The Future of the Mujahideen: Legitimacy, Legacy and Demobilization in Post-Bonn Afghanistan

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Contemporary Afghan politics is marked by a debate over the 'mujahideen.' This contest involves the mythologizing, demythologizing and appropriation of the term by a wide variety of actors, from warlords, tribal combatants, the Taliban and Anti-Coalition Forces to rights activists and journalists. This struggle is a competition for legitimacy over the 'right to rule' and the 'right to conduct violence'; and it is critical to understanding the dilemmas of statebuilding in Afghanistan. Through such an examination, policy lessons are acquired concerning the role of the Afghan government and members of the international community in confronting armed groups.

Each 28 April on Hasht-i Saur (or the eighth day of the Islamic month of Saur), Afghans celebrate Mujahideen Victory Day to commemorate the 1992 Soviet-backed Najibullah regime's collapse and the entrance of mujahideen forces into Kabul.¹ In the week preceding the holiday, sections of the parade route near still-destroyed urban neighbourhoods are repaved. Red, black and green bunting is hung from shops and lampposts. During the parade, soldiers (with flowers placed in their Kalashnikov barrels) join scouts, judo clubs, football-teams and schoolchildren. For the ceremony, the front row is reserved for party leaders, some of which held senior Cabinet posts and are now seated in the National Assembly (wolesi jirga). In 2004, Sufi Pir Sibghatullah Mojaddedi (leader of the moderate National Liberation Front) sat next to Abdul Rassoul Sayyaf (of the Ittihad-i Islami), Mohammed Qasim Fahim (of Jamiat-I Islami), Abdul Rashid Dostum (of Junbish-e Milli) and Haji Mohammad Mohaqeq and Karim Khalili (of Hizb-e Wahdat). One prominent party leader was absent from the 2004 parade, Gulbuddin Hekmatyar, who remains opposed to the Bonn process and allied to the Taliban.

The immediate post-Bonn parades across the country of 2001–05 centred on the image and iconography of the late ethnic Tajik mujahideen commander Ahmad Shah Massoud, with Whitney Azoy asserting that 'just as they had taken Kabul, the Tajiks took hold of this parade'.² Indeed, the 'cult of Massoud' has reigned throughout much of Afghanistan since 2001. His photo is displayed prominently on government buildings throughout Kabul, with a new memorial (with red granite tiles and a prominent brass relief) erected on a roundabout outside the US embassy. To the north, on the road through the Shamali plain, a billboard places Massoud's profile before the rising peaks of the HinduKush; and in Mazar-i-Sharif there stands a prominent profile of Massoud, in the same blue tint as the Blue Mosque that stands behind it.

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The intended audience of both the spectacle and the memorials is subject to debate. Is it for Afghans or for members of the international community? In Kabul, the ceremony and parade is by invitation only, available only through the Ministry of Defence's Public Affairs Office, with attending diplomats, journalists, and Coalition Forces and International Security Assistance Forces (ISAF) struggling to reconcile the movement’s troubled post-Soviet history. Later, both national and regional television stations broadcast the event. Public reaction to these videos, as casually witnessed in tea-houses, kebab-shops and in other conversations, is often irreverent. Most news reports submerge the civil war beneath discussions of the Soviet or Taliban period. Yet, the Institute of War Peace Reporting noted popular challenges to the jihadist credentials of the parading combatants, asserting that: ‘the pride of being a mujahideen has diminished in the past decade, and now some Kabulis use the word with disgust. They say ‘real mujahideen’ when they refer to those who fought the Soviets.’ Indeed, as a consequence of the civil war (1992–96), many of the mujahideen are stigmatized as criminals and pederasts.

This article examines the competition over the mujahideen, and its implications for future politics in Afghanistan. The question of the mujahideen is a critical part of the contest for legitimacy, in terms of the right to rule, conduct violence and retain combatants. The annual commemoration, in its national, provincial and district manifestations, incorporates elements of legitimacy, asserting the mujahideen’s right to national prominence and to maintain arms. As these celebrations did not occur during the Taliban, their return indicates a type of delayed gratification, as commanders seek to re-acquire legitimacy and erase the public memory of the civil war. Indeed, while the joint attendance by warring factions at the parade is a sign of political reconciliation, this face of unity is founded largely in terms of their agreement of their rightful place in government. Having viciously fought in the past, and continuing to compete over the division of spoils and ministries, each of these commanders remain unified in a shared sense of privilege and a right to rule. Practically, this debate is played out in: (1) the Afghan New Beginnings Programme’s Disarmament, Demobilization and Reintegration (ANBP-DDR) Project and the Disarmament of Illegal Armed Groups (DIAG) Project, managed by the government, UN Development Programme and UN Assistance Mission to Afghanistan (UNAMA); (2) requirements for running for office; (3) demands for a war crimes tribunal; and (4) the amnesty provision for the Anti-Coalition Forces as part of Sibghatullah Mojaddedi’s Strengthening Peace Commission.

