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FEATURE ARTICLE

## Taliban Rule at Three Months

ANDREW WATKINS

A VIEW FROM THE CT FOXHOLE

## General Richard Clarke

COMMANDER, UNITED STATES  
SPECIAL OPERATIONS COMMAND

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### FROM THE EDITOR

It has been three months since the Taliban entered Kabul and retook control of Afghanistan. According to the head of the U.N. World Food Programme, “23 million people [are now] marching toward starvation. 95% of Afghans don’t have enough food. The economy is collapsing. Winter is coming. This is going to be hell on earth.” In this month’s feature article, Andrew Watkins assesses the Taliban’s efforts to rule Afghanistan so far. He writes that “The Taliban have busied themselves consolidating control, reacting swiftly and harshly to perceived threats. They have not clearly defined the scope or structure of their state, nor have they shared long-term plans for their rank-and-file, many of which continue to operate as they did before August 15, 2021. Taliban leaders have demonstrated the continued primacy of maintaining internal cohesion, a longstanding trait that will likely stunt the group’s response to Afghanistan’s impending economic and humanitarian crises.” Watkins writes that from their perspective, “accepting aid that might sustain their state would prove worthless if doing so fueled a fissure within their own organization. The Taliban would become the very thing their origin story professes they rose up to eradicate and replace: a fractious constellation of militant bands. To put it another way, if Afghanistan’s compounding crises pose the Taliban with the prospect of either failing to provide for the desperate needs of the Afghan people or their own potential fragmentation, the Taliban will put their own organization first.”

This month’s interview is with General Richard D. Clarke, commander of U.S. Special Operations Command. In a commentary, Jerome Bjeopera argues that “given that the U.S. national security establishment has taken up great power competition (GPC) as its primary concern recently, and terrorism has slipped from the top position, it is time for the security policy community to place terrorism within a new conceptual framework, one that combines terrorists, violent criminals, drug traffickers, insurgents, and others under the heading of violent non-state actors (VNSA).” Interviews that Matthew Bamber conducted with 43 former Islamic State civilian employees shed light on two distinct categories: those who became full members of the group and those who did not. He writes that “there are significant differences in how these two categories were treated by the Islamic State, the positions they were able to fill, the financial benefits they received, and the processes through which they joined and left Islamic State employment ... Understanding the nuances is important in assessing the culpability of the Islamic State’s civilian workers and the danger they may pose in the future.”

**Paul Cruickshank, Editor in Chief**

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*Cover: Taliban fighters ride atop a Humvee on the way to detain Afghans involved in a street fight in Kabul, Afghanistan, on September 21, 2021. (Felipe Dana/AP Photo)*

# An Assessment of Taliban Rule at Three Months

By Andrew Watkins

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**In spite of the evolution in Taliban shadow governance over the past decade and the group's growing sense of military and political momentum, the first three months of the reinstated Islamic Emirate revealed the group's struggles with the responsibilities of national sovereignty. The Taliban have busied themselves consolidating control, reacting swiftly and harshly to perceived threats. They have not clearly defined the scope or structure of their state, nor have they shared long-term plans for their rank-and-file, many of which continue to operate as they did before August 15, 2021. Taliban leaders have demonstrated the continued primacy of maintaining internal cohesion, a longstanding trait that will likely stunt the group's response to Afghanistan's impending economic and humanitarian crises.**

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**O**n August 15, 2021, after sweeping through most of Afghanistan in a blistering campaign initiated earlier that spring, the Taliban approached and entered Kabul on the same day, largely bloodlessly, after it was abandoned by government leadership and practically all security forces.<sup>1</sup> The collapse of the Western-backed Islamic Republic was swift and expansive, and even as the United States and other allies scrambled to complete a chaotic evacuation, the Taliban immediately stepped into the vacuum.

In some ways, the Taliban have transitioned their leaders and fighters into officials of a still-forming government with incredible speed. In less than two months, the Taliban extracted oaths of fealty or at least gestures of tacit acceptance from most political leaders who remained in the country; appointed a caretaker government (or at least the façade of one); established a harsh, at times abusive, but largely orderly new security regime in cities; maintained firm control over borders and set customs to account for economic hardship; engaged in regional diplomacy with neighboring states; swiftly and brutally put down an attempted resistance in a mountainous province; and increasingly devoted

resources to rooting out security challenges, including a bloody campaign against the Islamic State-Khorasan (ISK) branch but also retribution against a number of former security officials.<sup>2</sup>

Yet in many ways, the group has revealed the slow conservatism underlying the leadership's consultative, consensus-building decision-making—a *modus operandi* that was key to the insurgency's resilience but may pose a critical threat to effective, responsive governance on a national scale.<sup>a</sup>

Much of the Taliban's behavior, even acts the group has claimed were unsanctioned or that observers point to as evidence of discord, has adhered to several themes and characteristics that have continued to define the group amid its transition into power.

1) The Taliban, at both an organizational and an individual level, are guided by threat perception: over two decades, survival and strengthening their insurgency required constant awareness and resolution of potential threats. The identification, pursuit, and then elimination or cooptation of threats has been and still is the core occupation of most Taliban members.

2) When the Taliban's leadership debates policy or determines a strategic course of action, it has a consistent track record of choices that prioritize and ensure the maintenance of internal cohesion—or at least the outward appearance thereof.<sup>3</sup> Despite factional jostling for power, radicalized views among younger fighters, an ideological challenge by ISK, and a lack of technocratic capacity, the Taliban since taking power have thus far managed to retain the cohesion they nurtured so intently throughout their insurgency. But the cost to the people of Afghanistan has been steep; the movement's focused determination to prevent its ranks from splintering has guided decision-making at each turn, even at the risk of alienating a hungry populace or failing to secure funding sufficient to sustain a modern state.

3) Finally, the speed of the Islamic Republic's collapse and the totality of the Taliban's takeover obscure the fact that on August 15, the group was in quite a tenuous position, and consolidating its grip over the country was a line of effort likely considered necessary.

In its first three months in power, the insurgent group has scrambled to begin functioning according to the contours of a modern state not too dissimilar from the one it overthrew—or, when unwilling/unable to do so, to at least give the appearance of

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a The slow-moving nature of the group's decision-making was also on higher-profile display for much of the past two years, when the insurgents began publicly negotiating with the United States in a process intended to reach a political settlement to the war. At a number of key moments in talks with both the United States and representatives of the Islamic Republic, the Taliban called for a pause in order for their leadership shura to consult (returning to Pakistan more than once to do so in person). See Kathy Gannon, "Taliban leaders visit Pakistan to talk Afghan peace push," Associated Press, August 24, 2020.

functionality.<sup>b</sup> The overarching narrative of the Taliban's first weeks of rule may be one of the former insurgents grappling with a wide range of challenges and crises, plenty of which they lack the funds or capacity to effectively resolve. Figures and fighters from every stratum of the Taliban have told journalists and Afghans repeatedly that the country's problems will take time to solve.<sup>4</sup> That incapacity has prompted the Taliban to revert back, in many ways, to a default wartime style and operational mode, placing harsh restrictions on civilians and in some cases, committing human rights abuses, disappearances, and killings.<sup>5</sup>

This article examines the arc of those first three months, with a focus on governance and security. The first section examines the transition of power after the Taliban entered Kabul. The second section identifies the key themes and characteristics of Taliban rule as the group has moved to cement its power. The third section then examines the group's government formation and governing style in detail. The fourth section evaluates the group's approach so far to security, including how it has responded to the challenge posed by the Islamic State. The fifth section looks at the social restrictions that have been imposed by the group over the past three months, including how it has approached the issue of female education. It also examines the Taliban's delivery of social services. The final section offers some conclusions.

The author conducted remote interviews (and received testimony when formal interviews were disrupted by security concerns) with several dozen Afghans and foreigners who remained in multiple regions of Afghanistan after August 15. This article cites international and Afghan media reports where details are offered, and also draws from the author's previous research on Taliban perspectives on peace negotiations and political ideology, along with the group's long history of prioritizing cohesion.

A note: This article largely refers to the Taliban as a unitary actor and analyzes it as such (even though attention is paid to factional and individual behaviors throughout). This characterization is not intended to discount or minimize the complexity and diversity of the Taliban's many entrenched interests, camps, tribal confederacies, and schools of thought; their familial cliques; or their intra-personal (and at times transnational) networks. On the contrary, this choice is as epistemological as it is stylistic: even at the height of U.S. and foreign military engagement in Afghanistan, the Taliban managed to keep the death of their leader a close-held secret for close to two years, a metric of obfuscation and opacity that should perennially humble any foreign observer of this movement. The past three months have thrown so much into flux in Afghanistan. The coming months are likely to remain just as fluid, meaning any outsider's perceptions of the Taliban's various demographics and the dynamics between them—already almost certainly incomplete—are likely to be rendered obsolete.

## 1. The Two-Week Transition

In the two weeks after the Taliban entered Kabul on August 15, 2021, evacuation of U.S. forces, internationals, and a range of

Afghan partners and affiliates continued amid a precarious standoff in Kabul, wherein the Taliban quickly moved to assert order over the capital while deferring control of much of the airport to U.S. troops. The two actors, previously only ever having come face to face in Afghanistan as military adversaries, entered a tense yet functional two-week phase of coexistence in close proximity, even after an Islamic State bombing at the airport prompted both sides to elevate security postures.

Successive waves of Taliban forces streamed into Kabul from across the country as leadership figures arrived piecemeal by air and overland travel. The patchwork of fighters from nearby provinces and more distant regions was dizzying, their chain of command impossible for outside observers to track with precision, but it was clear that the insurgent movement was resourcing as stable—and as obvious and overwhelming—of a takeover of the capital as possible.<sup>6</sup> As the Taliban's ranks in Kabul swelled and the international presence steadily shrunk, U.S. military and government officials say the group began asserting its authority over agreed-upon terms and conditions of the evacuation process, delaying or denying evacuation attempts seemingly at random.<sup>6</sup> Coordination between the U.S. and Taliban forces stationed at the airport, to include sharing manifests of Afghans and foreigners destined for upcoming flights, was often clogged by Taliban commanders' insistence on new requirements, additional information, claiming inaccuracies and various other hang-ups—in what one U.S. official characterized as “a power flex.”<sup>7</sup> There was little discernible pattern to manifests that were delayed versus those that were not; in hindsight, this interference seems to have been a display of the Taliban's increasing degree of control over Kabul and their leverage in the situation.

Consolidation of its vast newfound gains and attaining supremacy of authority seemed to guide the group's behavior on a spectrum that spanned from brutally violent to surprisingly clement. Taliban fighters opened fire on one of the country's first anti-Taliban demonstrations, killing three in Jalalabad, at the same time their leaders met publicly with powerbrokers of the Islamic Republic, gently coaxing oaths of fealty—or at least messages of tacit cooperation—from former foes.<sup>8</sup> As the Taliban's flag for their Islamic Emirate began sprouting on rooftops and spray-painted walls, Kabul's denizens began stepping back into the streets and resuming some functions of daily life (among men, at least, with many women sheltering out of sight, and not counting the tens of thousands who swarmed the airport's gates in hopes of fleeing the country). Similar scenes played out across Afghanistan's other major cities, where Taliban fighters flooded in from the surrounding countryside and began taking up residence in former government police stations and offices, conducting constant patrols and periodic raids, and directing traffic, as a number of “essential workers” from the former government and sectors like public health were encouraged to return to work.<sup>9</sup>

Within days of Kabul's fall, a National Resistance Front, joined by deposed First Vice President Amrullah Saleh, announced armed opposition to the Taliban in the province of Panjshir.<sup>10</sup> The Taliban reportedly engaged in negotiations with figures gathering in Panjshir, but also swiftly organized a large-scale force to brutally

b Similar to the Taliban's public relations campaign that attempted to amplify what was really an anemic COVID-19 response, the group has publicized ministerial meetings, decrees, and activities across the provinces—little of which appears to represent an initiation of comprehensive, sustainable service delivery. On its pandemic response, see Ashley Jackson, “For the Taliban, the pandemic is a ladder,” *Foreign Policy*, May 6, 2020.

c A rare exception to the Taliban's prioritization of stability and maintaining order was the mass prisoner release as the Taliban seized the notorious Pul-e Charkhi prison on the outskirts of Kabul, the same day the capital fell.



*Taliban officials attend a news conference on October 5, 2021, in Kabul, Afghanistan, where they announced they will start issuing passports to its citizens again following months of delays. (Jorge Silva/Reuters)*

quash the resistance.<sup>11</sup> Though the fight briefly expanded into nearby Baghlan province, where partisans took up arms and seized several districts, by the last days of August 2021 the Taliban had already moved deeper into the Panjshir Valley than they ever had in the 1990s. By August 31, the last of U.S. and international forces had departed, leaving just as the Taliban attained as much of a monopolization of force as they may have ever possessed in Afghanistan.

## 2. Key Themes / Enduring Characteristics

### *Stress on Internal Cohesion*

The Taliban's urge to consolidate and to project monopolized authority is one of several themes that have manifested throughout their first three months as the country's new rulers. Another theme illustrated in Taliban behavior since August 15, 2021, has been, in fact, a foundational, defining characteristic of their movement: a sharp attentiveness to any potential threats to their organizational cohesion.<sup>12</sup> The careful balancing act of allotting governance authority and activities across the organization appears to have alleviated potential tensions between different Taliban camps. But the diffusion of authority has clogged some basic daily interactions that Afghans, especially urban Afghans, have with their new rulers—the sort of administrative congestion that plagued the previous Afghan government, to the Taliban's propagandistic benefit. The Taliban's insistence on maintaining cohesion can serve as a useful

metric for observers: any external pressure or policy choice that could fragment the group is effectively a 'red line.' This is one of the only reliable lenses for assessing a movement that often obfuscates its own positions and regularly amplifies the ambiguity of its public messaging.

### *Ambiguity*

As noted above, ambiguity in policy and public messaging, another characteristic that has long defined the Taliban, has been a theme of the Taliban's early days in power.<sup>13</sup> The Taliban's media wing—which has spawned a multiplicity of spokesmen since August 15, issuing occasionally contradictory edicts—wields a polished set of talking points that appear crafted to mollify international audiences, yet continues to issue unapologetic celebration of violence and destruction in the name of its insurgency. Three months after assuming power (and more than two years of speculation that it might return), the group has yet to clearly demarcate the scale, scope, and mandate of the state it has begun to establish. The Taliban do not appear yet to have tackled some of the core dilemmas of state-building posed to every ruling actor in Afghanistan's modern history.<sup>14</sup> This is particularly relevant when it comes to the Taliban's professed ideology, which suggests that social order stems from a strong centralized authority and absolute obedience to the Emir ul-Mu'minin, which actually contrasts with the high degree of decentralized local authority the movement permitted

field commanders throughout the insurgency (a flexibility that undergirded the movement's expansion across Afghanistan).<sup>15</sup>

### *Threat Perception, to the Point of Paranoia*

Finally, the Taliban's fixation on cohesion and their priority of consolidating control both correspond with a perspective that appears to remain predominant among their rank-and-file and leadership alike: a perspective defined by threat perception and suspicion, borne out of the considerable risks posed during two decades as a guerrilla insurgency against a technologically superior military superpower. There are few actions taken by the group's members, however harsh, seemingly predatory, or just perplexing, that cannot be traced to some Taliban expression of identifying and confronting a perceived threat.

