible acknowledgment as a general de facto authority, they could acknowledge the Taliban's status as a limited de facto authority and allow it to act on Afghanistan's behalf only in relation to those essential governmental functions it is fulfilling. So long as the Taliban is acting within the scope of the limited de facto authority rule, the state of Afghanistan would still be held responsible for any actions it takes in this capacity, including the exercise of relevant legal rights and obligations on Afghanistan's behalf. For example, a foreign government who acknowledges the Taliban as a limited de facto authority for purposes of managing Afghanistan's public health policies might allow relevant officials in the Taliban regime to access foreign accounts held in Afghanistan's name that were previously used to purchase medicine or pay local staff. Those officials' use of that account would in turn be attributable to Afghanistan in the same manner as if they were governmental officials, limiting any future Afghan regime's ability to make a claim against the foreign state on the grounds that it allowed a third party to mishandle Afghanistan's state property.

Openly acknowledging the Taliban's role as a limited de facto authority could also help improve its ability to engage with private parties in ways that benefit the Afghan public. The foreign domestic courts that are most likely to hear commercial and other disputes between foreign private actors and the Taliban (or Afghan individuals and corporations subject to Afghan governance) generally defer to the recognition determinations of their parent governments (Henkin, 1987; Crawford, 2019). As a result, foreign private actors are more likely to have confidence that actions undertaken by the Taliban within the scope of the limited de facto authority rule will be treated as attributable to Afghanistan in the same manner as actions by a recognized government – a factor that bears heavily on legal risk. In other words, for transactions related to those essential governmental functions that the international community acknowledges the Taliban to be fulfilling, and for those transactions only, foreign private actors are more likely to treat the Taliban as if it were another foreign government.

That said, simply accepting the Taliban's ability to act as a limited de facto authority does not accomplish much. Relevant legal authorities like Article 9 only outline the broad parameters of what types of governmental functions limited de facto authorities can fill, and give limited guidance on what this means in practice. There are also few on point precedents; the question of determining which actions performed by a limited de facto authority should be attributed to the state is usually only reached in isolated cases where relevant courts are scrutinizing actions well after the fact. As a result, there is scarce guidance on what governmental functions a limited de facto authority may legally undertake on the state's behalf in a contemporary context.

Providing such guidance is, however, something that the international community can do. Not only would a shared view among members of the international community carry weight as an international legal matter, but their individual positions are likely to be determinative in their national courts, administrative fora, and other domestic law contexts. To be maximally effective, one would want to not only generate this sort of shared position but embed it in a process that will make it available to national governments, private actors, and other interested third parties, allowing them to take this more nuanced understanding of the Taliban's role and corresponding legal authority into account when planning their own Afghanistan-related business. While there are many ways the international community could approach such a task, most will involve at least three elements.

### **Identifying Essential Government Functions**

The international community will first need to develop a shared understanding of those areas where the Taliban should be accepted as filling a necessary governmental function, in line with the rule on limited de facto authorities in international law and its domestic law corollaries. While this need not be done through a centralized institutional effort, it certainly could be, particularly if the United Nations or some other entity were willing to serve as a facilitator. But even if states continue to develop and apply their own policies in this regard, sharing relevant information and analysis should help coordinate standards and reinforce expectations regarding what the Taliban will and will not be able to do on Afghanistan's behalf across contexts.

There are several possible indicators that the international community could use to identify and build consensus around what governmental functions might reasonably qualify as essential so that the Taliban could reasonably step into to fill them as a limited de facto authority. Examples include whether a given function is something that the recognized government of Afghanistan used to perform, that foreign governments generally do for their own countries, or something consistent with international best practices or Afghanistan's international legal obligations. Advice from international lawyers and other experts could assist in this regard, as could dialogue with private actors and other third parties (as well as the Taliban itself). Generally speaking, most legal authorities suggest that limited de facto authorities reach "domestic" governmental functions like public health and safety, essential economic functions, and the provision of public benefits, but not those primarily reflecting the factional or foreign policy interests of the regime (Borchard, 1915; Henkin, 1987; Morris, 2012) – a convenient line that the international community seems likely to maintain when it comes to the Taliban.

Whatever process is used, the key is to develop a more detailed understanding of what essential governmental functions need to be filled, acknowledge where the Taliban is the party currently best situated to address this need, and accept their authority to fulfil those functions as a limited de facto authority, all in a manner communicated to the public. This will not only coordinate the public policies of participating members of the international community but signal to private actors and other third parties where and when the Taliban's actions are most likely to be viewed and treated as valid acts of the state of Afghanistan by relevant domestic courts.

### **Facilitating the Exercise of de facto Authority**

Once the international community identifies the governmental functions eligible to be filled by a limited de facto authority, it will then have to take steps to facilitate the Taliban's ability to do so. The most important step in this regard will be to revise the comprehensive sanctions currently imposed on the Taliban to permit related transactions. Fortunately, the international community has a head start in this regard, as it recently installed an exception to U.N. sanctions regimes for action relating to humanitarian assistance or necessary "to support other activities that support basic human needs" that may cover certain essential governmental functions (UNSC,

2022, para. 1). Some countries, like the United States, have already gone even further in their own bilateral sanctions by installing sanctions exceptions that extend to most transactions with the Taliban relating to governmental functions (U.S. Department of the Treasury, 2022).

At times, foreign governments may need to take more affirmative steps as well. Where the Taliban's legal authority to engage in relevant actions on behalf of Afghanistan comes into question, governments in the countries where those transactions are taking place may need to officially weigh in favor of the Taliban's ability to do so in this limited context – views that are likely to weigh heavily in any dispute adjudicated by national courts, giving private actors confidence that they are engaging with a credible counterpart. For example, if a foreign bank were to refuse the Taliban access to an account that is legitimately used to serve an essential governmental function, like paying certain civil servants, the government of the state in which that bank is located may need to intervene to clarify that it views the Taliban as acting for the state of Afghanistan in that area. This also includes situations where the Taliban may have a valid need for access to Afghan resources not under their control, such as the Afghan central bank assets recently transferred from the United States into the control of an independent trust in Switzerland (Anderson, 2022; editor's note here, so that it reads: editor's note: see also the chapter by Rigsby in this anthology). While states may not be able to dictate such outcomes, they can support valid requests by the Taliban in its capacity as a limited de facto authority.