The question of legitimacy and the role of the mujahideen will be explored in four sections. The first provides definitions of legitimacy, investigates different sources of its meaning and proposes that these sources are less mutually-exclusive than supplementary and cumulative. While broadly used, particularly in examinations of politics and statebuilding, legitimacy is rarely defined in full. The second section demonstrates that while the term mujahideen is used by commanders to justify their continued power; it is critically wielded by the Taliban, human rights activists, women’s rights organizations, and impoverished former combatants and community-militia commanders. The appropriation of the ‘jihad’ by
armed movements has led to the proposition at the community and individual level of the 'real jihad' and the 'real mujahideen'. The third section explores the relationship between the debate over the mujahideen and the crisis in pre-conflict political legitimacy, situating the term's current importance in the rise of new educated elites since the 1960s. This section concludes with an examination of the role of the mujahideen party leaders in the post-Bonn period. The final section examines the government's attempt to establish a 'monopoly of legitimate force' in terms of legislation, the Afghan National Army (ANA), the DDR/DIAG process, and the creation of the Afghan Military Forces (AMF). The role of both the central government and key members of the international community in confronting the perceived legitimacy of these commanders – in terms of their right to rule and retain militias – can best be described as distracted and contradictory, as statebuilding has taken an unfortunate and unnecessary backseat to counter-terror efforts.

The Dimensions of Legitimacy

The debate over the mujahideen is reminiscent of that which followed decolonization in the Third World. Then, as seen from Algeria to Zimbabwe, and recently from Kosovo to East Timor, national liberation movements faced the challenge of transforming themselves from armed groups into governments. Political-military parties tended to dominate post-war politics for three reasons: first, armed groups tend to possess greater organizational capabilities than other groups, with either standing or easily mobilized supporters; second, their role in an armed resistance produces a view that they are entitled to rule to the exclusion of other groups, with either standing or easily mobilized supporters; second, their role in an armed resistance produces a view that they are entitled to rule to the exclusion of other groups; third, traditional authorities were often compromised through their previous affiliation with colonial regimes. 4

Before assessing the implications of the term 'legitimacy' it is necessary to define it. For a concept viewed to have tangible value, legitimacy is notoriously abstract in definition, while contested, diffuse, impalpable and ephemeral in practice. It is a political asset often discussed but rarely defined. It is an example of something which is viewed to be profoundly significant, but difficult to locate, acquire and potentially maintain. Proposed as expressing 'a status which has been conferred or ratified by some authority', the Oxford English Dictionary includes in its definitions for 'legitimate':

1b. Genuine, real: opposed to 'spurious'.
2a. Conformable to law or rule; sanctioned or authorized by law or right; lawful; proper.
2c. Of a sovereign's title: Resting on the strict principle of hereditary right

Legitimacy involves ideas of rightness and acceptability. It is transferable rather than transient. While the source and nature of these principles may shift, that which is legitimate is perceived to be in accordance with a set of principles. As can be seen in its evolving etymology, the standards for assessment have changed, from hereditary inheritance to reason. Still, the process may be less
about change and complete replacement than about the addition of new sources
and the weakening (but not complete eradication) of the old in a cumulative
process. Prior to the Congress of Vienna in 1817, legitimacy was seen to
be founded on hereditary monarchy and inherited from that which went before
(and thus in accordance with previous practice); later it came to be founded
upon consent and exchange (between the governors and the governed); and cur-
rently it is seen to be constructed through symbols and through that which accords
to reason. As with a bastard child or illegal alien, that which is illegitimate can
become legitimate (through a process of legitimation) through legal sanction,
which is the 'the action of giving a lawful character to something forbidden by
law'. As a term, legitimacy appears constantly under construction. This
becomes all the more apparent in periods of political transition, and is heightened
in the period before, during and after conflict. Indeed, Eckstein describes internal
war as a challenge to 'settled institutional patterns' and 'institutionalized norms of
social behavior', and as a violent form of the 'general struggle of individuals,
groups, parties and movements for authority'.

Differentiating between 'legitimacy as claimed' and 'legitimacy as believed',
Weber establishes three 'ideal-types' of domination, each of which is founded
and relates to a different type of legitimacy. These are: rational (exchange,
utility and belief in rules), tradition ('sanctity of traditions') and charisma
('devotion to the exceptional sanctity, heroism or exemplary character of an indi-
vidual person'). Weber's most significant contribution may well be in differen-
tiating between the invocation of legitimacy and the degree to which this is
accepted by a subject. Legitimacy can be both claimed and evaluated, with all
authorities seeking to bridge this gap and acquire belief. Other authors have
defined legitimacy as: 'the capacity of a social or political system to develop
and maintain a general belief that the existing social order is generally appro-
priate'. There is a clear connection between institutions, authority, belief and
then obedience. It can also be related to a political-economy of rule, in that achiev-
ning obedience reduces the need for the overt provision of incentives and the use of
coercive force. Practically, legitimacy will affect the population's receptivity to
state-led initiatives, the degree of passive or active support provided to invading
armies or insurgents, political participation in elections, and the relationship
between the central government and the provinces.