The centrality of threat-perception in motivating Taliban behavior suggests how deeply rooted many members' thinking may remain tied to militancy: violence as the default/preferred means of dispatching with threats. The Taliban's young generation of fighters, many now tasked with mundane patrol or guard duties, is not only conditioned and habituated to the daily use of violence, but they also have been conditioned by indoctrinated expectations (studies suggest they prefer more ideologically rigid conceptions of a future state).<sup>16</sup> The movement's leadership seems keenly aware of how strongly the attitudes and mindsets conditioned and cultivated over years of war may remain entrenched; more than one set of comments from the chief spokesman, voice notes and videos from all three deputy emirs, and a written message from Amir Haibatullah himself have touched on the need for the movement's fighters to exercise discipline or restraint in newly taken-over areas.<sup>d</sup>

In the context of the suddenness of the former government's collapse and the Taliban movement's ascension, it may read as obvious to observe that former insurgents remain largely anchored in mindsets of violent struggle.<sup>17</sup> But this feature has far-reaching implications for the future of Afghanistan's government and how it interacts with the population. Given the Taliban leadership's tendency to steer clear of forming or changing policy in ways that might trigger dissent within the ranks, prevailing paradigms will almost certainly shape how much and how quickly the Taliban will be able to pull its organizational culture and individual fighters' behavior out of insurgency and into the realm of responsible governance—or even regime survival in the face of impending economic catastrophe.

### **3. Government Formation and Governing Style**

The Taliban's head of government and a dozen key ministers, characterized as an interim "caretaker" cabinet that consisted entirely of their senior leadership, were not officially named for three weeks, even after chief spokesman Zabiullah Mujahed claimed a new government would be stood up within days of

**“The centrality of threat-perception in motivating Taliban behavior suggests how deeply rooted many members' thinking may remain tied to militancy: violence as the default/preferred means of dispatching with threats.”**

entering Kabul.<sup>e</sup> The date of the press conference, September 7, 2021, closely followed rumors of rifts between influential figures over appointments and a highly visible Kabul visit by Pakistan's intelligence service chief, reportedly meant to mediate.<sup>18</sup> Much was made of Mullah Abdul Ghani Baradar—deputy emir, head of the political office in Doha during their negotiations with the United States, and now appointed deputy prime minister—disappearing from public view in the wake of the cabinet announcement, which many observers perceived as a demotion; in all of the various rumors about infighting, an aggrieved Baradar was at the center. When Baradar resurfaced in Kandahar, days after media and social media speculation that he had been hurt or even killed in an internal dispute, it was to film him reading a prepared statement denying all rumors and affirming the Taliban's unwavering unity.<sup>f</sup>

Political debate and jostling for power seem almost certain to have taken place—and are very likely to continue.<sup>19</sup> The next notable incident took place two months after the supposed dust-up over government formation and reflected a much different aspect of internal jostling. On November 7, 2021, unverified reports surfaced that Taliban affiliated with Kandahari figures (who traditionally have made up the movement's most powerful leadership base and hold sway over many of its resources) stormed the offices of the national cricket board.<sup>20</sup> The acting prime minister had issued an order to replace the long-controversial coach of the national team—who had been recently reinstated by the Taliban and happens to be Kandahari—a move the reports suggest was instigated by the Haqqanis, a group that has been accused domestically and internationally of seeking to maximize its share of power in Kabul.<sup>21</sup>

Details remain unclear as of the time of publication, and the catalyst may seem inconsequential, but whatever took place, the incident reflects a very real tension. The Taliban's equilibrium of power among different elements, though carefully calibrated over the years, has always remained tilted in favor of certain cliques and cadres; some of these are tribal but others are more

d In late August, the Taliban even declared that women in Kabul should remain home and off the streets on account of the potential that their own fighters might harass or assault them. See Maggie Astor, Sharif Hassan, and Norimitsu Onishi, "A Taliban spokesman urges women to stay home because fighters haven't been trained to respect them," *New York Times*, August 24, 2021.

e The International Crisis Group noted that compared to the previous government, this was the shortest timeframe in which a cabinet has been formed in Afghanistan in the 21st century. On this point, as well as analysis of the group's decision to exclusively name its own leadership as cabinet officials, see Ibraheem Bahiss and Graeme Smith, "Who will run the Taliban government?" International Crisis Group, September 9, 2021.

f Baradar delivered the message awkwardly, which inspired further gossip that bordered on wishful thinking. If Taliban leaders *had been* involved in any argument that escalated to the point of a physical altercation or gunfire, it is difficult to imagine a greater display of organizational discipline than an absence of further incidents between those leaders or any of their armed followers.

interpersonal, stemming back to relationships with the group's founder, Mohammad Omar. The vacuum left by the previous government opened up new arenas for Taliban figures and factions to assume new authorities, creating new flashpoints as different elements seek to gain greater influence or to redress perceived imbalances in the Taliban's traditional dynamics. In essence, the Taliban's victory brought on a sudden bout of growing pains for the movement. However, this is not the only instance of similar internal struggle, and the style of conflict resolution that has sustained 20 years of insurgency—a combination of leadership mediation and persecution of defectors and dissenters—remains a key feature of the movement.<sup>22</sup>

While struggles over allotment of power surely played a role, the delay in forming a government might be best chalked up to the overwhelming nature of the Taliban's sudden takeover—or more precisely, a lack of preparation for it. Senior figures confessed their shock at the rapidity of Kabul's fall, and the group does not appear have laid much groundwork for a formal assumption of power.<sup>g</sup> The Taliban had a number of urgent tasks and pressing concerns: the stabilization of cities, the standoff over the Kabul airport, and uncertainty over how widely elements of the former government might resist. It is easy to discount the impact of this uncertainty in the aftermath of the swift defeat of the resistance mounted in Panjshir province, but the reality is that the Taliban had stretched their fighting force far thinner than ever before.<sup>23</sup> Considered in conjunction with the group's historical emphasis on the sovereignty and independence of its future Afghan state, another key factor in the timing of announcing its government was likely a desire to do so unchallenged, either by the lingering presence of Western troops or the impression of armed opposition from the former government.

In this context, the Taliban's decision to form a government consisting entirely of their own leadership was unsurprising, even amid persistent calls from donor states, regional powers, and Afghan civil society to achieve some degree of “inclusivity.”<sup>h</sup>

g The Taliban's repeated insistences that had Ghani not fled they would have agreed to a transitional government, including figures such as former president Hamid Karzai or Abdullah Abdullah, underscore their lack of preparation. Even if this message has been crafted as post-facto historical revisionism (the group's aggressive summer military campaign is difficult to reconcile with such generous claims), it also amounts to an implicit Taliban admission that the manner in which they came into power was disorderly (as a result of disorganization). See Giti Rahimi, “Collapse of former government harmed country: Mujahid,” *Tolo News*, October 24, 2021. On surprise at the speed of Kabul's fall, Baradar said in a message to followers on August 15, “The way we achieved this was unexpected. God gave us this victory.” See Jessica Donati and Margherita Stancati, “A Taliban leader emerges: Hunted, jailed and now free,” *Wall Street Journal*, August 16, 2021.

h Calls for inclusivity in Afghan politics, especially from foreign powers, have had a problematic history over the course of Western intervention since 2001. Encouraging inclusivity has served as a euphemism for bringing powerbrokers, even allegedly corrupt or criminal figures, into government—under the logic that they will do less harm from within the state than outside of (and possibly opposed to) it. These calls have also had the effect of encouraging anti-democratic or extra-constitutional political dealmaking, particularly amid contested election results (in particular the results from 2014 and 2019, when “inclusivity” alluded to the prospect of Ghani and Abdullah Abdullah reaching a compromise). Inclusivity has also signaled specific demands from Afghan civil society as well as donor states, particularly in terms of women's and minority community representation. For a critique of the term as applied to Afghan politics, see Ahmed-Waleed Kakar, “How ‘Inclusivity’ Is Manipulated in Afghanistan,” *Afghan Eye*, October 26, 2021.

Maintaining internal cohesion was also a prevailing concern, both in terms of ensuring that various camps within the Taliban felt they had been allotted some share of power but also by adhering to the ideological expectations of their own membership.<sup>24</sup>

Some analysts have noted that former President Ghani's flight from the country did not prevent the Taliban from entering into a transitional government that included former Islamic Republic political leaders (in spite of Taliban statements suggesting otherwise); they could have entered the same arrangement reportedly being facilitated by U.S. envoy Zalmay Khalilzad right up until August 15.<sup>25</sup> While true, the vacuum created by Ghani's departure posed an internal dilemma that the group may not have faced otherwise. Compromising and sharing power with adversaries *in order to reach Kabul* was one proposition; sharing power voluntarily, after already having marched victoriously into the capital and assuming an unchallenged position of authority, was another entirely. Most members of the Taliban may have been persuaded, under the assumption that seizing Kabul might require a lengthy siege or bloody urban warfare, to accept the former. But power-sharing likely would have encouraged speculation that their leadership was allying itself with the ‘corrupt,’ ‘puppet’ political leaders of the Western-backed Islamic Republic, or worse, that they were caving to the demands of foreign states.

As clear as the Taliban's leadership was in demonstrating that its priority lay in appeasing its own ranks, ambiguities as to the exact nature of the Taliban's new government emerged as soon as it began to take shape. In the first press conference that announced initial cabinet officials, the emir's role was not officially announced or explained, nor was it clarified whether or not the caretaker government would be titled the Islamic Emirate of Afghanistan (the name of the Taliban's first government, which the group has referred to itself as over the course of its insurgency). But Taliban figures gave remarks after the press conference ended that affirmed the new government was indeed the emirate with the emir at its head, and written decrees have been distributed in Emir Haibatullah's name since then.<sup>26</sup> Though some suggested this obfuscation might signify an intent to mollify or deceive international audiences given the notoriety their movement earned in the 1990s and that 20 out of the 33 senior-most officials are on the United Nations' sanctions list; the Taliban have not shied away from the nature of their cabinet.

The white flags of the Islamic Emirate proliferated across Kabul and the country within days of the Islamic Republic's fall, as if to render the Taliban's lack of clarity on the government's title moot. In one of the first days after U.S. and international forces completed their withdrawal, the Taliban broadcast a victory military parade on the state-run televised news agency, prominently including trained suicide bombers.<sup>27</sup> This demographic was further honored in October 2021 in a high-profile audience with Sirajuddin Haqqani—one of the Taliban's three deputy emirs, leader of the notorious U.S.-blacklisted Haqqani network, and newly appointed minister of interior—where he promised families of fallen suicide attackers generous pensions and property.<sup>28</sup> And yet, weeks later, the Taliban announced that the issuance of passports would resume—without changing the imprinted title of the former government.<sup>29</sup> The group has since issued tens of thousands of these passports, bearing the seal of the erstwhile Islamic Republic. And while Taliban fighters have beaten protesters who carry it, the Taliban have not formally

banned the tricolor flag of Afghanistan's previous government.<sup>i</sup>

One of the most intriguing aspects of the Taliban's government formation was one of the most under-discussed: by naming members of its movement to head and to staff senior positions in all but one of the former government's ministries (the Ministry of Women's Affairs was subsumed into the restored Ministry for the Prevention of Vice and Propagation of Virtue), the Taliban have tacitly accepted the scope of the modern Afghan state as defined by the previous Western-backed government. This was not a foregone conclusion.<sup>j</sup> There is much within the history of Taliban governance in the 1990s and their insurgency 'shadow government,' as well as the intellectual debates that have taken place recently among Taliban supporters, that suggests a strong philosophical preference for minimalist government, one rooted in the strict maintenance of public order and implementation of a harsh form of justice.<sup>30</sup> Perhaps the most striking example of this acceptance and the shift it connotes was the Taliban's naming of a mullah to head Afghanistan's Atomic Energy Agency, which the previous government erected in 2011.<sup>31 k</sup>

The Taliban have accepted, for now, the expansive reach of a state that at least some officials quietly admit they have little formal experience in running, yet insist they possess the capacity to manage. One of the less commented-on features of the Taliban's caretaker cabinet is that, for all the speculation over which factions within the movement received what proportion of positions, the most privileged demographic seemed to be figures within the leadership who had previously held ministerial rank in the 1990s. For a movement that has been dominated by the interests and imperatives of its military command for the past 20 years, from the prime minister down, selections appear to have favored prior experience in 'governance.'<sup>32</sup> Even more quietly, a number of

ministries have summoned former technocrats and subject-matter experts back to work or for mandatory consultations.<sup>33</sup> When probed on the challenges of administering the government, Taliban spokesmen seem to have settled on a narrative of scapegoating, with a heavy dose of denial regarding Afghan perceptions of their movement. Had the United States and other evacuating nations not instilled fear without cause, as the Taliban put it, among many ministry employees who sought to flee the country, the bulk of the ministries' former staff would have simply remained in place and smoothly transitioned to continued civil service under the new order.<sup>34</sup>

Perhaps the greatest remaining ambiguities surround the question of how the Taliban plan to transition the structure and the personnel of their fighting forces into the hierarchy of their fledgling Afghan government. Newly appointed officials, including the acting minister of defense Mullah Yaqoub (the son of founder Omar), have made a number of speeches declaring the Taliban will stand up a strong, independent national army, accompanied by a stream of videos of newly uniformed Taliban fighters marching with military discipline in government facilities that have been taken over.<sup>35</sup> The Taliban claim they will work to reintegrate former government troops, but little detail has been shared otherwise; one journalist, surveying Taliban commanders in several provinces in late September and early October 2021, found that they had still received no guidance from leadership in Kabul as to which ministry they fell under, interior or defense.<sup>36</sup> On November 7, 2021, the Taliban finally named a slate of provincial-level governors and police chiefs, a major step in transitioning the movement's hierarchy into the offices of the state.<sup>37</sup> Yet the degree to which their insurgency-era organization of fighters will be adapted or overhauled into state security forces remains unknown.

Other evidence has emerged that suggests ministries may be adapting their portfolios less along traditional institutional lines and more in line with the purview that Taliban ministers previously held in the movement. One example was Yaqoub's announcement that the Ministry of Defense would take responsibility for the security of the long-delayed TAPI gas pipeline, meant to run through the country from Turkmenistan into South Asia.<sup>38</sup> In Afghanistan (and many other states), the ministry of interior would normally be responsible for infrastructure protection, but in the Taliban insurgency's military commission, Yaqoub shared responsibility over the Taliban's forces with Sirajuddin Haqqani based on a geographic split. It seems as if Yaqoub is still de facto overall commander of Taliban fighters in the south and west of the country, where the pipeline is meant to be built.