### **Monitoring for – and Adapting to – Abuse**

Finally, the international community will need to take steps to ensure that the Taliban does not abuse the authority it is given as a local de facto authority, or that it uses it for purposes other than the governmental functions they are supposed to be filling, like supporting terrorism or engaging in corruption. This will require not only active monitoring by participating states but a process through which policies developed earlier in the process can be amended or conditioned to address concerns. Such actions by the Taliban may cast doubt on the extent to which it is fulfilling essential governmental functions with its actions. This may in turn warrant reconsideration as to where the international community should accept its role as a limited de facto authority, or the extent to which it should take steps to facilitate the Taliban's exercise of such authority.

Importantly, this is one area where the Taliban can help itself by taking steps to reduce international concerns; it may seek to insulate those implementing relevant policy from factional political pressure, assign the tasks of day-to-day management to technocrats or other non-partisans, and increase transparency in related operations. While the Taliban has resisted such measures in other contexts (ICG, 2024), they may be willing to do so in the less politicized, more technocratic areas most likely to fall within their ambit as limited *de facto* authorities – particularly if doing so is tied to more specific incentives arising from acceptance of its role as a *de facto* authority. In this sense, engagement over the Taliban’s exercise of *de facto* authority could help open channels of communication and build confidence between the Taliban and the international community – collateral consequences that could ease the broader processes of reconciliation and normalization over time.

## **Conclusion**

“The status quo of international engagement is not working”, special coordinator Feridun Sinirlioğlu and his team reported to the U.N. Security Council in late 2023 as part of an independent assessment of U.N. strategy towards Afghanistan. “It does not serve the humanitarian, economic, political or social needs of the Afghan people, nor does it sufficiently address the leading priorities and concerns expressed by international stakeholders”. Instead, a “method of engagement is required that learns from previous efforts, focuses on the needs of the Afghan people and acknowledges the political realities in Afghanistan today” (United Nations, 2023, para. 5). Through the steps outlined in this chapter, the rules regarding local *de facto* authorities could provide a framework for such engagement – one that is grounded in long-standing international law and practice but addresses the unique challenges facing Afghanistan today.

Some will no doubt argue that splitting Afghanistan’s state authority in this way creates opportunities for abuse by members of the international community – or that it only serves to justify further disregarding the reality that the Taliban is Afghanistan’s new government and warrants treatment as such. Others will object that engaging the Taliban on even these limited terms will only serve to legitimize and strengthen its hold on the country. Both objections have merit. But they fail to wrestle with the reality that neither the Taliban nor the international community appear willing

to capitulate to the other's demands, leaving innocent Afghans trapped in between. Accepting the Taliban's status as a limited de facto authority and further articulating what this means will allow both the Taliban and the international community to better address the needs of Afghan civilians within these political confines, until they can reach agreement on the Taliban's status and resolve the matter once and for all.

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# The Fund for the Afghan People

*By Jeff Rigsby*

Jeff Rigsby lived in Kabul and Badghis Province between 2009 and 2014, returning in the summer of 2022. During the former Republic he was employed in military contracting and on infrastructure projects funded by USAID and the Asian Development Bank. He now works as an investment consultant in Kabul and tweets on Afghan current affairs at @jeffrigsby2.

## Abstract

This chapter explores the establishment and challenges of the Fund for the Afghan People, a Switzerland-based charity created in September 2022 to safeguard part of Afghanistan's central bank reserves and facilitate cross-border transactions. Utilizing official government documentation, personal communications, and published research on Afghanistan's economy, the chapter examines the economic, political, and legal context of the Fund's creation shedding light on an often-underexplored topic. The main argument centers on the misconceptions regarding U.S. intentions and the reasons for the Fund's inactivity. The chapter concludes with recommendations for mobilizing the Fund's assets to alleviate Afghanistan's economic isolation and promote sustainable growth, including leveraging assets for renewable energy investments and improving cross-border payment mechanisms.

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## Introduction

Afghanistan is often described as facing economic catastrophe, with some commentators even describing the country as having settled into a “famine equilibrium” in which “poverty and hunger as well as the humanitarian crisis have greatly worsened” (Byrd, 2022). Along with the drastic restrictions on women’s rights imposed by the new regime, stories of extreme hardship are one of the few aspects of the current situation that can still draw the attention of a distracted world.

But the reality of Taliban rule is less dramatic. The World Bank’s most recent *Afghanistan Welfare Monitoring Survey*, conducted in spring 2023, found that 62% of Afghan households faced difficulty in meeting their basic needs: a significant drop from 70% at the end of 2021, just after the Taliban’s seizure of power. Income poverty among rural households was estimated at 44%, down from 51% in spring 2020 – notably before the change of government (AWMS, 2023). In some respects, conditions for the poorest Afghans seem to have improved since the end of the war.

All is not well with the Afghan economy, but the nature of the problem is widely misunderstood. More than anything, the country now faces a crisis of isolation from global networks of trade, commerce and investment, mediated by the paralysis of Da Afghanistan Bank (DAB, the nation’s central bank), and much of its commercial banking system.

In 2022, the U.S. government took an unusual series of steps aimed at ending this disconnection, by transferring \$3.5 billion from DAB’s account at the Federal Reserve Bank of New York to a special-purpose vehicle: the Fund for the Afghan People, established in Switzerland as a nonprofit foundation.

This chapter begins with a background section reviewing the role of central banks in developing countries under more typical circumstances. It then places the recent actions of the U.S. government in a legal and historical context shaped by its response to the occupation of numerous European countries (notably Denmark) during the Second World War. It explores the reasons why Afghanistan’s central bank assets became inaccessible after the collapse of the Republic, how some of those assets were then released to endow the Afghan Fund, and why the Fund has so far failed to achieve Washington’s objectives for it. Finally, it proposes two ways in which the Fund’s assets might be mobilized to address the isolation and stagnation of the Afghan economy.