As to sources of legitimacy, there is continued dispute as to whether legitimacy
is a result of institutionalizing and mythologizing patterns of domination, or
whether it is founded on a 'reciprocal relationship between leaders and led',
with legitimacy afforded to 'those individuals who volunteer to take on responsi-
bilities and risks that outweigh the advantages that might accrue to them from
their positions'. The latter consent-reciprocity model sources legitimacy as a
consequence of the institutionalization of the long-term provision of protection.
Charles Tilly sees legitimacy as but an illusion masking the violence that lay at
the heart of statemaking, defining the state as 'quintessential protection rackets
with the advantage of legitimacy'. However, if legitimacy is but an illusion
and founded on 'opinion', it is necessary to examine how that opinion is con-
structed. For Cuthbertson, myth is 'the primary source for legitimizing and
maintaining political power. The deprivation of myth is the beginning of power politics. Myth-custodians are power-holders.\textsuperscript{14} It is thus necessary to examine legitimacy in Afghanistan in terms of its sources, and the relationship between service provision and myth-creation, which is central to the debate over the mujahideen.

With regard to contemporary states, there are two primary issues: the legitimacy of the state as a territorial entity and the legitimacy of the government.\textsuperscript{15} Despite its ethnic diversity, the legitimacy of the Afghan state as a territorially-defined unit has not come into question. Rather than confronting the problem of secession, the issue has been either the expansion (for example, Pashtunistan) or the preservation of local autonomy within a loose federal system. The evolution of the international system, particularly since the UN was founded, provides another source of legitimacy: recognition. The relationship between those governments externally recognized versus those with internal dominance is contested. In Afghanistan, neither control of territory nor of Kabul's presidential palace has necessitated external recognition. During the civil war, while factions battled for the occupation of ministerial buildings, possession was not accompanied by legitimacy, with Roy arguing that 'the power of the capital is empty'.\textsuperscript{16} After 1997, although the Taliban administered (often brutally as in Yakawlang) as much as 90 per cent of Afghanistan and controlled the palace, it was only recognized by Pakistan, Saudi Arabia and the United Arab Emirates, and its UN seat was occupied by Jamiat and former President Rabbani, whose fiefdom was limited to a small pocket in the Panjshir and Badakshan.

The Disputed Legacy of the Mujahideen

The battle over the memory of the jihad will determine the degree to which prominent commanders are able to justify their continued presence in parliament, their access to provincial and district positions, and their ability to retain arms and calls for mobilization in the future. Jihad or Jang? Mujahideen or jangsalar? Badal/ghairat or jalb? These three Pashtun-Dari dichotomies reveal the cleavages present in Afghan descriptions of the conflict since 1978. Was it a holy war or a conflict (jang)? Were the combatants holy warriors or warlords? Did the combatants participate due to the pursuit of revenge, honour and personal obligation (badal/ghairat) or due to forced conscription (jalb)? There are four dimensions to the current debate over the mujahideen: first, the stigmatization of the mujahideen by human rights and woman's rights organizations; second, the attempt to reify the mujahideen and counter the discourse on warlordism; third, the proposition by former mujahideen (largely tribalized or village-based combatants) of the real versus the corrupt mujahideen; and fourth, the attempt by the Anti-Coalition Forces (both Hekmatyar and Mullah Omar) to appropriate the term and apply it to the insurgency against the Coalition and the Karzai government. Given Cuthbertson's argument that 'myth is the antidote for a disturbed status quo' and fundamental to the reconstitution of legitimacy, it is necessary to examine the contest over the mujahideen as but one area around which the debate over legitimacy is occurring.\textsuperscript{17}
The post-Bonn period has witnessed the shifting interpretation of commanders, strongmen and other warlords, necessitating the differentiation of these groups into three ideal types: political-military parties, strongmen-warlords and community militias. Here, there is a clear divide between those commanders linked to (and drawing their power from) communities or solidarity groups (qawms), and those that draw their power from political parties. In truth, few groups belong exclusively to any one category, with most armed groups better characterized as hybrids, combining elements of each group. The aggregation of these groups under a singular title neglects the substantial differences in the composition and orientation of armed groups between locations in terms of: structure, geographical scope of operations, type of activities, community relations, and methods of mobilizing and retaining combatants. These differences are but one source for the contested interpretation of the term mujahideen. While the 2005 parliamentary elections elevated some prominent tribal jihadists and community militia leaders to national service (for example, Daoud Jaji of eastern Paktia), their view as to the legacy of the mujahideen stands in contrast to that of tanzims, the Islamic political–military parties that resisted the Soviet invasion. Previously, as was typical of national liberation movements throughout the Third World, considerable tension existed between the externally-based party representatives (or ‘exiles’) and internally based commanders (or ‘fighters’). In some ways, this verbal conflict is a continuation of these exile-fighter disputes.

First, the dominant post-Bonn discourse, particularly among external observers, has been that of the warlord challenge to the central government, which is partly a process of demythologizing the mujahideen. Practically, this is linked to advocacy for the increased pace of DDR, broader security-sector reforms (SSR), governance reform and the proposed creation of a war crimes tribunal. The first to begin this volley was Human Rights Watch, which protested against the American use of the Northern Alliance in October 2001, asserting that the ‘U.S. and its allies should not cooperate with commanders whose record of brutality raises questions about their legitimacy inside Afghanistan’, with the organization later arguing that all rights abuse perpetrators should be barred from government. Yet, this critique existed before 9/11, with the Revolutionary Association of the Women of Afghanistan (RAWA), an organization held by some to have Maoist links, greeting each 28 April with a strongly-worded statement, asserting:

Criminal fundamentalists... or non-fundamentalist warlords... are all identical in their odious entities and... are all equally responsible for the on-going tragedy in Afghanistan.... We believe that any and all manifestation of deference... on the part of certain social and political groupings... vis-a-vis the fundamentalists is abject cowardice.