In one sense, the Taliban's reliance on their insurgency-era framework of command and control in their first weeks in power was a necessary transition mechanism. But the longer that fighters continue to hold sway as they did during the insurgency, which always has been complicated by a dual track of authority between the formal hierarchy and the informal interpersonal networks that anchor the Taliban's organizational culture, the greater the risk that in practice the authority of state ministries will be hollowed out, with the state governed by an opaque "shadow government" of the real powerbrokers within the Taliban.<sup>39</sup> In Kabul, testimonies from foreign aid organizations and Afghan business owners suggest that a Byzantine status quo has already begun to settle in: they tell a story of the Taliban ping-ponging simple requests and administrative hurdles back and forth between officials sitting within ministry

i This balancing act, and the likely domestic political considerations at play, are illuminated in the following anecdote: In late October 2021, an outspoken Taliban figure criticized members of the country's national cricket team for politicizing their stature as public figures, specifically referring to Afghanistan's former and current flags. In response, a member of the Taliban's Cultural Commission said, "We have some emotional friends who are antagonistic toward the tricolor flag. It is their opinion and we respect that, but it's not the official policy," and went on to express unqualified support for the cricket team. See Siraj Khan, "Afghan cricket team draws Taliban ire over flag comments," *Saama News*, October 30, 2021.

j Granted, this acceptance may still change; in the moment, the Taliban had compelling reasons to 'step into' the ministries of the former government. They had various camps and factions that likely expected representation in whatever form the initial cabinet took, a juggling act made easier with a large number of ministries; it is also possible the Taliban did not disband or temporarily shutter some government offices out of concern it would implicitly admit their movement did not possess the technocratic capacity to run them. Yet with figures and factions now entrenched in a 'caretaker' government arrangement, any reduction of the state's breadth according to political or theological principles will likely foment tension among the 'winners' and 'losers' when it comes to cabinet seats.

k Another curious instance of Taliban openness to accepting a more modern conception of the state came via the announcement from acting chief justice Abdul Hakeem that the new government would temporarily adopt measures of the 1964 constitution, enacted by monarch Zahir Shah, that do not contradict 'Islamic' law. Taliban officials have said little on the subject since, in spite of the many questions raised (especially the document's embrace of parliamentary representation). See Ayaz Gul, "Taliban say they will use parts of monarchy constitution to run Afghanistan for now," *VOA News*, September 28, 2021.

**“In one sense, the Taliban’s reliance on their insurgency-era framework of command and control in their first weeks in power was a necessary transition mechanism. But the longer that fighters continue to hold sway as they did during the insurgency ... the greater the risk that in practice the authority of state ministries will be hollowed out, with the state governed by an opaque ‘shadow government’ of the real powerbrokers within the Taliban.”**

headquarters and those wielding influence unofficially, rivaling the headaches—if not yet the corruption—of the previous government’s bureaucracy.<sup>40</sup>

Over the longer term, such opacity might render disputes over cabinet ministries less salient, but could open up space for individuals or camps within the Taliban to vie for power behind the scenes. Even if the group manages to contain internal struggles, it seems likely to sustain its organizational features of leadership councils and interpersonal networks outside of the organs of the state, an approach that appears rooted in contingency planning that could sustain the movement even in the event of another foreign invasion or a targeted killing campaign.<sup>41</sup> The odds of the Taliban bringing Islamic Republic-era politicians into government in positions of prominence are low—and if they do so, it may well be a signal of the Taliban shifting their authority into parallel power structures.

#### 4. Security and Repression

In spite of the shocking totality of the Taliban’s military victory, when their fighters stepped into Kabul the group’s grasp on the country was quite tenuous in a number of ways. As noted above, its fighting force rarely had been stretched so thin.<sup>1</sup> A Taliban commander appointed as a prominent district police chief in Kabul noted that his previous command consisted of “three fighters” and a network of part-time informants.<sup>42</sup> One Afghan former senior official, expressing frustration at the previous government’s lack

of a strategy to combat the Taliban’s offensive this past summer, noted that major border crossings seized by the Taliban (a crippling blow in terms of fighting morale, legitimacy, and sovereignty, as well as vital customs revenue) were only defended by handfuls of their fighters, as the bulk of their force continued to press the battlefield advantage on rapidly shifting frontlines.<sup>43</sup> The Taliban’s promise of general amnesty to the entirety of government security forces, even granting safe passage to notorious units such as the CIA-trained Khost Protection Force, left the newly victorious insurgents vulnerable to resistance anywhere across the country, albeit from a just-disarmed and disorganized, demoralized force.<sup>44</sup>

In the months before their takeover, the Taliban worked to dampen potential resistance with a spectacular campaign of disinformation, coercion, and persuasion, the extent of which only became gradually apparent to international observers after they returned to power.<sup>45</sup> But despite the offer of general amnesty, they have also gradually begun to ramp up an unacknowledged wave of extrajudicial raids, detention, and, in smaller numbers, killings of former members of security and intelligence forces—in a highly targeted manner that suggests extensive use of surveillance, informant networks, and exploitation of data left exposed by the government’s sudden collapse.<sup>46</sup> The extent of this campaign is impossible to measure, though local testimonies across the country suggest house searches varied widely from one area to the next (some reports ascribed motivations that seem more criminal or personally motivated than purely driven by the perception of potential resistance).<sup>47</sup>

But two things are clear: Firstly, this campaign of searches, interrogations, and in many cases detention and disappearances began even before the Taliban reached Kabul, which may have been prompted by Taliban seizures of personnel rosters and private data stored at major regional military facilities in July and August 2021—and it continued below the surface, targeting specific individuals in an as-yet undiscernible pattern (though anecdotes suggest efforts were made to track former special forces, commando, and intelligence personnel).<sup>48</sup>

Secondly, August’s declarations of armed resistance in the Panjshir valley,<sup>m</sup> a historic stronghold of anti-Taliban resistance all through the 1990s, not only prompted a swift Taliban military response, headed by commanders selected from their ranks of northern, non-Pashtun fighters, but it also seems to have accelerated Taliban house searches and raids in Kabul, particularly in areas of the city home to Panjshiri communities.<sup>49</sup>

This dragnet differs somewhat from another, distinct category of Taliban reprisal violence against former adversaries, one in which local drivers of conflict have played a predominant role; but concerns about potential threats hang over both. Some of the most publicized reports of Taliban fighters carrying out summary executions have taken place in areas where intra-tribal animosities, land/water disputes, ethnic tensions, and track records of violence

1 The Taliban’s approach to gaining territory throughout most of their insurgency was gradual and piecemeal, in large part to avoid U.S. aerial bombardment to the greatest extent possible. Doing so included tactical innovations such as a growing reliance on the exploitation of populated areas/human shields, but also often saw the Taliban limit the number of major offensive drives they would institute at any given time, even during the opening weeks of their declared ‘annual offensives,’ meant to overwhelm the government’s security forces. With the absence of U.S. bombardment that had long deterred or pushed back large-scale Taliban offensives, the group’s blitz through much of the country from April to August 2021 was unprecedented. Author’s unpublished research, 2018-2021.

m Much of the messaging was coordinated by the National Resistance Front headed by Ahmed Massoud, son of the legendary anti-Soviet and anti-Taliban mujahideen leader Ahmed Shah Massoud (whom even the Taliban hail as a ‘national hero’). But it also included messages issued by former First Vice President Amrullah Saleh in which he claimed to be the legitimate successor to the presidency of the republic. Both Massoud and Saleh fled to and remained in Panjshir until early September, when they fled (allegedly via military helicopters) to neighboring Tajikistan.

and vengeance have spanned four decades of war.<sup>50</sup> The Taliban's leadership has not proven willing to hold accountable and publicly punish fighters who have been credibly accused of committing atrocities, in spite of internal and external messaging condemning it. This reluctance is almost certainly based in part on the continued vulnerability of the Taliban's thin veneer of control across the country, especially in areas where simmering local grievances are especially acute (prime areas for anti-Taliban resistance to spring up).

In order to demonstrate strength at a time when masses of fighters are committed to a select few major cities, in some areas the Taliban have reverted to the harshest possible punishments of criminal offenses, without formal trial or rule of law. In a sign of how deeply the group embraces a worldview in which harsh punishment of alleged criminality is necessary to enforce order, the Taliban have not condemned high-profile instances of public execution or decapitation, not even when speaking to international media; they have instead equivocated, claiming that such actions were not official policy and declaring that executions should not be carried out publicly, unless dictated by the nation's top court.<sup>51</sup> Such a decree also reinforces a core theme of the Taliban's governance thus far: it is less focused on legal or political principles than the principle of centralized control, over society and over its own members.

In their first weeks in power, the Taliban reacted harshly to more than one form of opposition. The movement's fighters responded to early protests against the Taliban that sprang up in Jalalabad, Kabul, Herat, and other cities, many of which were led by women, with intimidation, physical aggression, and violence.<sup>52</sup> By mid-September 2021, the group had clamped down on the right to protest with a set of essentially prohibitive conditions. Major private media outlets continued to function (apart from the Taliban's appropriation of state-run channels and sites), but at a fraction of the freedom of expression and total journalistic output as before the takeover.<sup>53</sup> Taliban spokesmen have exhorted Afghan media to report "in accordance with Islam and national values," the same ambiguous phrase often used by the Taliban when asked what standard determines a punishable criminal offense, suggesting the movement's fixation on perceived threats to order extends to the public discourse.<sup>53</sup> The Taliban have not immediately or completely clamped down on private media, but self-censorship is starkly evident among a range of outlets, and every behavioral pattern of the Taliban's rule in areas they controlled as an insurgency suggests their influence over and intimidation of media coverage is likely to increase over time.<sup>54</sup>

One of the most fascinating measures of the Taliban's perspectives on security, a measure of their threat perceptions and/or how best to project an image of strength, is illustrated by the continued visible presence of personal security for high-ranking figures within the movement—even in gatherings that are limited solely to members of the Taliban. Images and video clips of speakers at podiums or roundtable meetings have included heavily armed guards hovering

within arm's reach.<sup>o</sup> It was not until later in October 2021, nearly two months after the group seized power, that the group's two more elusive deputy emirs (and new ministers of the security portfolio), Mullah Yaqoub and Sirajuddin Haqqani, began regularly attending high-profile televised meetings and events. Even after they did so, many Taliban-affiliated media outlets and social media accounts blurred out the facial imagery of Haqqani.<sup>55</sup> More broadly, Taliban fighters have been warned to cease taking selfies and sharing photos on social media so as to not reveal "operational security" details to adversaries.<sup>56</sup>

Analysis has varied as to the Taliban's reasons for the above behavioral quirks, but they make sense from the perspective of a movement that has kept its leadership alive by keeping them in the shadows.<sup>p</sup> Discussions the author had with sources close to the Taliban over the past two years of negotiations with the United States revealed that the group maintains an intense degree of suspicion as to the motives and the potential future engagement of the United States. From the perspective of many in the movement, the United States is just a single drone strike away from wreaking havoc and potential destabilization of 20 years' worth of strategy and sacrifice. And the United States is not the only enemy the Taliban have cause to defend their leadership from. In August 2019, a mosque in Pakistan that Emir Haibatullah regularly preached from was struck by a suicide bombing of nebulous provenance; the emir was not there that day, but his brother was killed.<sup>57</sup> Since then, Haibatullah has been absent from not only public view but even voice recordings distributed to followers, which has led to serious speculation that he may have died some time ago. Only on October 31, 2021, did reports emerge that the emir had spoken to a crowd at a Kandahar madrassa (under tight security, with no photo or videos allowed).<sup>58</sup>

Another key element of security the Taliban attempted to recognize from the start, but failed to adequately prepare for, was the threat posed to minority religious and ethnic communities. In August 2021, Taliban officials consulted with elders of the Sikh community and provided protective escorts for processions and observances of the Shi`a religious holiday Ashura. Yet a wave of mass-casualty attacks by the Islamic State-Khorasan Province (ISK) began to target Shi`a mosques—including in Kunduz, where the group had rarely surfaced, and Kandahar, in its first attack carried out in the Taliban's heartland.<sup>59</sup> Combined with the harsh treatment by some Taliban of ethnic Hazaras, including several documented instances of reprisal killings and forced communal displacement where Hazara-Pashtun dynamics have long been

o While bodyguards accompanying senior officials are a common feature of governments around the world, the Taliban have repeatedly positioned guards in highly visible positions during televised or photographed events, and moreover, have drawn attention to their status as security figures (dressed in uniforms, outfitted with long-barrel weapons). This may also stem from a sense of prestige or other factors unrelated to security concerns, such as visibly demonstrating the legitimacy and professionalism of Taliban fighters, but such symbolism cannot be divorced from accounts of intensely strict security that surround the movement's top officials, even after August 15.

p The blurring of facial photos is less likely a serious measure of operational security, given the near certainty that adversarial governments and actors have other means of identifying Taliban leaders (and the Taliban's awareness of this capability), and more of a reflection of pervasive collective attitudes that continue to emphasize threats.

n Some figures cited by journalism watchdogs showed a sharp reduction in the number of women who continued to work for Kabul media outlets (roughly only 100 out of 700 before the takeover), while the total number of independent outlets across the country has shrunk at a comparably dramatic rate. See "Fewer than 100 of Kabul's 700 journalists still working," Reporters Without Borders, September 1, 2021.

hostile, a perception of the Taliban's unwillingness to protect (or to actively harm) these communities has spread widely.<sup>4</sup>

While ISK's deadliest attacks since August 2021 have targeted Shi'a worshippers, the majority of ISK-claimed activity, smaller bombings, and attacks in this period have targeted members of the Taliban.<sup>60</sup> Beginning in September, these attacks grew more frequent, especially in the eastern provinces of Nangarhar and Kunar where ISK first established its bases of support in Afghanistan, but Kabul and other areas as well—including a complex attack on a military hospital that killed a notable Taliban commander.<sup>61</sup> This has resulted in a heavy-handed security response by the Taliban, with reports emerging from Nangarhar in October of numerous targeted killings and disappeared persons, many of them reportedly adherents to the salafi current of Islam, a small minority among Afghans.<sup>62</sup> The Taliban also employed a range of coercive and persuasive methods to combat the threat of a resurgent Islamic State in the east, drawing pledges of allegiance from major salafi clerics and consulting with community elders at a district and village level.<sup>63</sup> This bore a strong similarity to their engagement with Afghan security forces this past summer, which was not a new approach for the Taliban; the movement has long proven adept at exploiting divisions between rival jihadi groups and government-aligned forces alike.<sup>64</sup>

Unsurprisingly, though the Taliban have clearly ramped up their response to ISK's activity, their public messaging has consistently minimized the threat the group poses to the Taliban's authority, or to the Afghan public. The Taliban have stuck with this rhetoric even after several instances of downplaying the group's threat in media statements were quickly followed by a sensational attack. Since 2019, the Islamic State's propaganda has begun to appeal directly to sympathizers and discontents within Taliban ranks, decrying the Taliban's leadership as sellouts making secret deals with the Americans, too focused on the pursuit of power and nationalism instead of pure 'Islamic' aims.<sup>65</sup>

Yet history leaves little doubt that the Taliban's response to ISK will remain harsh and well-resourced, even if it fails to extinguish the group. The Taliban dedicated immense resources to combating the Islamic State over the past five to six years, and have always responded swiftly and aggressively to signs of growing or reemerging ISK strength—perhaps most mercilessly in instances

when members of the Taliban have defected and pledged allegiance to the group.<sup>6</sup> ISK was not only a serious territorial threat in eastern Afghanistan for several years, but also posed a unique threat to the Taliban's monopoly over the country's jihadi ideological landscape, which the Taliban had spent over a decade carefully corralling under their tent.<sup>66</sup>

The real question is not if the Taliban perceive the true extent of the threat ISK poses; the Taliban's public marginalization campaign is almost certainly a propaganda strategy intended to deny the Islamic State the stature of a serious contender to the throne. Rather, what remains to be seen is if the Taliban elect to employ the Islamic State as a *raison d'être* for keeping a good percentage of their fighting forces occupied—which would alleviate any near-term concerns the leadership might have about fighters left adrift without a sense of mission. However, it would also likely preserve an actively militant mindset among Taliban who continue to fight, a development that would ultimately stunt the Taliban's organizational evolution into a political force and movement capable of governing—or encourage the development of their nascent government into a repressive police state.