The source material for this chapter consists of official government

documentation, personal communications with key players as part of field-work conducted inside Afghanistan, and published research on the broader Afghan economy.

## Background on Payments and Settlements

The world economy relies on mechanisms to transfer money efficiently across national borders, both to settle import and export transactions and to allow unrequited transfers such as foreign aid flows and remittances to family members by international migrants. For most countries, these are executed largely through relationships between banks (including central banks) known as the correspondent banking system.

A correspondent bank is one which has a standing agreement with a domestic bank (the respondent bank) to settle international movements of funds. The correspondent bank receives and pays out funds overseas on behalf of the respondent bank, which maintains an account at the correspondent bank in one or more currencies (known as a *nostro* account). The correspondent can thus execute foreign-exchange transactions as needed while “netting out” flows in both directions to minimize the need for actual cross-border transfers (BIS, 2003).

In smaller low-income countries, the national central bank often acts as the respondent bank for many such transactions, making dollars or other widely used global currencies available to importers purchasing foreign goods and services and providing local currency in country to exporters receiving revenue from buyers overseas. All parties involved are expected to comply with “Know Your Customer” (KYC) standards aimed at preventing money laundering and the financing of terrorism: an especially heavy obligation in countries like Afghanistan, where large global banks often hesitate to expose themselves to legal risk even for normal commercial transactions.

Since August 2021, this problem has dramatically worsened. On the eve of the Taliban takeover, Da Afghanistan Bank reported overseas assets of \$9.4 billion. This figure included just over \$7 billion at the New York Federal Reserve, along with smaller sums in Europe and the United Arab Emirates. Following the change of government, all these funds became effectively inaccessible. Although they do not appear to have been formally “frozen” by the actions of the United States or other governments (as discussed below), the Taliban’s universal lack of diplomatic recognition left DAB with no access to its foreign accounts.

This made overseas transactions all but impossible for the country's smaller commercial banks, which had typically relied on DAB (where they kept legally mandated deposits) to help them settle international payments during the Republic. And although a handful of large institutions, particularly Afghanistan International Bank (AIB) and Afghan United Bank (AUB), maintained direct correspondent relationships with foreign banks that allowed them to settle payments without DAB's intermediation, the overseas balances of many of these banks shrank dramatically after the change of government,<sup>1</sup> forcing most traders (as well as relief agencies and migrants sending remittances) to rely on airlifts of cash or the informal *hawala* payment system.<sup>2</sup>

In response to this crisis, the World Bank put in considerable effort after the Taliban takeover to set up a specialized entity, the Humanitarian Exchange Facility, to handle Afghan payments and settlements. However, this project seems to have been abandoned by late 2023, when its status was recorded as “Dropped” (World Bank, 2023). Evidently the Bank – and its dominant shareholder, the United States – believed another solution was on the horizon.

By then, in fact, the U.S. government had already created the preconditions for a different approach, with a large share of DAB's assets transferred away from the central bank's control to an independent entity in Switzerland. Although the Fund for the Afghan People has so far failed to resolve the problem of cross-border payments, it is worth examining why it was originally expected to do so – and how it was possible for Washington to establish the Fund at all.

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1 AIB's outstanding balances with other banks fell from 18.3 billion afghanis at the end of 2021 to 4.8 billion afghanis at the end of 2023, of which more than half was held by a single institution: UK-based Crown Agents Bank, which, in turn, handled AIB's main correspondent relationship with Citi (AIB, 2024). AUB, although more domestically oriented than AIB in the past, reported overseas balances of 5.4 billion afghanis at the end of 2023 (AUB, 2024). Over a third of these are maintained with banks in Uzbekistan and Tajikistan, which an AUB officer says has allowed the bank to settle Breshna Sherkat's ongoing payments for imported electricity (AUB Official, personal communication, 2023). The proposed assistance from the Afghan Fund in making these transfers has apparently not been needed.

2 First developed in medieval India and now widely used in much of the Islamic world, the *hawala* system is not fundamentally different from the cross-border money transfer services offered by licensed banks. Although *hawala* providers work without written contracts (often in jurisdictions where contracts might be difficult to enforce in any case) and can offer anonymity to their clients, the process of “money transfer without money movement”, managed by recording and netting out debits and credits accrued within a provider network, is much the same (IMF, 2003).

## A Political and Legal Dilemma

The early media coverage of the Afghan Fund's creation, while inaccurate in some important respects, sparked lasting outrage among humanitarian advocates and the Afghan public. In February 2022, the White House announced, without giving details, that a \$3.5 billion portion of the central bank assets held in the United States would be made available "to benefit the Afghan people". The remainder of the U.S.-based DAB funds, a slightly larger sum, would remain at the New York Federal Reserve Bank to cover damages sought by victims and relatives of the attacks of 11 September 2001, as well as insurance companies that had paid claims connected to them (White House, 2022).

Not surprisingly, many were appalled by the suggestion that President Biden planned to give half the central bank's assets to American victims of terrorism. "No one should claim the administration's plan is in the best interests of the Afghan people", a typical editorial commented (*Guardian*, 2022). And although the State Department's published comments seem to have given no basis for this, it was also widely reported that the \$3.5 billion exempted from the asset freeze might be made available for humanitarian relief (CNN, 2022). That caused alarm for a different reason: it was easy to anticipate that tapping this source of funds would simply crowd out other sources of aid, draining the reserves for no useful purpose.

But the administration's actions had an entirely different aim, which became clear only in the aftermath of the immediate media furor. As noted, not all of Afghanistan's overseas reserves in August 2021 were located in the United States. Assets of over \$2 billion were held in various other countries, where they remain today. And although it has often been claimed that these funds were also "frozen" after the Taliban takeover, this is not strictly true. No official measures are known to have been taken to immobilize the DAB assets held on deposit with non-U.S. banks. But so long as the Islamic Emirate of Afghanistan (IEA) remains unrecognized, there appears to be no legal mechanism to make those funds accessible to anyone.