Malali Joya, an MP from Farah province, has publicly challenged the mujahideen, first at the 2003 Loya Jirga and again at the first session of the new parliament, calling them 'blood-sucking bats' and 'criminal warlords' 'whose hands are stained with the blood of the people'. An Afghan Independent Human Rights Commission report, based on interviews with 4,151 Afghans, concluded that
90 per cent of Afghans wished to have rights abusers prevented from holding government positions.\textsuperscript{23} At the grassroots level, during 2005, protests occurred in Takhar (Rostaq district), Baghlan, Balkh (Kaldar district) and Kandahar city demanding the removal of commanders from provincial and district posts, and implicating security officials in local crime and kidnapping.\textsuperscript{24}

To their defenders, both internally and externally, the attempts to stigmatize the key \textit{tanzim} leaders are driven by the political agendas of ‘technocrats’, Pashtun elite, diaspora, and former Communists. In their view, these former mujahideen commanders were legitimized by their actions against both the Soviets and the Taliban and are thus entitled to high office and the retention of arms. Arguing that Abdul Rashid Dostum is the only commander who ‘fits the robber-baron profile’ while ‘most mujahideen commanders enjoy grassroots support’, John Jennings writes: ‘interim President Hamid Karzai and other returned exiles in his government … have exploited the notion that Afghans are suffering under the iron grip of evil “warlords” to enlist foreign support for creating a strong presidential system of government’, with this pejorative ‘rooted in enduring myths’.\textsuperscript{25} Responding to his exclusion from the Parliamentary elections, Commander Khademoddin argued: ‘the mujahideen have not been paid any attention since the victory of the mujahideen and the establishment of the interim and transitional administrations’, further proposing that the Taliban would use their exclusion to produce insecurity.\textsuperscript{26} This argument rejects the stigmatization of key commanders and asserts a right to rule and a right to retain armed forces.

Next, due to the civil war, local mujahideen (generally either combatants or local commanders) present an alternative interpretation, seeking to preserve a memory of the ‘real mujahideen’ by dismissing the actions of the ‘so-called’ mujahideen. Combatants negotiate their participation during this period of purportedly legitimate fighting with the events of the civil war, which is associated with atrocity, rampant destruction and criminality. At a broad level, two trends in the discussion of the mujahideen are evident. The first involves the continued idealization of the jihad period, which distinguishes the activities of this period from the civil fighting that followed. In their accounts, the later corruption of the mujahideen here is seen to be due to specific policies.\textsuperscript{27} A combatant outside of Kabul argued that all of the real participants in the jihad left between 1989 and 1992 – after that ‘commanders in this village found new young boys, who hadn’t participated in fighting. They started fighting to get money and to steal things.’\textsuperscript{28} Another villager indicated that the first people who fought ‘just were for jihad, [while] the later combatants were for money or for position’, attributing the civil war to the KGB’s infiltration of young members into the \textit{tanzims} and to the fact that Afghan communists joined the \textit{tanzims} after the Najibullah government’s collapse.\textsuperscript{29} While admitting that by 1981 ‘some mujahideen were engaged in criminality’, another commander argued that ‘the first people were clean’; and that infighting and criminality resulted from released Pul-i-Charki prisoners and communists, which allowed Dostum, Hizb-I Wahdat and Hizb-I Islami to ‘make everything wrong in the name of the mujahideen.’\textsuperscript{30} Finally, for some combatants, a revaluation of the
jihad did not occur during participation, but is occurring as a consequence of their current disappointment with this period, which is partly attributed to their poor economic state. These combatants argue that they pursued the true jihad, by comparing their own relative poverty with the wealth of the commanders and those who fought during the civil war. While these combatants may share their disillusionment with the jihad, the origins of this evaluation differ. The source may be in the unequal distribution of the spoils of war and in the commanders' accumulation of wealth. Indeed, although certain tanzim leaders have profited both politically and financially from the conflict, the UNAMA Kabul compound is often subject to protests by disabled war veterans.

Finally, the legacy of the mujahideen is also being appropriated by the Taliban and Anti-Coalition Forces (ACF). Upon their initial emergence, Mullah Omar (a low-level commander of Harakat-ul Nabi during the jihad), challenged the legitimacy of these leaders, and utilized this to justify and legitimize the Taliban’s rise, proposing that the Taliban 'took up arms to achieve the aims of the Afghan jihad and save our people from further suffering at the hands of the so-called mujahideen.' New groups are emerging, such as the Mujahideen Secret Army, appropriating the term to describe its attacks against both the government and the Coalition. In 2004, a poster or 'night-letter' appeared on the wall of an NGO compound in Jalalabad declaring:

To the brave Afghanistan Mujahid Nation! The USA, the head of unbelievers and the root of crime ... attacks the weak Muslim countries to capture them and then creates it's own evil government. The supreme leaders, correct Mujahideen, were arrested and titled with different bad names .... If Jihad was obligatory against the Russian forces then is it not obligated against US forces terrorist acts?