Whether or not Taliban leadership attempts to rally its members, over time, to combat the perceived threat of the Islamic State may depend on its ability to hunt down and degrade that group's ability to carry out frequent high-profile attacks. Early reports suggesting that small numbers of former security and intelligence forces have gravitated to cells of ISK, offering their services to the only extant armed group capable of striking their now-ascendant adversary.<sup>67</sup> If that trend continues, the Taliban will not only be more likely to continue to fixate on and dedicate resources to ISK's elimination, the Taliban's 'war on terror' may become a smokescreen for retribution against former government forces, civilian officials, or any other dissenters.

## 5. Social Restrictions and Service Delivery

By the end of August 2021, the Taliban had yet to appoint their victors' cabinet and still had a few senior officials from the Islamic Republic serving on an interim basis, including the mayor of Kabul and the minister of public health (both were replaced by Taliban

q Not all ethnic Hazara are Shi'a Muslims, but a majority of Hazara are Shi'a. Though precise population surveys have not been taken in decades, Shi'a Hazara are believed to make up the largest ethnic community of Shi'a in Afghanistan. Hence, patterns of attacks that target Shi'a or Hazara communities often overlap strongly. Perceptions of Taliban hostility and violence toward the Hazara community have sharpened intensely over the past year, as the U.S. intention to withdrawal from Afghanistan became increasingly clear. A campaign sprung up decrying a genocide against Hazara, in which the Taliban stand accused among several Afghan actors stretching back more than a century. See, for context, Sitarah Mohammadi and Sajjad Askary, "Why the Hazara people fear genocide in Afghanistan," Al Jazeera English, October 27, 2021.

r ISK (as with other branches of the Islamic State around the world) draws its recruitment base from salafi communities, but that does not mean all or even a majority of Afghan salafis are affiliated with or sympathetic to ISK. The same eastern provinces in which ISK garnered the most local support also happened to host longstanding salafi communities (which had always held tense relations with the broader Taliban movement), but ISK's strength in the eastern border regions is due to a number of other factors as well.

s One conflict monitor shared data with the author on all violent incidents across Afghanistan: In some months of 2019, the Taliban's clashes with elements of the Islamic State actually outnumbered incidents where they fought government security forces. According to the author's sources, the Taliban levied fighters from 11 different provinces to contest the Islamic State's territorial control in Nangarhar that year. On defections from the Taliban to ISK, one of the deadliest single clashes in the last two decades of war took place in 2015 in Zabul, when newly created Taliban 'special forces' surrounded and massacred a breakaway rogue Taliban faction along with a number of Central Asian-origin militants, after they pledged loyalty to ISK. See Fazlaminallah Qazizai, "The special units leading the Taliban's fight against the Islamic State," *New Lines Magazine*, September 3, 2021, and Andrew Watkins, "Taliban fragmentation: A figment of your imagination?" *War on the Rocks*, September 4, 2019.

t It should be noted that the Taliban do not perceive al-Qa`ida figures present in Afghanistan, or many other regional and global jihadi groups that seek sanctuary in the country, in anything close to the same category as they do the Islamic State. This topic has been covered thoroughly elsewhere, especially by Asfandiyar Mir in this publication recently; suffice it to say that the Taliban have not visibly altered their stance on al-Qa`ida in their first three months of rule. For Mir's article, see "Twenty Years After 9/11: The Terror Threat from Afghanistan Post the Taliban Takeover," *CTC Sentinel* 14:7 (2021).

appointees in September).<sup>68</sup> Though brief, these interim periods of service reveal a pragmatism among the Taliban's leadership, and an unspoken priority for upholding certain functions they consider essential to maintaining public order. Law enforcement has a place of primacy among these, and it is no surprise that the Taliban have dedicated a precious percentage of their fighting strength to the forces policing major cities.<sup>69</sup>

Anecdotal observation suggests that the Taliban have appointed many of the police chiefs of districts in Kabul not in the style of "spoils of war" for the most accomplished battlefield commanders, but on the basis of experience in and knowledge of the capital; more than one district chief seems to have a background in remotely running informant networks and mounting terror attacks from Kabul's outlying districts.<sup>70</sup> These police chiefs now operate bearing the titles of a bureaucratic state, but in the absence of a fully staffed judiciary and a fully crafted legal framework, their daily functions resemble those of a rural Taliban commander or district governor. They issue rulings on a range of disputes that locals are bringing to their offices, have begun tackling perceived corruption among business owners neighborhood and powerbrokers, and hunt down elements of organized crime that have plagued Afghanistan's cities for years.<sup>71</sup>

The Taliban have, to date, claimed that certain policies or social restrictions are temporary, and are being enforced simply due to security concerns (or other exigent circumstances of the takeover). This claim has been met with serious skepticism in terms of restrictions on women. Afghan women recall that the Taliban of the 1990s introduced their emirate as an "interim" or "caretaker" government, which never evolved. Many have observed that the Taliban attempted to justify their earlier restrictions on women due to the security environment at the time, which—though the group claimed improved under its rule—were never eased or lifted.<sup>72</sup> In the Taliban's first three months back in power, the numerous restrictions on women's place in the public sphere have been perhaps the most contentious reflection of the movement's catering to the most socially conservative flank of its membership. In one instance, the ministry of education instituted a de facto ban on girls' school attendance in grades 6-12. Spokesmen claimed this was only until courts and officials could determine a properly 'Islamic' modality of implementing girls' education, but the Taliban's prioritization of other issues could leave the ban in place indefinitely.<sup>73</sup>

The issue was muddled when Taliban officials in four different provinces that have (as a generalization) a relatively more progressive history of girls' education announced, in early October 2021, that girls had resumed their attendance, that the appropriately 'Islamic' measures were fully in place (some of which, such as requiring women teachers for every segregated girls' classroom, are not only impractical given gender imbalances in the education sector, like most sectors in Afghanistan, but would ironically require years of a concerted push to encourage and recruit more women to attend school and graduate university in order for a new generation to fill the ranks of public school faculty).<sup>74</sup> These announcements gave some hope that the Taliban might either allow gradual progress or at least permit regional variation in the enforcement of social codes, but they also raise the specter every Afghan government has historically struggled with: permitting greater degrees of regional autonomy can potentially weaken the center. The Taliban's ideological affinity for centralized rule suggests that a series of variations in policy, which could grow into an assertion of authority

from peripheral commanders (or the communities they represent), likely will not continue without being contested eventually.<sup>u</sup>

At the same time, some of the Taliban's recent social restrictions have revealed the same cynical sort of pragmatism as they displayed in years of shadow governance as an insurgency. For instance, women in public health have been consistently encouraged to continue working across the country, one of the few sectors in which the Taliban have done so.<sup>75</sup> Functional health facilities in friendly territory were also a military imperative in order to treat wounded fighters; once established in Taliban-controlled communities, the movement insisted that female staff be present in order for any women of the community to receive treatment.

This illustrates an obvious but potentially useful point for those international organizations and donors deliberating on how to best leverage the Taliban's treatment of the Afghan population: the Taliban grow most pragmatic when the actor they are engaging with has something they badly need—and does not publicly pressure the group with any potential conditions.<sup>76</sup> When they are unable to identify a critical benefit, or when the compromise necessary to obtain that benefit might offend and inflame the sensibilities of a large enough segment of their membership, threatening cohesion, they are prone to adopt a smokescreen narrative about themselves, posturing as defenders of all things truly 'Islamic' and Afghan. With domestic audiences, Taliban messaging often plays on the ambiguity of these dual pillars of values; when challenged about the 'Islamic'-ness of a given policy or behavior they may claim that it is innately and traditionally Afghan, and when questioned about the Afghan-ness of it, they often default to uniquely exclusive interpretations of Islam.<sup>77</sup>

This sleight-of-hand justification often obscures a more universal political dynamic: the Taliban play to their base, unless overwhelmingly compelled by tangible benefit (or allayed by a relative absence of risk). While there are numerous avenues for aid organizations, U.N. agencies, and wealthy states to persuade the Taliban to tweak social policy and treatment of civilians at the margins, one of the core grievances of Taliban rule is unlikely to waver: the movement's leadership has almost never risked their organizational cohesion in order to challenge a commander or official's harsh enforcement of draconian social codes, so long as that code is not wildly out of proportion with the most conservative segment of local norms.<sup>v</sup> When the Taliban's leadership does seek to move the needle on organizational policy, it often presents the issue to the movement's clerical authorities for a theological ruling and justification.

u Such policy variations are already prolific, in minor yet daily aspects of life such as hygiene and grooming. See "Taliban's 'new' governing style includes beatings for beard shaving," Radio Free Europe/Radio Liberty, October 6, 2021.

v One recent exception that proves the rule was an instance in late October 2021 of several gunmen, claiming to be Taliban, who entered a wedding in Nangarhar where music was being played and opened fire on the attendants. The Taliban made a point of publicly announcing the detention of the perpetrators and disavowing their crime. Short of wanton violence that a given area's most conservative village elders might consider unjustified, the Taliban's hierarchy will often refrain from outright condemnation, and very rarely punish the use of violence in 'law enforcement.' See Mushtaq Yusufzai and Saphora Smith, "Gunmen kill 3 after fight about music playing at wedding party in Afghanistan," NBC News, October 31, 2021.

One somewhat surprising service the Taliban have prioritized is the swift revival of passport and national ID issuance services; both had suffered backlogs in the tens of thousands in the months prior to the Taliban's takeover. By late October 2021, the Taliban announced that more than 80,000 national IDs had been issued, along with a large number of passports.<sup>78</sup> Rumors have spread among civil society activists and Afghans who have work experience with Western governments (or projects they funded) that anyone affiliated with the West is being detained and jailed, or worse, when they go to the passport office to pick up their documentation. These rumors have not been substantiated, but they may contain a kernel of truth: the department of passports is headed by Alam Gul Haqqani, a member of the Haqqani family, which controls the interior ministry and appears to be angling to use the ministry's remit to assert outsized authority in urban areas (several of Kabul's district police chiefs are reportedly affiliated with the Haqqanis).<sup>79</sup> In any event, it is likely that the Taliban view the process of issuing identification as an intelligence collection operation as much as anything else. Much like their posture toward U.S. forces throughout August's evacuation, the Taliban do not seem opposed in principle to Afghans at large, or even certain subsets of society, leaving the country. But they do prioritize control, and being able to regulate who receives travel documentation, being able to track who comes and goes, is likely valued by influential wings of the movement.

The Taliban's nascent government is still nearly as incapable of delivering services as they were as an insurgency. The few exceptions, such as the current flow of electricity and uninterrupted cell phone signals across much of the country, are at risk of implosion due to the Taliban's dire fiscal straits and the country's unfolding economic catastrophe.<sup>80</sup> Taliban representatives have privately conveyed to U.N. officials and some Western diplomats that they understand the scope and severity of the economic situation, even if they lack the resources or technocratic capacity to manage it (which has prompted their consultation with former Islamic Republic economists).<sup>81</sup> In a variety of measures, the Taliban have sought to alleviate the crisis' impact on Afghan citizens (or at least give the impression of offering relief); they have axed tariffs at customs revenue collection, which some Taliban believe might be the only potential source of the government's sustainability, and have mandated price controls and regulations—later a full ban—on foreign currency.<sup>82</sup>

In a more fundamental way, the Taliban continue to operate across much of the country as they did under the insurgency; ambiguity reigns over whether the basic functions of policing, judicial mediation, or tax collection are a function of Afghanistan's new state or whether the fighters are acting on behalf of the movement alone. The ministry of agriculture announced in late October 2021 that the religious "charity donations" the Taliban traditionally collected from farming households, a percentage of their crop yield or marketplace profits, would be collected by and transmitted to the ministry.<sup>83</sup> But it is unclear whether the practice of collection will look any different in the foreseeable future, from the perspective of the households being taxed. The Taliban who come to collect may still be armed, exuding a coercive air, un-uniformed, with the 'police' and the agriculture ministry official undistinguishable from one another.

The Taliban's current resources appear insufficient to pay the salaries of civil servants in cities, a dilemma exacerbated by the United States and European nations' freeze of billions of dollars of

**“The Taliban inherited the shell of an aid-dependent state, and entering into any arrangement that even barely resembles a state of dependency would splinter their movement more assuredly than any other extant challenge.”**

the former government's liquid assets (though it should be noted that the Islamic Republic struggled to pay civil servants' or security forces' salaries in its final months, in a tangle of mismanagement that has not yet been fully unraveled).<sup>84</sup> This crunch brings into clearer focus an infrequently analyzed point about the Taliban's fighters: they were not paid, throughout the insurgency. Accommodation, board, and expenses were covered, and a wide variety of 'part-time' and overlapping arrangements existed whereby members of the insurgency could earn income for their families—including, in parts of the country where the Taliban had held sway for years, built up entrenched interests in local markets and, for senior leaders, reaped profits from involvement in the illicit trafficking of narcotics, other goods, and even people.<sup>85</sup> Even if the Taliban secure funds to pay civil servants, how long will their members continue to serve the movement, in roles that have essentially transitioned into an armed enforcement wing of the state, without receiving salaries or material benefit themselves? And with that conundrum in mind, at what point will the Taliban's leadership feel compelled to re-cast Afghanistan's economic and humanitarian disasters, which it has extremely limited capacity to influence, in a narrative that hues along the much more familiar lines of security threats and armed contestation?