For the more than \$7 billion held in the United States – over \$1 billion in the form of physical gold at the New York Fed (Subramanian, 2021), with the rest invested in U.S. Treasury securities – the situation is more complex.

Alone among the countries that held custody of the Republic's reserves, the U.S. offers clear statutory guidelines for releasing the assets of foreign central banks in cases where a government is unrecognized or its legitimacy

is disputed. Under amendments to the Federal Reserve Act passed in April 1941, these can be made available to any person designated as a representative of the central bank by both the relevant country's accredited ambassador and the U.S. Secretary of State.

The rationale for these amendments can be traced back to Scandinavia's wartime history, which offers striking parallels to the current situation in Afghanistan.

### The Danish Precedent

Beginning in the spring of 1940, as European states came under German and Russian occupation, the White House acted to make U.S.-based assets of these countries and their nationals unavailable to the occupying powers. These measures began with an executive order (EO 8389, issued 10 April 1940) freezing Danish and Norwegian assets, followed by a series of amendments extending the freeze to, among others, the Low Countries (EO 8405: 10 May), France (EO 8446: 17 June), and the Baltic states (EO 8484: 15 July; see *Federal Register*, 1940).

All these actions were based on existing legislation (the Trading with the Enemy Act of 1917 and the Emergency Banking Act of 1933) allowing the executive branch to restrict international trade and finance in times of war or other national emergency. But as U.S. involvement in the conflict deepened, the administration sought broader powers not merely to freeze the assets of foreign states, but to release them to governments-in-exile and other parties it recognized as those states' legitimate representatives.

President Roosevelt's primary motive in asking Congress for this authority may have been the need to guarantee access to strategic minerals in Greenland. Within a week of the Nazi invasion of Denmark, the Canadian government had already notified the U.S. State Department of its concerns about the risk to North American supplies of cryolite, at that time available only from mines in the Greenlandic town of Ivigtut: "The result of any interference with the output of this strategically vulnerable property would be a serious disruption in the production of aluminum, a large proportion of which is manufactured in the United States and Canada" (Canadian Legation, 1940).

In response, the Canadians proposed to station a small military force in Greenland to deter a possible German attack. Such a move would have been analogous to the pre-emptive British occupation of Iceland a few

days earlier. However, Washington distinguished the two cases on the grounds that Greenland was part of the Western Hemisphere and thus subject to the Monroe Doctrine, ruling out action by any government other than the United States itself. Both Canada and the United Kingdom were put on notice that unilateral measures would be highly unwelcome (Memorandum, 1940).

Over the next twelve months, the administration was careful to maintain the formal legality of its own actions in Greenland by coordinating closely with the Danish ambassador, Henrik Kauffmann. When an American consulate opened in Godthaab just weeks after the German invasion and without Copenhagen's prior approval, the administration relied on Kauffmann's personal authorization of the move, on the theory that he spoke for Greenland's local governors in unoccupied Danish territory (Danish Minister, 1940). Once stationed in Godthaab, American diplomats immediately began reporting back to Washington on the threat to Ivigtut's cryolite reserves and possible means of defending them.

By the following spring, the United States was determined to establish a military presence in Greenland, if necessary over Copenhagen's objections. On 4 April 1941, Secretary of State Cordell Hull notified Mahlon Penfield, U.S. consul at Godthaab, that "the decision has now been made that defense facilities in Greenland should be constructed and protected by and be under the sole jurisdiction of the United States" (Secretary of State, 1941). A draft agreement on military cooperation, summarized in the same telegraphic transmission and clearly a product of discussions with Ambassador Kauffmann, was forwarded by Penfield to Greenland's governors as a *fait accompli*.

Having received the governors' approval (issued under protest), Kauffmann signed the "Agreement Relating to the Defense of Greenland" on 9 April, one year to the day after the start of the Nazi occupation. The authorities in Copenhagen immediately revoked his diplomatic credentials and ordered his return to Denmark – actions disregarded by both the ambassador and his host government.

At this point, Roosevelt and Kauffmann had obtained the necessary legal authority to support their next steps. The proposed amendments to the Federal Reserve Act had moved through Congress over the previous weeks, in parallel with negotiations over the defense of Greenland. Signed into law on 7 April, these would allow the State Department to assign Denmark's central bank assets at the New York Federal Reserve Bank to

Kauffmann or anyone designated by him.

The amendments themselves had drawn relatively little attention, with serious criticism coming from only one member of Congress. In light of subsequent events, however, his comments are worth revisiting.

Speaking in a floor debate on 27 March, Senator John Danaher, Republican of Connecticut, stressed that the executive branch was already authorized to block or restrict foreign official assets in the United States. The bill under consideration, he argued, would allow something more dangerous:

If the agent of one government, accredited by the Secretary of State, can claim from the Federal Reserve bank in this country bullion, if he chooses, to the amount of a billion dollars, or \$2,000,000,000 ... by recognizing that agent, and authorizing him to withdraw the property of the people of that other nation, we are exercising a degree of control over the property of such people, and by permitting its disposition for given purposes to such agent we may control or attempt to control an international balance of power, which will take us as a nation into the internal affairs of every nation in the world. (*Congressional Record*, 1941)

Even more prophetically, he pointed out that the bill would limit the legal recourse available to Americans pursuing claims against foreign governments:

Not only will there be no action authorized to an American creditor or an American claimant the moment this bill passes, but quite the contrary, the moment the Secretary of State issues the certificate that Mr. A is the accredited agent of any government, then... [h]e could remove the fund from the jurisdiction of the United States, if he chose to do so, and the American claimant could not even get into court. (*Congressional Record*, 1941)

No vote count was recorded, but the amendments appear to have passed the Senate with little opposition beyond Danaher himself.