This statement seeks to protest against the application of the term 'terrorist' to the Taliban, while also arguing for continuity between the Soviet and American period. Rejecting an amnesty offer, Hekmatyar urged Afghans to 'Rise against the Americans, British and other foreign forces and defend your homeland', also arguing that the Strengthening Peace Commission 'should have in fact asked the American troops to quit Afghanistan instead of asking the Mujahideen to lay down arms.' In scope, the application of the term 'mujahideen' has undergone both an expansion and a reduction. For the key tanzim personalities, it has been reduced to apply solely to those who retained arms (to the exclusion of the victims of the conflict and other non-violent protagonists) and has been expanded to apply not only to the Soviet invasion but also to the resistance against the Taliban. Previously, the term could be applied to someone who was only conceptually committed to jihad, internally displaced, provided food or other assistance, or simply someone who carried out their daily life under the Soviet occupation. The post-Bonn period involves attempts at 'stabilizing' the meaning of the jihad and the mujahideen so that it can be used to legitimate either the government or the insurgency. The rights discourse can serve to conflate all jihadists and mujahideen as rights abusers, failing to distinguish between those who fulfil...
community demands from those who commit abuses. Meanwhile, both the Taliban and community members seek to preserve and continually reify that period as being distinct from those that followed. Having examined disputed interpretation of the 'mujahideen', it is now necessary to examine the two primary categories around which this occurs: the right to rule and the right to maintain arms.

The Right to Rule in Afghanistan

There exists no singular established source of authority as to who should rule the Afghan state. The dominance of one of the two branches of the Durrani tribe is generally no longer accepted. Hereditary accession and Durrani tribal linkages (either the Muhammedzai branch of the Barakzai Pashtuns, 1826–1978; or the Sadozai branch of the Populzai Pashtuns, 1747–1818, 2002) may have provided initial access to the presidential palace, but do not guarantee permanent control.\(^{36}\) The direct transfer of authority in Afghan history has been rare, with support generally re-negotiated by each monarch. The inability of established authorities and elites (the government and traditional community leaders) to accommodate the newly educated (who in the 1950s sought to acquire status through party-building in urban centres) is seen to be a critical factor in the ensuing coups, conflicts and civil war.\(^{37}\)

The lack of shared criteria for dictating who has the 'right to rule' results in a proliferation of different legitimacy claims. According to William Maley, 'the state, let alone any regime from time to time controlling its instrumentalities, is not the only repository of traditional authority or focus of traditional loyalties in Afghanistan.'\(^{38}\) As a consequence, the sources of legitimacy differ depending on the level of government, whether local, tribal, provincial or national. This is further complicated by the multiple cleavages and schisms present in Afghan society, to include: Shi'a, Sunni, and Ismaili; Sufi, moderate and political Islamist; multiple ethnicities; tribal/qawm-based and detribalized/delocalized; educated; monarchist; external party elites and localized commanders.\(^{39}\) There are also differences as to the source of legitimacy, particularly between those inherited versus those based on performance. For David Edwards, depending on whether the individual is a sayyed, pir, hazrat, ulema, amir or faqir, religious authority in Afghanistan is based on either the exclusive or combined possession of 'scriptural knowledge, sacred descent, and mystical association'.\(^{40}\) Certain categories incorporate both inheritance and performance. Indeed, for tribal khans, legitimacy is acquired in communities through a shifting combination of charisma, patronage/distribution, previous family ties, and the ability to provide protection and arbitrate local conflicts.\(^{41}\) As Antonio Giustozzi indicates, while generally viewed to be 'predatory and parasitic', warlords may acquire local military legitimacy, and 'are not necessarily worse predators than states themselves, not only because they may provide a few social services and infrastructure, but most of all security from external threats.'\(^{42}\) State views of, and actions towards, the alternate legitimacy sources described above has alternated between tolerance, appropriation and enforcement.
The absence of a singular source of legitimacy becomes particularly acute in periods of political transition. The prolonged conflict has critically stressed traditional elite structures and patterns of authority, at both the village and state level. While the origins of the 1978 Khalqi Revolution remain disputed, the consequences were the rise of a new elite, notable for their education and exclusion from traditional power structures. The conflict formalized this shift in elites, allowing individuals to ‘by-pass the local hierarchies that have become too cumbersome for them’. The newly emerging Islamist parties challenged (often violently) traditional local tribal and religious leadership, within both the Sunni and Shi’a communities. Moreover, following the Soviet withdrawal and without the legitimizing frame of jihad against a foreign invader, ‘none of the contenders for power ... [were] in a position to reestablish legitimate authority’, leading to a series of ultimately failed attempts to convene an interim government. Moderates (typically tribalized Pashtuns, monarchists or traditional Islamists) attempted to achieve this through the convening of a Loya Jirga; the Islamist parties in Peshawar, on the other hand, negotiated a series of power-sharing governments, founded on the distribution of ministries between external party representatives. With regard to the latter, a 1988 Pakistan-backed Interim Islamic Government of Afghanistan included no in-country commanders and neglected local shuras, which catalysed the formation of an internal National Commanders Shura. Whether in terms of the proposals for an interim government or Mojaddedi’s call for a National Shura, each of these attempts significantly excluded key groups – under-representing Hazaras and other non-Pashtun groups, as well as those intellectuals and other civil society members, who opposed the Soviet invasion in forms other than armed resistance.