## Conclusions

The Taliban have entered their first months of resumed rule over Afghanistan confronted by staggering challenges on a number of fronts. They seem aware of many, and their leaders may even genuinely hope to resolve them, but the movement does not have the organic capacity or the resources to tackle the most pressing and the most widely impactful crises. Whether as a result or simply by default, the Taliban have spent most of their first three months in power positioning to appear in control, tackling with full force the sort of problems they are much more comfortable resolving, in the manner they are most practiced in: organized violence or the threat thereof.

But no amount of fixation on an imagined world full of security threats or of their propagandists' spin can blunt the weight of the impending economic collapse. The challenges posed by ISK, the difficulties of keeping every element of their movement unified and coherent, and the simmering resentment of many Afghan urban dwellers are all overshadowed by the estimated impacts of an economic crash that may place more than 95 percent of the population in poverty by next year.<sup>86</sup> The combination of the sudden halt in foreign assistance funding, the freeze of liquid assets, and the impact of mass displacement and other humanitarian crises (including the impact of the Taliban's own military offensive)

has constructed a situation from which the Taliban could not emerge without betraying the fundamental rallying ethos of their movement: eject foreign influence from Afghanistan. The Taliban inherited the shell of an aid-dependent state, and entering into any arrangement that even barely resembles a state of dependency would splinter their movement more assuredly than any other extant challenge.

Much of the international community's discussions about the Taliban's first months of rule have orbited the proposition of whether or not the group can be persuaded or leveraged by external pressure. Potential donor governments have puzzled over which mechanisms or what persuasive approach might convince the Taliban to meet certain conditions in exchange for a level of aid

that could sustain their state. But in spite of the millions of lives at stake, the Taliban are facing a series of potential outcomes that are easily weighed against one another, from their perspective: accepting aid that might sustain their state would prove worthless if doing so fueled a fissure within their own organization. The Taliban would become the very thing their origin story professes they rose up to eradicate and replace: a fractious constellation of militant bands. To put it another way, if Afghanistan's compounding crises pose the Taliban with the prospect of either failing to provide for the desperate needs of the Afghan people or their own potential fragmentation, the Taliban will put their own organization first.

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# A View from the CT Foxhole: General Richard D. Clarke, Commander, U.S. Special Operations Command

By Sean Morrow and Nicholas Tallant

*General Richard D. Clarke is currently the Commander of U.S. Special Operations Command (USSOCOM) headquartered at MacDill Air Force Base, Florida. Prior to assuming command of USSOCOM, General Clarke served as Director for Strategic Plans and Policy (J5), Joint Staff, the Pentagon, Washington, D.C. General Clarke's other assignments as a general officer include: the Deputy Commanding General for Operations, 10th Mountain Division from 2011 to 2013; the 74th Commandant of Cadets, United States Military Academy at West Point from 2013 to 2014; and the Commander of the 82nd Airborne Division from 2014 to 2016. He was Director of Operations, Joint Special Operations Command from 2009 to 2011. General Clarke has led Soldiers at all levels in Airborne, Ranger, Mechanized and Light Infantry units in five different divisions, the 173rd Airborne Brigade, and the 75th Ranger Regiment in the United States, Europe, Iraq, and Afghanistan. His deployments include Operations Desert Shield and Desert Storm, Operation Joint Guardian in Macedonia, three deployments in support of Operation Enduring Freedom, four deployments in support of Operation Iraqi Freedom, and one deployment as the Commander of the Combined Joint Forces Land Component Command—Operation Inherent Resolve. He is a graduate of the United States Military Academy at West Point, New York, and was commissioned into the Infantry in 1984.*

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**CTC: Prior to assuming command of U.S. Special Operations Command, you served as the Director of Strategic Plans and Policy on the Joint Staff. How did that experience influence your approach to your current role, and did it impact how you view the role of SOF, CT, or other mission sets?**

**Clarke:** It's interesting because no other SOCOM Commander has followed this path—coming from the Joint Staff, in particular as the J5, to come into SOCOM. Reflecting back on it, it's probably one of the best jobs you could have coming into this position, from the standpoint of understanding the larger strategic picture. You go to National Security Council meetings at deputy and principal level. You interact frequently with the Chairman, the Secretary of Defense, and all the associated folks from the Pentagon.

I'd never served in the Pentagon before and certainly at that level. It was highly instructive to start to see how strategy coming from the National Security Council has worked, and to understand the importance of the documents like the Unified Command Plan, National Security Strategy [NSS], National Defense Strategy [NDS], National Military Strategy, and being responsible on

the Joint Staff to help the Chairman craft the National Military Strategy. The NSS and the NDS are the "What." The National Military Strategy and associated documents are the "How"—how do you execute this.

Serving there really helped me understand the role of the Department, how the geographic, and I'll just say it purposely, the global Combatant Commanders, how they interact with the Chairman, how the various coordinating authority roles operate in that process, and then where they all intersect. It was a really great learning opportunity from that perspective.

When you consider specifically the counterterrorism mission and the counter-violent extremist [mission]—for which SOCOM has a coordinating authority role—what I was able to observe is how that actually materialized and operationalized itself inside the building and how that was perceived. How does the SOCOM team present to get the optimal strategy, and how do the other Geographic Combatant Commanders and some of the other Combatant Commanders all contribute to that counterterrorism fight while also considering all of the interagency aspects to a global CT strategy.

**CTC: You mentioned interagency. We know that the military is only one portion of the broader CT community. It brings in law enforcement, intelligence, diplomacy, and other functions. How have you seen interagency coordination improve or change over the last two decades, and do you have any suggestions on how we could continue to get better?**

**Clarke:** Your question is really important. As I reflect back, the key finding from the 9/11 Commission Report is the lack of interagency coordination that existed prior to 9/11. I think the 9/11 Commission Report really called for some fundamental changes in the interagency, particularly as it applied to counterterrorism—with elements like NCTC [National Counterterrorism Center], with how the National Security Council was going to deal with this, and how this all came together.

My personal belief is [that] in the counterterrorism realm, we're significantly better than we were prior to 9/11. We had a failure, and from that failure, we've actually improved. I would argue that the counterterrorism enterprise writ large is better in interagency coordination than any other particular problem that exists today. The counterterrorism team comes together better than anyone and includes all elements of the IA [interagency], but it's really heavily invested in the IC [intelligence community]. I think that's an important part to this.

As I look at it from SOCOM's perspective, there is tremendous value in the amount of liaison officers that we have within the interagency—at almost every single agency. And the amount of interagency partners that exist here at SOCOM headquarters are vitally important. But also at echelon [i.e., each level], down

even to Joint Special Operations Command, down to our Theater Special Operations Commands—some of the components that link this together are really important. [For example], I recently visited the Joint Terrorism Task Force in New York City. There with the FBI and the police, right inside that task force is a SOCOM LNO [liaison officer] because of the terrorism nexus and how important New York is in helping identify the terrorism threat. We have made tremendous strides working with the interagency.

Lastly, I want to tie this to the international aspect. Right here at SOCOM headquarters, almost 30 different countries are represented because many of our allies also understand the terrorism threat to their countries. And we've seen that particularly in Europe, but also in some places in Asia, where that terrorism threat is coming home to roost. So, the tie-in with our allies and our partners is crucial to have a shared understanding and awareness of the threat. We help tie in to help them with our government agencies.

**CTC: That's good insight. How do you see both of those—the interagency and/or international coordination—over the next 10 years. What does the future look like?**

**Clarke:** I think [the efforts will] continue into the future because I don't think the terrorism threat to us or our allies is gone. We decimated al-Qa`ida and ISIS. And ISIS [was] like an army that held ground in northern Syria and into Iraq. But after they were defeated, they metastasized, and that threat moved into places like North and West Africa. That honestly is a threat to Europe and our great European allies. So I think we continue to work with them, ensure that we understand the threats to their countries, and help them with those threats. We need to know what unique capabilities they need and [provide] support. There will be times when we will need unique capabilities that they have.

I believe that in the future, having a global coalition to be able to work against ISIS is absolutely crucial. We don't need to be the leader in [every] effort. There are times when it's best for others to lead when they're capable. And that's both with allies, but sometimes, that's with partners on the ground. We found that building that partner capacity so that they can, in fact, defeat the terrorists within their own countries, which ultimately is the optimal solution.

**CTC: In a recent interview in *CTC Sentinel*, former SOCOM Commander General (Retired) Joseph Votel stated, "Combating terrorism is a form of strategic competition. Being good at this, demonstrating our value to partners in this particular area, building relationships around this is really important." What's your view on this assessment? And how do you see Special Operations roles on CT and near-peer competition moving forward?**

**Clarke:** Well, it would be hard to counter to something that General Votel said. But he's right. Let me add a couple points. It is about being a partner of choice—because we share the same values. We have shared interests with these partners and allies to keep the world a safer place. Counterterrorism is one area it's easy to agree on [and] where we can almost always find a shared interest.

General Votel and I have talked about this several times. In some cases, we have access, placement, and influence primarily for the

counterterrorism fight that exists. By being there, you can counter some of the things that those adversaries or those competitors are trying to do inside that country that you wouldn't know otherwise. In a place like Africa, where Russia and China are trying to gain access and are doing nefarious activities inside the continent and taking advantage of the African partners, by our presence there, we can actually counter some of that—just by being a partner of choice. And it doesn't have to be what you're against. It's really what you're for. I think that's a critical part to this.

The point about strategic competition also applies to a place like the Philippines, where we have been helping the Filipinos with their counterterrorism threat. No one can understate how important the Philippine geography is in that region for us. We remain consistent with a by-with-and-through approach, with professionals that have cultural and language expertise, [and] that we're always there at the behest of the host nation. We're not there doing this on our own. But that host nation is welcoming to us because we have combat credible experience, because of our shared values and our shared interest, and the fact that we're interoperable with their forces. That's a key part to this.

**CTC: If we could build on that question a little bit, you mentioned recently that terrorism represents an enduring national security concern. In a recent issue of *CTC Sentinel*, former Acting CIA Director Michael Morell highlighted that terrorist groups are easy to degrade, but also easy to build, and if you take your eye off them, they rebound.<sup>2</sup> What's your take on that assessment? And then how does the United States balance its counterterrorism efforts with other pressing concerns such as state-level rivalry with China or Russia?**

**Clarke:** How am I going to disagree with the [former] Acting Director of the CIA on this? I know Michael Morell fairly well. He's a very smart guy. What's changed in this effort, which I think is important, is the sustainability of it and the prioritization. There was a time when if anybody raised a flag and said, "Hey, I'm al-Qa`ida," we'd send a team there. We really did spread out our efforts [and] didn't [always] necessarily prioritize the threat to the homeland, and go after the high-priority threat that exists.

And that's really where I think, as we look at the strategy that has changed, it's really going after those aspects of the high-level threat that can come back to us to roost. That's really where our focus of effort is. If an ally or partner can do it sustainably and try to keep it within the confines of a region or country, then we should let them continue to do that.

That's where I use this word specifically—*rebalancing* between the counterterrorism and counter-VEO [efforts] and campaigning in other areas that we need to do. Where SOF adds value in this is we have access and can get in—with all the authorities that are inherent to do so. Because of our cultural expertise, because of our language, because of our small teams, we can get access to politically sensitive, hard-to-reach, denied areas. And doing that through persistent engagement is crucial. Terrorism isn't going away. The threat to the homeland isn't going away. We have to be persistent.

**CTC: Building on another assessment by Michael Morell, I want to drill down on what you just said and make it specific to al-Qa`ida. In the September issue of *CTC Sentinel*, Morell said that in the wake of the Taliban takeover of Afghanistan,**

“the reconstruction of al-Qa`ida’s homeland attack capability will happen quickly, in less than a year, if the U.S does not collect the intelligence and take the military action to prevent it.”<sup>3</sup> President Biden has emphasized the development of “counterterrorism over-the-horizon capability” to address potential future terror threats emerging from Afghanistan.<sup>4</sup> But Asfandiyar Mir, a scholar from Stanford, noted in the same issue of *CTC Sentinel* that, “given the limited number of high-endurance drones, vast geographic scale of land-locked Afghanistan, and non-availability of a strong liaison providing intelligence from the ground, meaningful surveillance to detect threats is likely to be very constrained.”<sup>4</sup> From a SOCOM point of view, how do you see the challenges in detecting and neutralizing future threats coming from Afghanistan to the homeland? Can we mitigate this? And is a resurgence of al-Qa`ida a foregone conclusion?

**Clarke:** It’s going to be hard. It’s going to be harder to understand what is actually taking place in Afghanistan from this point forward. However, our capabilities are better than they were 20 years ago. The interagency, and particularly the IC, understands those challenges and can mitigate it through continued intel collection.

The Afghans that came back and came out of Afghanistan still have contacts. We still have contacts that are on the ground in Afghanistan that we can’t discount. And we understand the importance of the human part to this and the human collection of intelligence. There are ways to mitigate this. We’ve got to continue to learn the lessons that we did learn as we develop really unique and impactful counterterrorism capabilities going forward. We can do that.

And the counterterrorism mission is beyond just the kinetic aspect. There’s an information operations aspect to this. It’s continued understanding—working with our partners in the region—about what is going on. The same thing which makes it hard for us counterterrorism-wise—that Afghanistan is a landlocked country far away from the United States—means it’s also hard for terrorists to get out. They did on 9/11 and they were successful in attacking our country, but they’re going to have a hard time doing it again. There’s a lot of things that have been put in place that prevent future 9/11s. Just as it’s going to be hard for us, it’s going to be hard for them. And we’ve got to continue to make it hard for them.

**CTC:** Over the last 20 years, the United States has developed significant capabilities to combat terrorism. There have been many lessons learned. In your view, where have we succeeded or been most effective, and where have we failed or been less effective? And what do you think our adversaries have learned about us, watching us fight this over the last two decades?

**Clarke:** I’ve already talked about some of the key things. Where we’ve improved: interagency integration, ally and partner integration, but then exquisite capability development. All types



*General Richard D. Clarke*

of intelligence processes, like the find, fix, finish, exploit, analyze, disseminate, or the F3EAD, that really became a big man-hunting capability with a lot of strikes.

Just using the [example of the] counter-ISIS [campaign] alone, [we] mobilized an international coalition, defeated large-scale territorial expansion, interdicted foreign fighters, and disrupted the financing, which was a key aspect to the effort.

Truthfully, one aspect that we should further explore is illuminating the information space and countering propaganda from VEOs. But we should also apply this to adversaries at the national or state level.

If I were being critical—and truthfully, we need to go back and look at ourselves—have we overemphasized the kinetic finish? I think at times we did not maintain a consistent strategy in some places. In some cases, we tried to train foreign militaries in our own image, or the way we want it done, versus the way they could do it sufficiently.

And in that kinetic piece, removing senior leaders alone is not going to be successful, right? I don’t know how many times we took out the [ISIS] number two in Mosul. I’d be on a year-long rotation in Iraq, and we take out the number two guy ten times. What good did that do?