On 16 April, one week after the Greenland agreement took effect, the State Department invoked its new powers for the first time. Kauffmann informed Hull of his intention to control Denmark's central bank assets on deposit at the New York Federal Reserve (citation needed). Hull then notified the Federal Reserve of his endorsement of Kauffmann's authority (see Appendix 1). Kauffmann made use of the funds to finance not only his own embassy in Washington but a network of other legations sympathetic to the Allies, creating what has been described as "an independent Danish foreign service" operating "an alternative Danish foreign policy" (Skov, 2000).

Though Denmark was the first country to which these extraordinary financial measures were applied, it was perhaps not the most historically significant. The asset freezes imposed on countries under Nazi occupation were lifted shortly after the war's end, but for the three Baltic states forcibly incorporated into the Soviet Union, the 1941 amendments remained relevant for over half a century. Estonia, Latvia and Lithuania maintained continuous diplomatic ties with the United States throughout the Cold War, with their Washington embassies relying on access to pre-war central bank assets to pay their operating expenses (L'hommedieu, 2008).

### **The Establishment of the Fund: What did Biden do?**

This historical background sheds some light on the alleged "confiscation" of Da Afghanistan Bank's assets, which caused so much debate just after the Taliban's return to power.<sup>3</sup> Citing unnamed administration officials, some U.S. media had reported that the central bank funds were frozen just after the fall of Kabul (Stein, 2021). But since the U.S. government's *Federal Register* records no action to freeze any U.S.-based Afghan assets during that year, there appears to be no evidence for this claim. Even without an official freeze, the funds in New York were already just as inaccessible in practice as DAB's assets in Europe and the Middle East. And unlike

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3 The transfer of the Afghan assets has been described by some observers as an affront to national sovereignty, "potentially violating bedrock international legal principles" (Alexianu & Hakim, 2023). But these criticisms fail to address the inherent ambiguity of the situations contemplated by Section 25(b)(3). National governments retain their own sovereign discretion to decide who lawfully represents the government of another state, making it difficult at best to rule out potential abuses of the recognition power.

the Baltic states, the former Afghan republic had no recognized government-in-exile whose officials could assert control over them

On 11 February 2022, however, the United States adopted a series of measures to alter the legal status of the New York assets. These began with a presidential executive order which – for the first time – officially froze the funds and made them unavailable to DAB, but then exempted any portion for which the Treasury Department might authorize a specific use (Federal Register, 2022). Hours later, Treasury’s Office of Foreign Assets Control did just that, issuing a license which made a \$3.5 billion share of the funds available “for the benefit of the people of Afghanistan” to any persons designated to receive them under the amended provisions of the Federal Reserve Act (OFAC, 2022).

The rest of the assets remained frozen at the New York Federal Reserve pending a final ruling in the case of *Havlish v. Bin-Laden*, filed soon after the 9/11 terrorist attacks by survivors and relatives of the victims. Given the extent of public confusion over the U.S. government’s actions, a brief review of the *Havlish* litigation may be helpful.

The plaintiffs in *Havlish* and several associated lawsuits had won default judgments against a number of named defendants, including the Taliban, after their predictable failure to appear before a U.S. federal court. Until August 2021 it had seemed unlikely that any of the billions of dollars in awarded damages would ever be collected, but soon after the Taliban seized power, the plaintiffs’ attorneys moved to attach the U.S.-held assets of Afghanistan’s central bank, on the theory that the Afghan state was now legally identical with the Taliban and thus liable for its debts. There seemed to be no way to dismiss the plaintiffs’ claim by simple executive action. But on the same day it acted first to freeze and then partly to unfreeze the DAB funds, the Justice Department filed an intervention in the *Havlish* case, asserting that since the president had not exercised his constitutional authority to recognize the IEA as Afghanistan’s government, U.S. courts could not treat Afghan state assets as property of the Taliban or seize them to pay damages awarded against it (DOJ, 2022).

More than a year later, the presiding judge was to accept the government’s view (Savage, 2023). But with appeals likely to continue for years, the ongoing litigation has diplomatic implications which are not always fully recognized. Regardless of what policy changes the IEA eventually makes on girls’ education or other human rights issues, the United States is unlikely to put the remaining New York-based assets at risk by recognizing

the new regime, at least not until the U.S. Supreme Court rejects the legal argument of the *Havlish* plaintiffs.

In early February 2022, these concerns lay in the future, and the legal validity of the administration's actions was still in doubt. But one uncertainty was removed on 25 February, when Magistrate Judge Sarah Netburn ruled that the portion of the DAB assets governed by the Treasury Department's license was immune from attachment (Netburn, February 2022).

With a \$3.5 billion share of the DAB assets now definitively unfrozen, the next step was to invoke the Federal Reserve Act to authorize its transfer.

Although their names were not publicly disclosed at the time, it later became clear that Secretary of State Anthony Blinken designated two individuals under the Act: Dr. Anwar ul Haq Ahady and Dr. Shah Mohammad Mehrabi, both Afghan technocrats based in the United States with backgrounds in finance and previous experience at DAB. Dr. Ahady had been appointed to lead the central bank shortly after the fall of the first Emirate, later leading the ministries of finance, commerce and (at the time of the Taliban's return) agriculture. Dr. Mehrabi, a professor of economics at Montgomery College in Maryland, has been a member of DAB's governing board since 2003.

A copy of a wire transfer order released under the Freedom of Information Act shows that the \$3.5 billion was withdrawn from DAB's account on 15 April 2022 – apparently by Dr. Ahady and Dr. Mehrabi, although the signatories' names are redacted – and placed temporarily in another Federal Reserve account, most likely controlled by the U.S. government (Rigsby, 2023; Appendix 2). But it took several months for the assets to find a more permanent home.