While the debates over the post-Soviet interim government marked the earliest evidence of a belief among the tanzims of a mujahideen ‘right to rule’, the best embodiment of this belief is the Ittihad commander Abdul Rab Rasoul Sayyaf’s comments to a journalist in 2005:

We’re not warlords, we freed the country. ... When we were rescuing the world from the dangers of the Red Army, at that time, where were the objections? In that time we were heroes and now we are criminals. If mujahedin should not run for the election then who should run? Mujahedin deserve it more than anyone else.

Although the Bonn agreement echoed previous models whereby significant cabinet posts were provided to prominent commanders, a contest was also evident between the monarchists, the western-educated diaspora, aid professionals and the Pashtun tribal elite versus the Islamist, educated and non-Pashtun elite. The contest over legitimacy is also shown in the various dysphemisms applied to these different groups. The technocrats and Western-educated elite are known as the ‘dog-washers’; the mujahideen are known as the ‘warlords’, the ‘Gucci commanders’ or often even worse (cuckolds, bastards, etc); and the monarchists and the King were previously referred to as ‘tea-boys in Italy’. Tanzim leaders have been significantly represented at all of the post-Bonn consultative commissions, whether the Bonn negotiations, the Emergency Loya
Jirga or the Constitutional Loya Jirga. For this reason, a south-eastern provincial governor referred to the Bonn Agreement as the 'mother that bore illegitimate children', merging both the familial and political meanings of the term 'legitimate'. With the 2005 Parliamentary elections, candidates with jihadist credentials had a 60 per cent success rate when running for the _wolesi jirga_, and an 80 per cent success in the provincial councils. Moreover, radical Islamists in the Supreme Court (through former Chief Justice Fazal Hadi Shinwari) enforced both strict Islamic precepts and a broad concept of heresy that included substantial prohibitions on the freedom of speech and the denunciation of those that challenge the mujahideen. Now, opponents during the civil war are becoming political allies (witness the attempted union between Sayyaf and Mohaqeq in the former's pursuit of the position of Speaker of the Houses of Parliament), unified largely in their desire to consolidate their power, in their opposition to prosecution for war crimes, in their use of religion as a tool for mobilization, as well as in their proposition that the mujahideen deserve a dominant role in the future government. Following the resignation of Dostum in 2005, the Hezb-i Jonbesh joined in the National Understanding Front, a 12-party solidarity group led by Mohammad Yunus Qanouni. In Weberian terms, the proposition of a mujahideen right to rule constitutes a legitimacy claim, and reveals an attempt to create a myth of government distinct from the monarchy and tribal inheritance. Entitlement to rule is founded not on past tradition but on an idealization of past actions. The compromising of past authorities—either through inaction or communist co-option—is seen to invalidate their continued claim to government. Yet the proposition of a mujahideen right to rule neglects key areas of debate within Afghan society, which challenge the legitimacy of the _tanzims_ and an exclusive definition of the mujahideen.

The Monopoly of Legitimate Force and Demobilization

Afghanistan has yet to achieve Weber's definition of a modern state able to 'monopolize the legitimate use of physical force as a means of domination within a territory'.

In discussing statebuilding, some confuse the monopoly of force with the monopoly of legitimate force. While the government will struggle to acquire a monopoly of force (autonomous of Coalition assistance) far into the future, it can acquire a monopoly of legitimate force far more quickly. The issue can be explored according to two (potentially competing) dimensions: national initiatives and local legitimacy. This relationship is evident in the following programmes: the formation of the AMF, national legislation on DDR, the DIAG process, the ANA's development and the use of local militias by the Coalition and Private Security Companies (PSCs). As discussed above, legitimacy can be an institutional by-product of the ability of strongmen or states to provide protection. For the state to appropriate legitimacy from local commanders, it must create viable security institutions (which are able to meet local demands), while also developing a legal structure that both criminalizes non-state armed groups, holds state security institutions to account, and serves as a neutral arbiter in
local disputes. In seeking to achieve these aims, DDR is not a singular programme to be implemented technocratically. Rather, it requires a multi-sectoral approach that strikes at the very heart of the state and its functions, involving legal development and execution. And it requires action across all SSR pillars: the judiciary, police and army.

After having reached a size of 26,000, the ANA has also acquired substantial local popularity. However, as in much of Asia, it remains an inwardly-oriented military, often forced to navigate a broad transition in operations quickly, moving within days from being war-fighters to serving as traffic police. As noted by the Minister of Defence, General Rahim Wardak, the government has ‘no wish to compromise the popularity of the army’ by continuing its internal orientation. The ANA’s positive reception is seen to derive from its independence from local networks, its incorruptibility, and its restraint. The government’s ability to monopolize legitimate violence involves a return to the past ideas of restrained response to local rebellions. Local uprisings may occur, in response to an unpopular government policy or for the removal of a centrally-appointed official. As long as these uprisings are met with restraint, this popularity will be maintained. Moreover, the presence of warlords in the cabinet and the role of the government in siding with regional opponents can potentially weaken that legitimacy; thus legitimacy also requires it to continue to engage in internal house-cleaning and reform. If the government is seen to be implicated in local violence, it may further locally legitimize strongmen-warlords, as may have occurred as a consequence of government actions against Ismail Khan in 2004.