We can’t kill our way out of some of these fights. When you make the estimate that their strength is 5,000, but you’ve killed 10,000 of them, something’s happened. I think that’s the perspective we have to go back and look at.

<sup>a</sup> On August 16, 2021, President Biden stated, “We’ve developed counterterrorism over-the-horizon capability that will allow us to keep our eyes firmly fixed on any direct threats to the United States in the region and to act quickly and decisively if needed.” “Remarks by President Biden on Afghanistan,” The White House, August 16, 2021.

Part two of your question was, what have the adversaries learned? Don't confront us straight on. They see what we do, they know we are capable, and they want to study us. I personally was in China with the Chairman in my previous job. The one thing that all the Chinese leadership wanted us to show them: how do you successfully conduct counterterrorism missions? How do you do this? So it's not lost on me that they study us, they want to understand it, and they want to know how we do things.

**CTC:** You touched on leadership decapitation. I think something that would interest our readers is some insight into operations. In the last decade, Special Operations Forces undertook two high-profile operations targeting the most senior al-Qa`ida and Islamic State leaders almost 10 years apart—the first ending with the killing of al-Qa`ida leader Usama bin Ladin in 2011 and the second resulting in the death of Islamic State leader Abu Bakr al-Baghdadi in 2019. How, in your view, did these operations differ? And how do any differences speak to how terrorist groups have evolved and how capabilities have evolved?

**Clarke:** That one night, the night that the UBL [Usama bin Ladin] raid was done, I think we did 13 other raids that night in Afghanistan. We did 10 other raids in Iraq that night. That was one particular and obviously very high-profile raid. We were able to do those raids because of the previous decade of conducting raids that had honed the force for counterterrorism.

And it goes back to the answer I gave earlier. Those raids will not determine the long-term viability of the counterterrorism effort, and we should never put too much weight on them. But they're the things that the legends are made of. We've got to be careful about those. We've got to be careful about how we as a military—we as a nation—put those up in the forefront. Because the important piece is the sustained effort, across the board, on security force assistance and helping with the irregular warfare campaigns is really what's going to make a difference in the long run.

Those were needed, and those were great raids. But we need to look at the sum of all the parts if we really want to be successful. To go to your point on the difference between those two raids—and I think it's really instructive—with the UBL raid in 2011, we had surprise. Obviously, we flew into Pakistan without telling the Pakistanis. And not until we were on our way out were we actually known to be in the country. There were no radars. There were no emitters. The mission went very closely to plan other than one helicopter that crashed inbound. But there were contingencies for that, and they were prepared.

For the Abu Bakr al-Baghdadi raid almost a decade later, it was known that there were radars. [U.S. forces] were having to go through a very dense emitter environment given the electronic warfare systems. And it was a completely different approach. It should not be lost on any of us what things could have been impacted, with really a near-peer adversary that controlled some of the radar systems that were in northwest Syria at the time—which could have easily known and struck some of our aircraft enroute or coming back out of the raid. And so, fighting a terrorism fight, or any kind of crisis mission today, can be largely contested. And I believe that thinking through how we're going to operate in what has been a largely uncontested or just semi-contested environment has changed. We have to think through how we're going to do it,

**“What have the adversaries learned? Don't confront us straight on. They see what we do, they know we are capable, and they want to study us.”**

what systems we need, and how we're going to approach things in contested areas.

**CTC:** In a *CTC Sentinel* piece about leveraging terrorism data published in October, Don Rassler highlighted<sup>5</sup> something you wrote with Richard Shultz in your “Big Data at War”<sup>6</sup> article which described Project Maven—a pathfinder effort to use machine learning and artificial intelligence to better process and understand full motion video and ISR<sup>b</sup> data in the fight against ISIS and al-Qa`ida—as not “an endgame,” but “a start point.” And in the same article, you and Shultz noted how “the intelligence warfighting function alone has many other data-rich nodes, such as digital media and other forms of captured enemy material, that are ripe for AI/ML application.” Can you unpack the potential you see, and offer any unclassified examples that speak to how SOCOM is trying to leverage data and AI in the current terror arena?

**Clarke:** We're trying to leverage data and AI in *all* arenas in what we're doing. There's tremendous capability for the military writ large in this space. Professor Schultz is a good friend of mine, and he's helped us a lot in seeing ourselves. In an environment where commanders on the ground are going to have to make split-second decisions in command and control [C2], and the ability to sort through all types of information that could exist on the battlefield to be able to make decisions. Whether it's to shoot down an enemy drone, take out a potential enemy plane, or know where the threat vectors are coming through on cyber that is attacking a specific C2 node, and being able to see that and sense that, is crucial to our enterprise.

And it's not just for SOCOM. It's for the entire Joint Force. Ensuring that we are leveraging all the possibilities in AI, machine learning, algorithmic warfare, whatever you want to call it, is a priority in our modernization efforts.

We had Eric Schmidt from Google here over three years ago. He told General Thomas, my predecessor, “You guys suck. You guys are terrible.” He came back about a year and a half later, and we showed him what we were doing with Project Maven and object identification. He and Bob Work, the former [Deputy Secretary of Defense] came in, and they were astounded by how much progress we had made in this space.

We can't rest on our laurels. We've got to continue to pull in the best of [the private sector], and truthfully leverage industry, and leverage smart young men and women. Another quick example: I do a monthly tech update in SOCOM for this very reason—to see, what are we doing now in AI, and where are we going?

b Intelligence, surveillance, and reconnaissance

We also bring in interns. We started [this] three summers ago. We bring in interns from top colleges across the country for the summer. One of those interns is an AI wizard, but she also speaks six or seven languages. After doing an internship, we hired her. Just brought her on. She just showed me an AI project that she has led the effort for in natural language processing which is world-class—taking what would have taken months [to process] into literally minutes and seconds with this.

You asked for some specific examples. In particular, think about all the captured enemy material that has come off the battlefield for 20 years. Think about all of the interrogation reports that have come off the battlefield, and cataloging those now, and being able to search through those—and all that in seconds to be able to see and sense what could happen.

So we don't have to go relearn lessons again. That's the type of thing we are using in the counterterrorism fight today. We're leveraging experts in AI and data to be able to sort through, sift through, [and] find the key part that I need for a commander to make a decision about where to apply resources or where to potentially apply an effect on the battlefield.

**CTC: That brings up an awesome leadership question about how to lead the younger generation. You took an intern who is now creating incredible product for the command. How do you see that evolving over your career? And is there a way that you can empower that?**

**Clarke:** You just hit the key word. You've got to empower, and you've got to give an opportunity for those things to even be in existence. One way to do this is you have to train leaders. So, what did I do when I got to SOCOM and started seeing the role of data? I read. I personally read a ton of books. We had our first Command Data Officer. I said, "What should I be reading right now to make me smart about this?"

But then, I go out to technology firms personally and go out to academic institutions. About a year and a half ago, we decided to run a course for our mid- and senior-level leaders inside our enterprise to teach them about artificial intelligence [and] data. What do they need to know to empower our workforce? So that they can ask the right questions, so they're not asking things that are impossible or should have been thought [of] about 10 layers down.

In conjunction with MIT, we ran a six-week, virtual course. Four hundred SOCOM people attended. At the end of it, they got a certificate from MIT. And we've also done similar courses with Carnegie Mellon. We have to leverage academic institutions. We have to leverage technology companies. And we have to look for ways to train our leaders.

To get to your empowerment question, in order to empower the lower-level folks, who really have the good ideas—some of them are already coders and already know what they're doing. They can write algorithms, and they want to be able to do that. We have to sense talent. We have to be able to sort through our people and know who has the talent, the capability, and the desire to actually help us in this space. Is it more important for this individual to be a rifleman, or to be a coder and help solve big problems? That's the debate—that we've got to put the people with the right skillset in the right place.

**“Right now, I view threat UAVs like the IEDs that we were encountering early in 2003—except they can move, they can sense, and they're only going to get bigger with size, weight, and power capabilities improving. And they're only going to become more lethal.”**

**CTC: When we talk about technology, what are some trends that are proving most concerning from a threat perspective?**

**Clarke:** UAVs [unmanned aerial vehicles]. Right now, adversary UAVs, autonomous vehicles, primarily from the air today. But in the future, unmanned maritime vessels could be a huge threat to us. But right now, I view threat UAVs like the IEDs that we were encountering early in 2003—except they can move, they can sense, and they're only going to get bigger with size, weight, and power capabilities improving. And they're only going to become more lethal.

Right now, they're used heavily inside Iraq and Syria, but they're going to continue to expand. The threat is [from] these capabilities. They're easy. They're light. They're cheap. You don't have to bury something on a roadside where I can watch it. They're going to start coming in larger numbers and bigger sizes.

**CTC: In the wake of a failed attempt to rescue Americans during the Iranian hostage crisis, the need to provide effective hostage rescue capability was one of the drivers for the creation of an organization that unified Special Operations Forces, and ultimately resulted in the creation of SOCOM. While this capability obviously remains, a lot of the SOF focus over the last 20 years has been on targeting of leadership. Are there core or traditional missions—hostage rescue or otherwise—that you think SOF need to refocus on and reinvest in for the future?**

**Clarke:** There are a lot of questions in there. From Eagle Claw<sup>c</sup> and from those ashes rose the Joint Special Operations Command. You have to give great credit [to] folks that said that we've got to change the way we're doing it. What I always remember is the Brits who wrote on the outside of the beer container—'from those of us, to those of you who had the guts to try.'<sup>d</sup> We had great men and

c Editor's Note: "Operation Eagle Claw, conducted April 24, 1980, was a complex mission to rescue 52 U.S. citizens held hostage in the U.S. embassy in Iran. Tragically, the attempt ended in the death of eight service members, including five from Hurlburt Field's 1st Special Operations Wing, who were caught in an explosion at one of the rally points before ever reaching the embassy." Senior Airman Ryan Whitney, "To you all, from us all, for having the guts to try"--30 years later," U.S. Air Force Special Operations Command, April 29, 2010.

d Editor's Note: "One legacy from the [Eagle Claw] operation that has lived on today is the motto of the 8th SOS, 'With the guts to try.' This phrase came after two British Airmen quietly delivered two cases of beer with the words "To you all, from us all, for having the guts to try" scribbled across the cardboard lid of one of the cases." Ibid.

women who are willing to put it on the line and try. The creation of the Special Operations Command as we know it today still comes from those great professionals. I don't think we can ever forget that.

As we look at this, on the hostage rescue, there's still other SOF core missions I talked about earlier—there's hostage rescue, Direct Action, Security Forces Assistance, COIN [counterinsurgency], [Special] Reconnaissance, Information Operations, [and] Civil Affairs. I think you've got to broaden that significantly today—beyond just [hostage rescue]. As I said earlier, it's going to be the sum of all parts.

But the other piece you didn't ask about that I think is also important is the environments in which you work. Those are all core missions. We've got to start thinking about things like the Arctic. As our 10th Special Forces Group is now up in the Arctic and diving under five feet of ice, doing freefall jumps at minus 50 degrees. So you have to look at how you're doing things differently in different environments.

And [we're] even taking that to our Navy SEALs. They're working in the maritime environment and in the littorals. Undersea, subsurface warfare is going to be significantly more important.

**CTC: Africa continues to emerge as an epicenter of global jihadi terror.<sup>7</sup> What role does SOCOM play there, and what do you think about this challenge?**

**Clarke:** This goes back to the partner enablement. Success in the counterterrorism fight would be that you can contain the threat to such a level that local forces can handle it. I think that particularly applies to places in Africa. And so, working with all elements of national power if we take a look at our embassy country teams, they're heavily invested there. And working closely with them, with our African partners, I think is critical.

I challenge a little bit your question of being an epicenter. But I do think it's a place where it's metastasized too, and if left unchecked, it could grow. And it could become a place where we have to be very wary of. But I think if we can empower local partners, but then also encourage our allies, particularly our European allies, that have tremendous investments and capabilities—and truthfully, it's in their backyard—to enable and assist them with our unique capabilities so that we can actually do very well in Africa.

**CTC: When it comes to threats, what keeps you up at night?**

**Clarke:** I actually sleep pretty well. I'm not going to use the Mattis quote whatsoever.<sup>e</sup> We're not going to leave the terrorists unchecked. While we're sitting here, there's thousands of great Soldiers, Sailors, and Marines from SOCOM that are defending forward so that they can protect our homeland here.

If there's an area that is of concern to me, it's 'are we modernizing quickly enough?' Are we harnessing all the capabilities? And are we going to be able to properly balance the counterterrorism, counter-VEO fight with strategic competition so we don't overly extend the force and can balance the threat to the homeland?

And we must always be able to respond to crisis. When our country calls, we're up for a no-fail mission. Are we ready to do it? We're never going to lose sight of that. **CTC**

e Editor's Note: "Defense Secretary James Mattis pulled out a casual punchline Sunday when an interviewer asked what threats around the world keep him up at night. 'What keeps you awake at night?' CBS host John Dickerson asked Mattis during an interview on 'Face The Nation.' 'Nothing. I keep other people awake at night,' Mattis responded, almost instantly." Brett LoGiurato, "Defense Secretary James Mattis on what keeps him up at night: 'Nothing. I keep other people awake,'" Business Insider, May 29, 2017.

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# Commentary: Placing Terrorism in a Violent Non-State Actor Framework for the Great Power Competition Era

By Jerome P. Bjelopera

**Given that the U.S. national security establishment has taken up great power competition (GPC) as its primary concern recently, and terrorism has slipped from the top position, it is time for the security policy community to place terrorism within a new conceptual framework, one that combines terrorists, violent criminals, drug traffickers, insurgents, and others under the heading of violent non-state actors (VNSA). The framework might help order the non-GPC threat landscape for decision makers, facilitate comparative understanding of violent threats to the United States, and drive better-informed prioritization within national security.**

In the last several years, the priorities of the U.S. national security establishment have shifted away from terrorism toward addressing great power competition (GPC). Threats from Russia and China deeply shaped both the 2017 National Security Strategy<sup>1</sup> and the 2018 National Defense Strategy,<sup>2</sup> and GPC continues to influence major U.S. security decision making.<sup>3</sup> The widely acknowledged importance of Russia and China—as well as other state actors—in the national security mix has not been accompanied by a reimagining of sub-state violent threats long dominated by terrorism. Twenty years after the attacks of September 11, 2001, it may be time for policymakers to re-conceptualize how they handle terrorism and other violent substate (non-GPC) concerns by grouping together terrorism and

a The strategy acknowledges China and Russia as “attempting to erode American security and prosperity” as it tees up a description of “a competitive world.”

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*The views expressed in this article are strictly his own and do not necessarily reflect those of his employers, past or present.*

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like threats.