## The Swiss Option

The team of U.S. officials still dedicated to Afghan affairs is apparently quite small: around a dozen people, most of whom do not speak to the media on record (personal communication, 2023). But their motives for seeking to move half the DAB assets overseas were not especially sinister. At the State Department's first press conference following the events of 11 February, spokesman Ned Price explained Biden's executive order:

Fundamentally, this EO is aimed at protecting and preserving funds for the benefit of the Afghan people, and we've taken

further steps to set aside 3.5 billion for such uses, to try to clarify that they cannot be attached or seized. The objective is to make these funds available for the Afghan people without having to wait for the full court process to conclude. (State Department, 2022)

Price received no follow-up questions on Afghanistan at this briefing, which took place ten days before the Russian invasion of Ukraine. But Washington's aims should have been clear enough: to move part of the assets beyond the jurisdiction of U.S. courts, where (as Senator Danaher had astutely noted in 1941) potential litigants against the Afghan state would be unable to reach them.

Nevertheless, it took more than six months to decide where the newly unlocked assets would be held. Although the Taliban's consistent position has been that all the DAB holdings should be returned immediately to the central bank's control, IEA negotiators seem to have shown some flexibility on this issue during unofficial negotiations in mid-2022. Speaking not long after those talks, one high-ranking Taliban official suggested that the Biden administration's plans could have been acceptable if they had incorporated a formal role for the IEA in the Fund's management, perhaps through a seat on its Board of Trustees (Taliban Official, personal communication, 2022). But it seems doubtful that Washington would entertain such a proposal, which was never floated publicly.

Soon after the Biden administration's initial steps to unlock some of the DAB assets, Washington apparently sought to push back on its early bad press, giving assurances to the Taliban that the funds would not be spent on humanitarian aid. After discussions in early March 2022, Mohammad Naeem, the IEA's political spokesman, announced in a Twitter thread (later partially deleted): "Both sides agreed that the Afghan Central Bank's USD \$3.5 billion unfrozen assets from the U.S. bank shall in no circumstances be given to charity organizations" (Naeem, 2022).

But the United States continued to insist that no funds would be returned to the central bank while it remained under the control of the de facto regime, in part due to the appointment in late 2021 of a U.N.-sanctioned Taliban official as its deputy governor (Talley et al., 2022). More recently, a USAID-sponsored assessment of DAB found in March 2023 that no fewer than three sanctioned persons had assumed leadership posts at the bank (SIGAR, p. 47).

The IEA appears to have understood that without some guarantee that funds made available to the central bank would not be misused – a guarantee it could not credibly provide – there was no real alternative to an ad hoc arrangement for disbursing them. But although a U.S. proposal and IEA counter-proposal for management of the assets were exchanged in June 2022, no agreement seems to have been reached. By this point Switzerland was already under consideration as the domicile for some type of overseas trust fund, which was expected to be inaccessible to potential legal action (Greenfield & Landay, 2022).

The final impetus for action may have been Judge Netburn’s preliminary opinion on the merits of the *Havlish* claims, issued on 26 August 2022, in which she held that none of the DAB assets could legitimately be seized (Netburn, August 2022). The Afghan Fund was formally incorporated in Geneva seven days later, and the \$3.5 billion withdrawn from DAB’s New York account in April was transferred again in early October to the Fund’s account at Switzerland’s Bank for International Settlements (personal communication, 2024).

## A Flawed Structure?

Swiss non-profit foundations resemble charitable trusts in Anglo-American common law, but with several crucial differences.

Under the provisions of the Civil Code, the establishment of a foundation begins with one or more “founders”, who contribute its endowment, register its governing charter (*statuts*) with the authorities, and appoint the initial members of its Board of Trustees. Once appointed, the Board exercises near-total control over the foundation’s assets, with few restrictions on their use beyond any the charter itself may impose (von Rechteren, 2012). And unlike tax-exempt charities in the United States and some other countries, Swiss foundations are not required to make public financial disclosures – one reason, perhaps, that the Biden administration chose Switzerland for the headquarters of the Fund.

The Afghan Fund’s goals and structure are historically unprecedented. Unlike the asset transfers made during the Second World War, its establishment did not aim to support a recognized exile government, since none exists. Instead, the Fund’s chartered purpose is “to receive, protect, preserve and disburse assets for the benefit of the Afghan people, including for foreign exchange rate and price stabilization objectives”: a remarkably

open-ended mandate, ruling out no use of the money that can plausibly be described as beneficial to Afghans (FAP, June 2023). But in announcing its creation in a joint statement on 14 September 2022, the State Department and Treasury Department made more specific informal proposals, suggesting that the Fund's role might include "paying for critical imports like electricity, paying Afghanistan's arrears at international financial institutions to preserve their eligibility for financial support, [and] paying for essential central banking services like SWIFT payments" (Treasury Department, 2022).

The reference to possible payments for electricity sparked further criticism, since it could have been understood as proposing a direct infusion of cash to the state-owned power supplier, Breshna Sherkat. But it seems more likely that Treasury did not envision covering the cost of electricity imports, instead settling Breshna's dollar invoices from power suppliers in Central Asia while receiving equivalent payment in afghanis from Breshna itself. By doing this for the power company and other key importers, the Fund would become a type of shadow central bank: settling foreign-currency transactions much as DAB itself had once done.

But as of September 2024, despite six meetings of the Fund's Board of Trustees, nothing has been done to mobilize the Fund's resources for this purpose. Few practical preparations have been made to allow the Fund to handle international payments: in particular, by hiring technical personnel to enforce rules against money laundering and the financing of terrorism, generally known as AML/CFT compliance. At its fourth meeting on 2 October 2023, the Board agreed only that it would engage legal advisors "to assist with developing a framework to assure that the Fund has in place appropriate due diligence and controls procedures related to any potential disbursements" – suggesting that the road ahead will be very slow (FAP, November 2023).

Although the Fund's public communications have been very sparse, it appears that two factors have contributed to the lack of progress.

The first is the Taliban's categorical rejection of the Fund itself, whose creation it instantly denounced as "unacceptable and a violation of international norms". A spokesman for the IEA foreign ministry added that any persons or entities in Afghanistan making use of the Fund's assets would face fines and perhaps other penalties (Greenfield & Landay, 2022).