Law is a state’s greatest asset towards ensuring the monopoly of legitimate force. Unfortunately, it is precisely the legal pillar of SSR that is the most underdeveloped. The Karzai government’s delay in banning illegal militias is difficult to explain. Far into the ANBP DDR Project’s first phase, in July 2004, a presidential decree was released stipulating punishment for: maintaining armed groups outside of the Ministry of Defence; remobilizing demobilized groups; and retaining weapons from the Arms Collection Programme. In 2005, the government defined illegal armed groups as: ‘Quasi military groups of armed men who are not officially recognized as part of the recognized Afghan military forces. They are outside the chain of command and control of central government.’ The question of legitimacy directly affected the DDR process: the requirements for election certification was one of the major factors producing early progress in the DIAG process, as the electoral code banned any candidates who maintained armed groups. The first list drawn up by Afghanistan’s Electoral Complaints Commission (ECC) excluded 208 candidates, yet the final tally removed only 11 candidates from the final voters list under the argument that the remaining 197 had disarmed their groups. Thus, without national penetration and without the monopoly of force, commanders were able to run for election by handing over only a token of their weapons under DIAG. Another critical component of establishing legitimacy is a public information campaign informing the local population of the above newly released laws. With its focus on external media relations and its failure to schedule local broadcasts in areas prior to their activities, the ANBP’s Public Information section neglected this key pressure
Anecdotally, ANBP’s effective posters were evident only in abundance in ANBP offices — a chronic problem in UN operations — but tragically missing from rural communities and market towns. This became all the more striking when compared to the broad availability and presence of election information posters (produced by the Joint Electoral Management Body) and candidate posters (often of the local commander or his national figurehead). The absence of a sustained and strategically timed information campaign allowed commanders to acquire a monopoly of information on DIAG and DDR over their combatants and their communities. Information on reintegration packages, and threats of insecurity, were manipulated and overstated by these commanders, slowing the progress of DDR.

The government’s ability to establish a monopoly of legitimate force through democratic, civilian control of the armed forces is limited by the policies that followed the Bonn Agreement. With the emergence of the Taliban and even more so with Operation Enduring Freedom, commanders were able to take advantage of grievances to increase the size of their forces; and were again afforded a degree of legitimacy despite their previous activities. Following the Taliban’s collapse, the Northern Alliance was formally integrated into the government through the creation of the Eighth Corps of the Afghan Military Forces, with the Bonn agreement decreeing that: ‘Upon the official transfer of power, all mujahidin, Afghan armed forces and armed groups in the country shall come under the command and control of the Interim Authority, and be reorganized according to the requirements of the new Afghan security and armed forces.’ The AMF thus legitimized many commanders and private militias through association, which was common historically in the process of European statebuilding. By providing a formal title to these commanders as well as a poorly-monitored monthly stipend to each soldier, the AMF enabled commanders to reinvigorate decrepit local militias. In turn, the continuation of predatory activities by these very militias weakened the government’s legitimacy in the eyes of a population thirsting for enhanced security and justice and tiring of the ‘rule by the gun’. Again, the sanction and badge of government legitimacy — one of the government’s few areas of power — was sold too cheaply. Moreover, foreign military contingents in the Coalition and ISAF continue to endow local leaders with legitimacy through association. As lamented by one former Jamiat member, a community militia leader in the Salang:

It is so sad that ISAF/Coalition is sitting with these commanders, and not sitting inside society. Why are they sitting with Fahim, or Massoud’s brother or Sayyaf? No one in the village likes them. ISAF and the Coalition must sit with the village people and the poor combatants who made jihad not in the name of power and money. ... It’s not good for us when they sit with these criminals.

The trend of legitimizing local militias continued during the DIAG process. An early DIAG concept paper excluded local tribal militias such as the Paktia arbakai and those Afghan militias employed by the Coalition (the Afghan Security Forces) from the designation as illegal armed groups. Beyond their employment
by the Coalition, other militias are able to continue to exist through their reconstitution as Private Security Companies. Certain PSCs, most prominently Louis Berger Associates and US Protection and Investigations pursue a policy of co-option – hiring commanders in order to ensure the security of a construction project. These compromises clearly involve the subordination of long-term objectives to presumed short-term imperatives. This applies not only to the AMF and the police, but also to other government bodies. Indeed, an interpretation of SSR as infrastructure rehabilitation, such as the building of courthouses without the reform of judicial personnel, can ‘legitimize corrupt judges’.

Beyond the provision of security, commanders are endowed with local legitimacy due to either their foundation in or potential dominance of traditional qawm-based decision-making bodies (jirgas or qawm-e-mesharam). Those communities that retain the most intact local decision-making bodies (which have not been captured by the commanders) are best able to restrain the commander’s activities. Will the emergence of a more inclusive – and conceivably more locally legitimate – national government weaken the legitimacy of local commanders? For those with senior tribal positions, this will involve diminishing their ability to invoke tribal authority to mobilize individuals. Yet, conflict allowed commanders to accrue even greater power, offsetting the influence of the community of elders that had initially selected them. Describing a system that included the informal taxation of households by Abdul Salaam Khan in Ghor, one combatant proposed that Salaam had been selected by elders, maulvis and mullahs to be ‘commander for life’. ‘In the time, when they selected him, the elder and religious people were more powerful, now the commander is more powerful. He can change the community, but they cannot change Commander Salaam.’