The large landscape beyond the GPC fence line that features violent actors beckons for a reorganization that breaks down the somewhat artificial but long-established boundaries separating policy responses to terrorists, transnational criminals, cross border gangs, insurgents, paramilitary forces, militias, warlords, and drug traffickers. A new conceptual framework could bound the seemingly divergent security concerns in this landscape and help rationalize policy making. The violent non-state actor (VNSA) concept, one that has circulated among academics and think-tanks for years but never truly taken hold in the policy realm, could be a useful tool for understanding some of the most dangerous threats the United States faces outside of the GPC construct.<sup>4</sup> Its adoption would invigorate moribund strategic thinking around key national security concerns.

As a class, VNSAs challenge the monopolies of force that states try to maintain. VNSAs, of course, test sovereignty in other ways as well. Transnational criminal organizations control illicit markets and govern turf. Terrorists strive to change political and social structures. Insurgencies vie with states for power and woo citizens to their causes. VNSAs kill, maim, or threaten harm in their attempts to control or influence competitors, including other VNSAs as well as states themselves. Of course, VNSAs do not fill the entire non-GPC terrain. The category, for example, excludes pure cyber actors, such as hackers, who are not violent and not linked to foreign governments.

The U.S. government’s framing of violent substate threats largely has been based on their motives. The superpower formally designates its foreign terrorist enemies—violent, ideologically driven foes—via well-established processes that focus whole-of-government efforts on a core set of dangerous actors.<sup>5</sup> Other violent transnational enemies bent on earning illicit profits and as a result endangering the lives of Americans have resided somewhere in the background, and several U.S. efforts to catalog and prioritize key players among drug traffickers and organized criminals exist. These, however, do not necessarily focus federal efforts as clearly as terrorist designations.<sup>6b</sup>

Several high-profile instances during the Trump administration blurred the lines between terrorism and other national security concerns. Are Mexican drug trafficking organizations terrorists? In late 2019 and early 2020, members of the Trump administration and a few members of Congress very publicly asked this provocative question and briefly considered designating Mexican drug cartels

b The U.S. Department of Justice maintains a target list of key drug trafficking organizations as well. “Organized Crime Drug Enforcement Task Forces (OCDEF) Program,” U.S. Attorney’s Office, District of Massachusetts, updated March 11, 2021.

as terrorist organizations.<sup>c</sup>

In July 2020 and January 2021, the Department of Justice (DOJ) announced federal terrorism charges cases involving members of the transnational gang known as Mara Salvatrucha (commonly known as MS-13).<sup>7</sup> In the July 2020 case, DOJ indicted an MS-13 leader for conspiring to commit acts of terrorism transcending national boundaries, conspiring to finance terrorism, conspiring to provide material support to terrorists, and conspiring to engage in narco-terrorism—among other charges.<sup>8</sup> These investigations were products of a major U.S. initiative to dismantle and destroy MS-13.<sup>9</sup>

In April 2019, the U.S. Department of Homeland Security expanded its terrorism prevention efforts to cover other forms of targeted violence. It established the Office for Targeted Violence and Terrorism Prevention.<sup>4</sup> The office was designed to focus on addressing numerous forms of violence regardless of ideology.<sup>10</sup> Practitioners have come to understand that terrorism and other types of targeted violence have much in common as problems, and the same or similar preventive tools can be leveraged against them.

The VNSA framework may help drive re-prioritization discussions by combining disparate threats under one structure. This could make it easier to justify shifting resources between thorny policy challenges such as terrorism and transnational organized crime. Said another way, the VNSA framework would get policymakers to rethink mindsets hardwired after 9/11, mindsets that distinguished terrorism from all other violent national security concerns. It would allow for clearer *comparative* understanding of what exists outside of GPC issues. It would help explain the dynamics involved when weak states—of strategic importance to the United States—are affected by violent groups or movements and how this might shape GPC in those areas. It would help the intelligence community (IC) to map the ways great powers or other strong states might exploit VNSAs to further their own goals.

This essay intends to be policy relevant, not policy prescriptive. It is designed to generate discussion around broad issues affecting interagency national security concerns. Specifically, it walks readers through the concept of violent non-state actors, suggesting how it may be used to reshape thinking regarding threats that exist outside of the great power competition perspective. It proceeds in four parts. The first section focuses on the rise of organized crime and terrorism as distinct national security issues. The second section lays out the VNSA framework. The third section discusses how this framework could be used. The final section discusses key considerations for the future.

c U.S. House, 116th Congress, 1st Session, H.R. 5509, "Identifying Drug Cartels as Terrorists Act," December 19, 2019, called for seven Mexican cartels to be designated foreign terrorist organizations as defined by section 219 of the Immigration and Nationality Act. The idea did not gain traction. This was not the first bill to suggest such a change. See U.S. House, 112th Congress, 1st Session, H.R. 1270, "To Direct the Secretary of State to Designate as Foreign Terrorist Organizations Certain Mexican Drug Cartels, and for Other Purposes," June 1, 2011. See also Jonathan Landay, Ted Hesson, Arshad Mohammed, "After Cabinet Opposed Mexican Cartel Policy, Trump Forged Ahead," Reuters, December 26, 2019.

d In May 2021, the effort was replaced by the Center for Prevention Programs and Partnerships. See "DHS Creates New Center for Prevention Programs and Partnerships and Additional Efforts to Comprehensively Combat Domestic Violent Extremism," U.S. Department of Homeland Security, May 11, 2021.

## 1. The Rise of Organized Crime and Terrorism as Distinct National Security Issues

The following discussion focuses on intertwined USG efforts to fight two prominent VNSA threats: international terrorism and transnational organized crime (TOC).<sup>e</sup> The latter includes drug trafficking; much of the federal government's focus on TOC since the 1980s has involved addressing drug trafficking, especially in the Western Hemisphere.<sup>f</sup> In the late 20th century, U.S. policy embraced international organized crime as a national security threat. For a decade and a half after September 11, 2001, however, terrorism eclipsed most other security issues and the U.S. government heavily reworked its intelligence and security structures to address the threat.

From the 1960s through the 1990s, policymakers worked out a shared general view of what eventually came to be known as transnational organized crime.<sup>g</sup> The federal government refined the basic law enforcement tools that are still used to take down criminal organizations—federal wiretap authority, the use of confidential informants and undercover investigations, federal conspiracy charges, a focused federal counternarcotics effort, and the federal crime of money laundering. The country also promoted to the rest of

e The most detailed, publicly available definition of transnational organized crime by the U.S. government comes from the 2011 "Strategy to Combat Transnational Organized Crime" released by the Obama administration. It emphasizes violence: "Transnational organized crime refers to those self-perpetuating associations of individuals who operate transnationally for the purpose of obtaining power, influence, monetary and/or commercial gains, wholly or in part by illegal means, while protecting their activities through a pattern of corruption and/or violence, or while protecting their illegal activities through a transnational organizational structure and the exploitation of transnational commerce or communication mechanisms. There is no single structure under which transnational organized criminals operate; they vary from hierarchies to clans, networks, and cells, and may evolve to other structures. The crimes they commit also vary. Transnational organized criminals act conspiratorially in their criminal activities and possess certain characteristics which may include, but are not limited to:

- In at least part of their activities they commit violence or other acts which are likely to intimidate, or make actual or implicit threats to do so;
- They exploit differences between countries to further their objectives, enriching their organization, expanding its power, and/or avoiding detection/apprehension;
- They attempt to gain influence in government, politics, and commerce through corrupt as well as legitimate means;
- They have economic gain as their primary goal, not only from patently illegal activities but also from investment in legitimate businesses; and
- They attempt to insulate both their leadership and membership from detection, sanction, and/ or prosecution through their organizational structure."

f Reagan administration, National Security Decision Directive 221, "Narcotics and National Security," defined drug trafficking as a national security issue.

g In 1983, the Reagan administration established The President's Commission on Organized Crime. It helped shift policymakers away from a historical focus on Italian organized crime, dividing the field into "traditional" organized crime groups involving Italians and "emerging" organized crime groups, including Asian, Central American, and South American groups. Michael Woodiwiss, *Double Crossed: The Failure of Organized Crime Control* (London: Pluto Press, 2017): p. 131; Jay S. Albanese, "Government Perceptions of Organized Crime: The Presidential Commissions, 1967 and 1987," *Federal Probation* 52 (1988): pp. 58-63; Reagan administration, Executive Order 12435, "President's Commission on Organized Crime," July 28, 1983.



*Bullet cases lie on the pavement at a crime scene where several people were killed when gunmen opened fire at government offices in Cancun, Mexico, on January 17, 2017. (Victor Ruiz Garcia/Reuters)*

the world its visions both for policing and how the organized crime threat looked as it pivoted away from the Cold War.<sup>11</sup> Organized crime went from being mostly a domestic law enforcement concern to one that was thoroughly globalized and required the resources of the military and intelligence agencies to thwart.<sup>12</sup>

While organized crime solidified as a national security concern between the 1960s and 2001, the government also took early steps to develop an approach to counterterrorism (CT), particularly confronting international threats. The Department of Justice—specifically the FBI—became the lead agency for investigating acts of terrorism. The Department of State held the primary role abroad. A string of foreign hijackings and hostage situations in the 1980s encouraged the United States to develop long-arm statutes extending American legal jurisdiction to cover terrorists and other criminals who harmed U.S. nationals beyond the country's boundaries. Rendition of terrorists was developed as a tool to bring such suspects under U.S. control while they were abroad, especially if foreign governments were not willing or able to assist in extradition.<sup>13</sup> In the 1980s and 1990s, other fundamental policies and procedures were established, including codifying the State Department's ability to designate foreign terrorist organizations

(FTOs).<sup>h</sup> FTO designation paved the way for financial sanction and other judicial solutions, such as the possibility of prosecuting individuals for providing material support to the terrorist organizations designated by the Department of State.

The counterterrorism enterprise vastly expanded after the terrorist attacks of September 11, 2001. At home, the FBI quickly shifted focus to terrorism, doubling the number of special agents covering terrorism—adding about 2,000 agents to its national security programs by June 2002, moving resources away from criminal programs such as drug trafficking and organized crime.<sup>14</sup> The United States used military resources to aggressively pursue foreign terrorists. The early 2000s saw the creation of the Department of Homeland Security, the National Counterterrorism Center, the Office of the Director of National Intelligence, and expanding efforts to address international terrorism relying on the

<sup>h</sup> The State Department authority to designate FTOs was established under Section 302 of the Anti-Terrorism and Effective Death Penalty Act of 1996 (P.L. 104-132), which added Section 219 to the Immigration and Nationality Act (8 U.S.C. 1189).

military and the Central Intelligence Agency.<sup>i</sup>

## 2. The VNSA Framework

The violent non-state actor (VNSA) framework includes individuals, groups, or movements who use violence to pursue ends that harm U.S. national interests.<sup>15</sup> They operate outside the direct control of foreign countries and include terrorists, insurgents, violent gangs, militias, and transnational criminal organizations, among others. Bringing together what have long been seen as distinct and malevolent actors achieves two broad goals. Namely, it suggests that such actors share much more in common than they do not—undoing a generation of security thinking that has siloed these threat actors.<sup>j</sup> Relatedly, it facilitates the intertwining of policies and programs designed to address each violent national security threat and facilitates comparison. To that end, any number of themes can be used to collectively assess VNSA networks. This sort of analysis may involve key components that shape a group's operations. Five such components have been selected as examples and are described below. They are motives, structures, digital footprints, ties to state actors, and the pathways individuals take into each category of violent non-state activity.

First, VNSA motives can be captured on a continuum between profit/self-interest and ideological/altruistic drivers. Terrorists, insurgents, and guerrillas often view their actions as serving specific populations in ideologically related conflicts, while drug smugglers or other organized crime networks engage in illegal collective behavior, pursuing self-interest and financial gain in far-flung illicit markets.<sup>16</sup> Studies of the crime-terror nexus<sup>17</sup> reveal that violent transnational organizations do not necessarily fit into neat camps purely governed either by profit or ideology, with terrorists engaging in crime to raise funds and criminals often directly involved in shaping the political worlds around them by controlling turf, corrupting officials, and communicating threats.<sup>18</sup>

Second, VNSAs come in a variety of structures. Few organized criminal groups or terrorist organizations exhibit either highly centralized or completely diffuse organizational structures.<sup>19</sup> Likewise, VNSAs can engage in a mix of transnational and localized activity. Some VNSAs can simultaneously exhibit transnational and hyper-local dimensions. For example, the Islamic State spread propaganda and inspired and/or directed action far from the turf it controlled—its “caliphate”—in Syria and Iraq. Drug cartels profoundly affect the local economies of countries in regions where

**“VNSAs come in a variety of structures. Few organized criminal groups or terrorist organizations exhibit either highly centralized or completely diffuse organizational structures. Likewise, VNSAs can engage in a mix of transnational and localized activity.”**

production, transit, and retail of illicit drugs occur.<sup>20</sup> The violent gang MS-13 has cliques in Central and North America and operates on the streets and in prisons.<sup>21</sup>

Third, much like the variety that exists in the structure of VNSA organizations, they can vary in their cyber activity. How much digital activity does a VNSA pursue? How critical is the digital environment to the workings of the group or movement? Such questions are especially important in an age in which the digital realm and social media play big roles in how people craft their own identities. Encrypted communications technologies, social media platforms, and dark-web markets selling drugs such as fentanyl represent just three aspects of the digital realm that VNSAs exploit.<sup>22</sup> <sup>k</sup> Digital activity is just one measure of criminal or terrorist innovation. Comparatively tracking *how* various organizations pursue complex engineering efforts—chemical weapons development, narco-subs, use of encrypted communication networks, sophisticated tunnel construction—helps policymakers understand why and under what organizational conditions such groups innovate.<sup>23</sup>

Fourth, VNSAs are sometimes enabled by links to state officials. How collaborative are such relationships? VNSAs corrupting public officials to further specific criminal schemes differs from efforts to establish close, lasting ties with government agencies and leaders. The former involves evading enforcement, the latter verges on collaboration between VNSAs and the state.<sup>24</sup> Adversarial interaction also shapes both the states involved and VNSAs as they each violently fight one another, define markets, and vie for influence over public servants.<sup>25</sup> VNSAs might alter the levels of violence they employ in response to the persistence of law

i The Homeland Security Act of 2002 (P.L. 107-296) created the Department of Homeland Security. The Intelligence Reform and Terrorism Prevention Act of 2004 (P.L. 108-458) codified the National Counterterrorism Center, reorganized the intelligence community, established the Office of the Director of National Intelligence, and elevated the position of Director of National Intelligence to an independent, cabinet-level official responsible for leading the intelligence community.