With talks between February and September 2022 having failed to gain buy-in from the Taliban on the Fund's legitimacy, this stance drasti-

cally limited its freedom of action from the start. And although civil society groups such as U.S.-based Unfreeze Afghanistan have proposed compromise measures in which funds would be released to DAB in tranches with monitoring against diversion by the Taliban (Savage, 2022), these appear not to have been accepted by either side.

A less obvious stumbling block has been the Fund's unusual voting structure, which requires unanimous consent by its four trustees to disburse any of its resources.

Washington appears to have intended for one seat on the Board of Trustees to be held indefinitely by a representative of the U.S. government. This seat was filled initially by Scott Miller, the U.S. ambassador to Switzerland, and has been held since February 2023 by Jay Shambaugh, Under Secretary for International Affairs at the U.S. Treasury Department. The senior Swiss diplomat Alexandra Baumann holds a second seat, meeting a legal requirement that at least one trustee must hold Swiss citizenship or residency (since there is little reason to think that Switzerland has an independent strategy for managing the Fund's assets, any serious disagreement between the U.S. and Swiss trustees seems unlikely). The remaining seats went to Dr. Ahady and Dr. Mehrabi, who had previously been authorized to withdraw the assets from DAB's New York account and acted as the Fund's legal founders, appointing themselves to the Board along with Miller and Baumann.

It remains unclear whether either of the Afghan trustees objects to the U.S. government's proposed uses of the central bank assets. But with the Fund now approaching its third year of existence, none of those proposals has yet been implemented. The one substantive decision made so far appears to be only an agreement in principle.

At the Fund's fifth board meeting on 29 January 2024, the trustees "agreed that the Fund will make a first disbursement to the Asian Development Bank, intended to address Afghanistan's outstanding arrears to that institution" (FAP, February 2024). Since Jay Shambaugh's board seat gives the Treasury Department veto power over the Fund's actions, this almost certainly reflects a prior decision by the United States to unlock funding to Afghanistan by the multilateral development banks, much of which supported investment in transport and electric power infrastructure before the Taliban's return.

But as of September 2024, no payment on these arrears had been made, despite the fact that concerns about counterterrorism compliance

would seem to pose no obstacle. Nor have there been any steps to pay for the printing and delivery of new afghani banknotes to replace the country's threadbare stock of paper currency, as had been discussed as early as 2022.

One leading private-sector figure has suggested that the U.S. government had no contingency plans for a possible lack of cooperation by the Afghan trustees and may now be waiting for their two-year terms of office to expire on 2 September 2024 (personal communication, 2023).

### **Possible Solutions: Thinking Outside the Box**

Until the Taliban drop their fundamental objections to the creation of the Afghan Fund, there are in any case limited options for putting its assets to use. An evaluation of DAB commissioned by the Special Inspector General for Afghanistan Reconstruction (SIGAR) and completed in spring 2023 left the situation unchanged, reaffirming Washington's view that the central bank is not independent and lacks the necessary controls to prevent money laundering and the financing of terrorism (SIGAR, 2023). After two days of discussions in Doha in late July 2023, the State Department announced that "U.S. officials [had] voiced openness to a technical dialogue regarding economic stabilization issues soon", hinting that the IEA may now have expressed a willingness to work with the Fund under certain conditions (State Department, 2023).

But if another constraint is disagreement among the Fund's trustees, a more cooperative attitude by the Taliban may not lead to movement in the near term. Neither the United States nor the IEA has full legal control over the Fund's assets, which have been transferred irrevocably into an autonomous non-profit entity – a questionable decision, since any single trustee can prevent its assets from being released. Assuming the deadlock on the board is eventually resolved, however, it may be appropriate to look at innovative ways in which the Swiss funds could be deployed to support Afghanistan's economy.

The need to facilitate cross-border payments and settlements remains as pressing as ever. But what would be the practicalities of allowing the Fund to act as an "equivalent" to the largely paralyzed central bank, as proposed by Human Rights Watch, among others (HRW, 2022)?

The most straightforward approach would be to give the Fund some type of quasi-official status, allowing it to engage directly with private



Afghan and foreign banks by setting up correspondent accounts to settle import and export transactions. The trustees have made some moves in this direction, securing “privileges and immunities” from the Swiss Government on a par with those enjoyed by international organizations (Federal Council, 2024). But without a qualified (and very expensive) team of personnel to monitor AML/CFT compliance for individual transactions, a change to the legal status of the Fund is unlikely by itself to allow action in the near term.

One possible alternative would be to work with an international bank with established AML/CFT infrastructure: possibly the state-controlled Qatar National Bank (QNB), whose cooperation would only require the approval of the Qatari government.

In this scenario, the Fund would lend part of its dollar holdings to Da Afghanistan Bank in Qatar to open a *nostro* account at QNB in the central bank’s name. Subject to QNB’s existing controls, DAB would then be authorized to make foreign-currency payments on behalf of Afghan importers in exchange for afghanis received domestically by the central bank and remitted to Qatar. Afghan exporters and other net generators of foreign exchange, such as humanitarian relief organizations and migrants sending remittances, would similarly be able to receive afghanis on the ground in exchange for dollars transferred to QNB (the Fund might also make loans in Qatar to some of the major private Afghan banks to allow them to set up *nostro* accounts of their own, promoting competition and lower costs in the payments market).

Since it is not obvious that Afghanistan needs such large reserves for macroeconomic purposes,<sup>4</sup> both the international community and the Taliban should also examine ways to redirect some of these assets for longer-term development goals.