Further evidence as to the continued power of commanders is evident in the following account by an Aliokzai Pashtun from Kandahar:

These people from the qawm can get everything, can quickly collect a lot of people, but officially they don’t have militia. The reason people join is the question of the qawm – he talks with the nation and after an hour he can collect 1000 people. Many people are tired and don’t want to go, but still people are scared of these people. Many people cannot trust them anymore. . . . For me, the money’s not important, he’s the person from our nation, he told me to come and I came.

Indeed, the potential for these combatants to be able to reject future mobilization appears limited. In a more hopeful account, another combatant in Daikundi noted that his participation with the commander in the future would be limited: ‘If there was an attack, I would participate in fighting, but otherwise not. I will participate in legal fighting and not in illegal fighting, in defence of this country I will fight.’

The disarmament and demobilization phases and first phase of reintegration of the ANBP DDR Project was completed in July 2006, having demobilized and disarmed 63,000 combatants, of which 53,000 entered the reintegration programme. Yet, this dealt with only official militias and not the vast number of unofficial militias, many of which are maintained by the same commanders who were formally within the AMF structure. And thus, the ANBP’s ‘warlord’ database for
the DIAG process includes 1,800 separate militias for a total of 65–80,000 combatants, divided between 'benign' self-defence militias and approximately 100 'dangerous groups'. Here, local legitimacy confronts national legitimacy. Sustainable demobilization—the elimination of the commander's ability to re-mobilize his soldiers and the degree to which combatants will challenge their commanders in the future—severs the link between commander and combatant. Where successful, the ability of the commanders to mobilize, for all but the most direct threats to a community, will be limited and restrained.

Conclusion
In the end, even beyond their broader symbolism, the Hasht-I Saur celebrations remain unable to escape their association with Afghan suffering. In 2002, celebrations were accompanied by the rocketing of Gardez by Padsha Khan Zadran's forces, with the dozens of civilians killed dismissed as having relations with al-Qaeda. During the 2005 celebrations in Herat, a short skirmish broke out between the local police and the centrally deployed ANA contingent, prompting a weekend of protests. As was the case during the civil war, the casualties were not the soldiers and policemen involved, but a woman and her daughter caught in the crossfire. The clash was a fatal symbolic reminder of the implications of victory for civilians.

The name of the mujahideen is contested. The prominent tanzim leaders seek to mythologize the jihad, while NGOs and other human rights groups seek to demythologize it; the lower-level mujahideen seek to differentiate themselves from the party leaders, and the Taliban would like to harness the mujahideen image for their campaign against the Coalition, ISAF, and the government. Due to infighting during the jihad against the Soviets and the civil war, the current tanzims are similar to bastard offspring, seeking to re-legitimize their actions through the national political process. Many commanders seek to enforce a type of collective amnesia, where the legitimacy acquired during the jihad was never lost in the ensuing civil war, and where their proposed resistance against the Taliban negates the banditry, predation and destruction that followed the Najibullah government's collapse.

The debate about the mujahideen may mark a shift in Afghanistan from violent competition for authority to a rhetorical competition for legitimacy. The debate relates to a historical crisis of leadership. The proposal of a mujahideen 'right to rule' formalizes the emergence of new legitimizing forces in Afghanistan. Were the mujahideen an equalizing force, challenging existing tribal, national and religious leadership, and producing a new elite? In reality, the institutionalization of mujahideen rule will be equally exclusionary and will in turn alienate new elites. This will also push women further to the margins. As occurred following the Algerian national liberation campaign, the consolidation of a myth of resistance often omits women's roles in the actual conflict. Moreover, the jihad-era division of Afghan society as mujahideen versus the communist is a false dichotomy, with this narrative excluding alternative visions of Afghanistan as a nation of traders, a nation of survivors, a nation of
diverse peoples, or a nation of poets. This production of a popular mythology of Afghanistan as a nation of warriors – enforced through judicial/religious condemnations, symbols and memorials – neglects the degree to which communities and individuals attempted to adapt and survive between the various sides. In the end, a different mythology may be needed to establish a future pattern of civil–military relations.

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NOTES


27. ‘Life history’ interviews were conducted with 345 combatants in summer 2004 and spring/summer 2005. Interviews were semi-structured, involving combatants from 1978 to 2005, and largely arranged through the Afghanistan New Beginnings Programme. Citations list combatants by number, location of interview, and date of interview.
35. Cuthbertson (see n.14 above), p.159
38. Maley (see n.15 above), p.709.
43. Roy (see n.16 above), p.57.
44. Tarzi (see n.39 above) p.495.
45. Ibid., pp.480–81.
57. Tilly (see n.12 above), p.171.
58. Interview with UNAMA officials, Mazar-i-Sharif, February 2005.
60. Combatant #269, Kandahar, June 2005.
63. 'Violence in western Afghan city left three dead, 11 wounded, official says', Associated Press, 1 May 2005.