One approach might be to leverage the Fund’s assets to attract foreign investment in renewable energy. Afghanistan remains both short of electricity and dependent on power imports from neighboring countries, constraining growth in other sectors of the economy. The country’s transition to zero-carbon energy is also unlikely to move forward without investments

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4 At \$9.4 billion, Afghanistan’s forex reserves in August 2021 were far larger than the IMF recommends for mitigating external shocks, and even the \$3.5 billion available from the Fund alone exceeds several commonly recommended yardsticks: three months of import cover, 100% of short-term debt or 20% of broad money supply (IMF, 2011).

in domestic power generation. Although large-scale aid projects in this sector have been suspended since the IEA came to power, current tariffs for electricity are high enough to make photovoltaic and wind projects viable on a commercial basis – but only if a mechanism exists to mitigate the extreme risk of doing business in Afghanistan.

The Afghan Fund could facilitate such investments by selling political risk insurance to investors in zero-carbon electric power, guaranteeing compensation in case of expropriation, breach of contract, or losses due to war or civil unrest. One precedent from the former Republic was the Afghanistan Investment Guarantee Facility, set up in 2005 under the aegis of the World Bank's Multilateral Investment Guarantee Agency (MIGA). Although the Afghan facility insured only a handful of projects during its existence, it played a key role in bringing South Africa's MTN Group into the country's mobile telecom market (MIGA, 2011).

If similar assurances were delivered to the renewable power sector with collateral offered by the Fund, private money could be drawn into long-term infrastructure without committing additional donor funds or making the Fund's own assets available to the *de facto* authorities. With Western governments reluctant to offer their own resources for anything beyond urgent humanitarian relief, this could begin to address one of the country's most pressing development needs using funds already acknowledged as belonging to the Afghan state.

Whether such an approach would be politically feasible, or even attract significant investor interest, is still uncertain. But with the United States and the IEA still searching for consensus on some use of the funds, mobilizing them to attract capital for Afghanistan's infrastructure needs may be less controversial than disbursing them directly or keeping them idle in Switzerland until the political winds change.

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Appendix 1 - Letter from Kauffmann to Hull

DECLASSIFIED  
NW 802116  
AUTHORITY  
BY 61 NARA DATE 7/1/29



April 16, 1941

6  
April 18, 1941  
SX

File  
C. G. Hull  
FL  
DEPARTMENT OF STATE  
APR 26 1941

My dear Mr. Secretary:

I, Henrik de Kauffmann, Minister of Denmark to the United States, and the accredited representative of Denmark to the Government of the United States, hereby certify, pursuant to the provisions of Section 25(b) of the Federal Reserve Act, as amended, that Einar Blechingberg and/or I have authority to receive, control, and dispose of the amount on deposit with and held by The Riggs National Bank, Washington, D. C., to the credit of the Danish Legation and Danish Legation, Special, accounts which is authorized by the license (a copy of which is attached), dated April 16, 1941, issued by the Acting Secretary of the Treasury to The Riggs National Bank, to be paid, transferred and withdrawn from such accounts.

I likewise certify that I have authority to receive, control and dispose of the amount on deposit with and held by The Riggs National Bank, Washington, D. C., to the credit of the Danish Legation, Account No. 3, which is authorized by the above-mentioned license to be paid, transferred and withdrawn from such account.

Very truly yours,

*Henrik de Kauffmann*  
Minister of Denmark to the United States.

The Honorable

The Secretary of State.

Enclosures

840.51 FROZEN CREDITS/1654

PS/LB

FILED  
JUN 5 1941

(b)(6) (b)(6)

April 15, 2022

Federal Reserve Bank of New York  
Central Bank and International Account Services  
33 Liberty Street, 9<sup>th</sup> floor  
New York, New York 10045

In accordance with the Security Procedure for the Authentication of Funds Transfer and Other Instructions, dated as of March 30, 2022, by and between Da Afghanistan Bank (“DAB”) and the Federal Reserve Bank of New York (the “New York Fed”), we hereby request the New York Fed to execute a funds transfer, as further described below.

Unique Identifier <i>(Transaction Reference Number)</i> Limit: 16 characters	(b)(4)
DAB Account Number at New York Fed:	(b)(4)
DAB Account Name at New York Fed:	(b)(4)
Requested Value Date	4/15/2022
Amount (USD)	\$3,500,000,000.00
Originator Name and Address Limit: 33 characters each row	(b)(6)
Fedwire Receiver Routing Number	(b)(4)
Fedwire Receiver Bank Name	(b)(4)
Beneficiary Name and Address Limit: 33 characters each row	(b)(4)
Originator to Beneficiary Information <i>(optional, 140 character limit)</i>	Transfer of funds subject to OFAC License No. DABRESERVES-EO-2022-886895-1.

The purpose of this transaction is to transfer funds subject to the above-referenced license

(b)(4)

We understand that the New York Fed may require the authentication of this instruction in any manner of its choosing, including via telephone callback to known authorized individuals, and that the New York Fed is not under any obligation to execute the instruction requested.

(b)(6)

(b)(6)



## **AFGHANISTAN STILL MATTERS TO THE WORLD**

**The world may have** largely turned its attention from Afghanistan following the withdrawal of Western forces and the Taliban takeover in August 2021. But the story is far from over. In Europe and the U.S., post-war inquiries often treat Afghanistan as a closed chapter. This anthology, however, argues the opposite: Afghanistan is not a story of the past, but a part of our present and future.

**This anthology offers a** comprehensive and timely exploration of the dilemmas Afghanistan faces today – issues that resonate far beyond its borders. From security and economic instability to the erosion of women's rights, from the Taliban's evolving governance to the impact of climate change, this book uncovers the complexity of Afghanistan's current predicaments. It delves into the humanitarian crises, peace-building challenges, intelligence dynamics, and the intricate regional politics that will shape the country's future.

**Written by experts who** have witnessed and studied Afghanistan's changing reality, this anthology provides much-needed insights into issues that are increasingly difficult to analyze and properly understand. In essence, it provides the reader with well-rounded perspectives on what's happening inside the country, what's at stake, and why it matters to us all.

**With contributions from** Barnett R. Rubin, Amin Saikal, Steve Coll, Michael Semple, Belquis Ahmadi, Obaidullah Baheer, William Byrd, David Mansfield, Shanthie Mariet D'Souza, Scott R. Anderson and Jeff Rigsby.

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