j Recent scholarship has suggested that the lines distinguishing terrorists and other sorts of criminals are not as clearly drawn as once thought. See Etienne Rosas, “Fulfilling Clandestiny: Reframing the ‘Crime-Terror Nexus’ by Exploring Conditions of Insurgent Criminal Organizations’ Origins, Incentives, and Strategic Pivots,” Ph.D. dissertation, RAND Pardee Graduate School, 2020; Phil Williams, “The Organized Crime and Terrorist Nexus: Overhyping the Relationship,” Stratfor, April 20, 2018; Tuesday Reitano, Colin Clarke, and Laura Adal, “Examining the Nexus Between Organized Crime and Terrorism and Its Implications for EU Programming,” CT MORSE, April 2017; and Laila A. Wahedi, “Bitter Friends: How Relationships Between Violent Non-State Actors Form, Are Used, and Shape Behavior,” Ph.D. dissertation, Georgetown University, 2017.

k The Federal Bureau of Investigation has had longstanding concerns about challenges it faces regarding strong encryption offered by commercial service providers, device manufacturers, and application developers “that can only be decrypted or accessed by the end users or device owners.” The FBI has noted that the inability to access encrypted communications or information stored in locked devices such as computers or cell phones linked to people under investigation potentially hinders investigations. See “The Lawful Access Challenge,” Federal Bureau of Investigation, and Christopher Wray, Director, Federal Bureau of Investigation, written statement, Committee on Homeland Security hearing “Worldwide Threats to the Homeland: 20 Years After 9/11,” September 22, 2021. Such issues specifically have emerged regarding iPhones used in terrorist attacks. Apple has pushed back against calls to allow law enforcement “back door” access to such devices. Alfred Ng, “FBI slams ‘Apple problem’ as It Unlocks Pensacola Shooter’s iPhones,” *Wired*, May 18, 2020; Jack Nicas and Katie Benner, “F.B.I. Asks Apple to Help Unlock Two iPhones,” *New York Times*, January 7, 2020; Ellen Nakashima, “Inspector General: FBI Didn’t Fully Explore Whether It Could Hack a Terrorist’s iPhone Before Asking Court to Order Apple to Unlock It,” *Washington Post*, March 27, 2018.

enforcement pressure. States reshape legal regimens to cope with emerging VNSA threats, and some may fail altogether under the pressures of constant conflict and corruption.<sup>26</sup>

Fifth, just as important as the phenomena that shape group structures are the things that shape the participation of individuals in those groups. Two decades ago, Vincenzo Ruggiero described “imaginary geographies” that offer underworld groups “social elsewheres” in which they can thrive.<sup>27</sup> These fringe locations, whether in the brick-and-mortar or digital world, serve as protected zones that sustain individuals and groups acting outside of society’s legal norms. Such geographies have their own rules, languages, behavioral patterns, norms, and enemies and attract particular people.

Systematic comparison of the pathways that people follow into and out of these “elsewheres” that foster terrorism, organized crime, and insurgency, would inform prevention efforts for each of these phenomena. Likewise, it would boost understanding of how individuals might shift from one type of activity to another. With the rise of the Islamic State, attention was devoted to the terrorist group’s recruitment of petty criminals, especially from Europe.<sup>1</sup>

For 20 years, the counterterrorism community has studied radicalization in great depth. Vast literatures detail how people become terrorists as well as how they quit.<sup>28</sup> Arguably, the only (somewhat) settled items in this arena reflect core challenges scholars face such as the lack of primary data, the widely divergent radicalization pathways individuals take complicated by the specific factors constituting their lives (factors often shared by others who do not radicalize), and the highly heterogenous populations that radicalize.<sup>29</sup> Additionally, some scholars have discussed the similarities between terrorist radicalization and criminal offending.<sup>30</sup>

Researchers have devoted decades to uncovering criminogenic factors that lead young offenders to engage in individualized crime and violence or to join youth gangs. Comparatively little research has gone into understanding the career trajectories of those who enter mafia life or organized crime groups.<sup>31</sup> Individuals follow diverse paths into organized crime. Many enter when adults, have previous serious run-ins with the law, and have particular skills or social connections that make them attractive to criminal groups.<sup>32</sup> Also, an individual’s proximity to such groups as well as particular early life circumstances feature prominently among risk factors.<sup>33</sup>

### 3. Using the VNSA Framework

A VNSA framework would bring some conceptual cohesion to how the government views non-state threats and provide rich context to the strategic study of GPC issues. The framework facilitates 1) broad thinking, 2) agile policy decision making, and 3) a cohesive understanding of the non-GPC threat landscape that the United States faces.

Cross-cutting analysis of VNSAs and the contexts in which

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they function promotes big thinking. This is especially relevant for government analysts who tend to specialize in narrow fields. One can devote an entire career to a type of threat actor (such as Sunni extremists), even one specific group or movement (al-Qa`ida). A broader perspective is especially relevant after two decades during which CT-focused Western intelligence services favored tactical intelligence, prioritizing individual threat actors over strategic work.<sup>34</sup> As Patrick Bury and Michael Chertoff have noted, “In fact, the focus on tactical CT and the wars in Iraq and Afghanistan have resulted in the deprioritisation of horizon-scanning strategic intelligence in many Western services and hence a lack of engagement between policymakers and strategic analysts.”<sup>35</sup>

Bringing together non-state violent actors under a holistic model could help intelligence analysts better support policy decisions by forcing them to confront more complex, comparative questions that lack single answers and range far beyond tactical considerations—the kinds of questions presented by today’s security environment. Bury and Chertoff cite Gregory Treverton’s call to move intelligence work away from a “puzzles-based” approach that looks for missing pieces and tends to reduce issues to solvable, tactical problems. Rather, they suggest that current intelligence analysis should include more of what Treverton describes as an open-ended “mysteries-focused” style of thinking. Such a point of view embraces the idea that open-ended mysteries are not solved. Working on them involves accurately describing context and framing how key factors work together to shape the mystery.<sup>36</sup> Understanding why people join violent groups, determining how violent actors engender support or sympathy among broader populations, assessing what

m Treverton’s mysteries-focused approach responds to the features that bedevil any understanding of a complex situation or system as laid out by Dietrich Dörner. According to him, complex situations and systems exhibit complexity, largely because things in such systems are interrelated and the same forces affect different things in the system. They also exhibit “intransparency,” meaning one cannot assess and understand everything he or she wants to within the system. Such systems also tend to develop “independent of external control, according to their own internal dynamic.” From a policy-making perspective, this implies that people charged with affecting complex systems might not grasp how they function. They may feel that they have all the requisite pieces of the proverbial puzzle only to misunderstand how they fit together and how the systems actually work. Dörner suggests that these realities put serious demands on decision makers. Dietrich Dörner, *The Logic of Failure: Recognizing and Avoiding Error in Complex Situations* (New York: Basic Books, 1996), pp. 37-38.

1 A significant portion of foreign terrorist fighters who joined the Islamic State exhibited criminal behavior before joining the terrorist group. Anne Speckhard and Molly D. Ellenberg, “ISIS in Their Own Words: Recruitment History, Motivations for Joining, Travel, Experiences in ISIS, and Disillusionment over Time – Analysis of 220 In-depth Interviews of ISIS Returnees, Defectors and Prisoners,” *Journal of Strategic Security* 13:1 (2020) pp. 82-127; Tanya Mehra, “Foreign Terrorist Fighters: Trends, Dynamics, and Policy Responses,” International Centre for Counter-Terrorism, December 2016.

regions of the world will be susceptible to VNSA activity in the future—such complex problems full of mystery are the stuff of a VNSA approach.

Current efforts to fight terrorists and drug cartels still emphasize narrowly tactical approaches. Front and center lie the “decapitation strategies” aimed at removing the leaders of such groups. There is a debate about their degree of success.<sup>n</sup> More holistic approaches that address the social, economic, technological, and political contexts in which VNSAs operate are far more difficult to implement, requiring greater interagency and inter-governmental cooperation to stymie market forces, whether those markets involve illicit goods/services or ideas/ideologies supporting violence. More simply, it is easier to frame threats in terms of good guy versus bad guy storytelling.

Some of the best analysts, investigators, prosecutors, and strategists are good storytellers,<sup>o</sup> and the nefarious villain is much more captivating than more important but also more abstract market forces, complex systems, or social undercurrents that shape the villain’s illicit realm.<sup>37</sup> The VNSA model, inherently comparative and focused on the milieus in which violent actors operate, moves national security away from the highly critiqued and heavily tactical decapitation approach, and focuses policy on the common forces that shape substate violence.

Many of the same social forces, institutional structures, and operational environments shape all VNSAs, sometimes in different ways. Comparative study of such things would greatly inform how all aspects of state power could be used strategically to hinder non-state actors bent on hurting American citizens and the nation’s interests. In a digitized world with interconnected markets, it might be time to move away from policies that promote targeted removals of specific groups and more seriously consider altering the environs

## “Part of any big picture analysis of VNSAs involves understanding how they interact with GPC concerns. The national security establishment may be especially interested in prioritizing VNSAs that have ties to foreign governments, particularly Russia or China.”

that shape all such groups.<sup>p</sup> Riffing on a tired image—is it time to stop killing mosquitos and drain the swamp?

From a practical perspective, breaking the existing puzzle-oriented, storytelling-driven, and heavily tactical focus that holds sway over intelligence work on terrorists and other violent national security threats might require bringing together the analytic offices or programs within agencies that separately cover the various forms of non-state violence. This could mean co-locating counterterrorism and counter TOC workforces or prioritizing more cross-program analysis under current structures. Such options would encourage more of a strategic perspective among disparate but related programs.

Part of any big picture analysis of VNSAs involves understanding how they interact with GPC concerns. The national security establishment may be especially interested in prioritizing VNSAs that have ties to foreign governments, particularly Russia or China. Such a calculation might rate a group as a higher security threat if it was somehow tied to GPC concerns regardless of whether it is a terrorist, criminal, or insurgent organization. At the very least, this kind of focus would direct more effort toward understanding the intersection of GPC and VNSA activity. For example, a nuanced understanding of how criminal organizations are involved in China’s Belt and Road Initiative, a huge infrastructure project designed to foster linkages between East Asia, Africa, and Europe, is likely more important to U.S. policymakers than just thwarting individual criminal groups profiting from the initiative.<sup>38</sup> Understanding more precisely how the Kremlin draws on organized crime groups for subcontracting violence, cyber skills, and laundering money, among other things, presumably would be more useful than whack-a-mole efforts to combat the Russian mafia.<sup>39</sup>

n This reality is reflected in the literature on the effectiveness of decapitation strategies aimed at eliminating key VNSA leaders in order to disrupt or dismantle organizations. See Jenna Jordan, *Leadership Decapitation: Strategic Targeting of Terrorist Organizations* (Stanford: Stanford University Press, 2019); Charles D. Brockett, “The Drug Kingpin Decapitation Strategy in Guatemala: Successes and Shortcomings,” *Latin American Politics and Society* 61:4 (2019): pp. 47-71; Christopher Woody, “Pablo Escobar’s Death Cleared the Way for a Much More Sinister Kind of Criminal in Colombia,” *Business Insider*, March 27, 2017; Brian J. Phillips, “How Does Leadership Decapitation Affect Violence? The Case of Drug Trafficking Organizations in Mexico,” *Journal of Politics* 77:2 (2015): pp. 324-336; Gabriela Calderón et al., “The Beheading of Criminal Organizations and the Dynamics of Violence in Mexico,” *Journal of Conflict Resolution* 59:8 (2015): pp. 1,455-1,485; Patrick B. Johnson, “Does Decapitation Work? Assessing the Effectiveness of Leadership Targeting in Counterinsurgency Campaigns,” *International Security* 36:4 (2012): pp. 47-79.

o The “true crime” genre, long featuring narratives penned by retired federal investigators, reflects this storytelling urge. As one reviewer has noted, “Books by retired FBI agents are a genre unto themselves.” Devin Barrett, “The FBI as a Model of Accountability and Ethics,” *Washington Post*, January 8, 2021. See also the website Books by FBI Authors, which has a list of books by FBI authors compiled by a retired agent.

p Such a viewpoint implies the value of adopting a *complex systems* perspective to understand the multilayered and intertwined relationships between the underworld and the legitimate world. J.M. Ottino states, “Complex systems can be identified by what they do (display organization without a central organizing authority—emergence), and also by how they may or may not be analysed (as decomposing the system and analysing subparts do not necessarily give a clue as to the behaviour of the whole).” J.M. Ottino, “Engineering Complex Systems,” *Nature* 427 (2004). Social networks, neural networks, and the World Wide Web are examples of complex systems. See “About NICO,” Northwestern Institute on Complex Systems website; Martin Neumann and Corinna Elsenbroich, “Introduction: The Social Dimensions of Organized Crime,” *Trends in Organized Crime* 20 (2017): pp. 1-15; and Thomas Homer-Dixon et al., “A Complex Systems Approach to the Study of Ideology: Cognitive-Affective Structures and the Dynamics of Belief Systems,” *Journal of Social and Political Psychology* 1:1 (2013): pp. 337-363.

The VNSA framework encourages agile policy development, making it easier to pivot from one violent non-state threat to another as security concerns ebb and flow.<sup>40</sup> This may be especially useful in contexts that prominently feature a variety of VNSAs. In Afghanistan, prior to the Taliban takeover in August 2021, for example, “most counternarcotics measures [had] been ineffective or outright counterproductive economically, politically, and with respect to counterinsurgency and stabilization efforts.”<sup>40</sup> In such a context, a VNSA perspective may have pushed U.S. decision makers to devote more resources to understanding the interrelationships among drug traffickers, insurgents, terrorists, and the needs of the general population. The framework challenges terrorism’s ascendancy and exclusivity (i.e., that it is the *most important* and a *wholly distinct* substate problem that the United States faces).

Adopting the VNSA framework could help advance discussions about reprioritization of resources already well underway in national security circles. Policymaking could more quickly respond to emerging violent transnational threats if items such as counterterrorism and counternarcotics were not seen as distinct programs and separate budgetary pots. Such change would not be easy and would likely require a significant reconfiguration of the National Intelligence Program and Military Intelligence Program budgets.<sup>41</sup>

It might be possible, under a VNSA framework, for the policy world to more easily shift U.S. responses to threats, shape its intelligence collection, and reconfigure its resourcing to meet emerging substate concerns. A shift to a VNSA perspective would facilitate strategic analysis across subcategories of violent threat actors. In terms of prioritization, U.S. intelligence and federal law enforcement agencies might consider breaking down the existing segmentation that separates the ways that agencies perceive the threat of terrorists and transnational criminal organizations. Instead of prioritizing foreign terrorist organizations and drug trafficking organizations in isolation from one another, it might be time to create a consolidated and ranked list of VNSAs.

The VNSA concept brings cohesion to the non-GPC threat landscape the United States confronts. The country’s watchlisting, screening, and vetting enterprise offers a good example. It is largely intended to secure U.S. borders, keeping those who would harm American interests from entering.<sup>42</sup> As recently refined, the enterprise focuses on six seemingly distinct threat categories: terrorists, transnational criminals, foreign intelligence actors, foreign military members, weapons proliferators, and cyber threat actors.<sup>43</sup>

The distinctions among the six categories diminish once one

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sorts them in terms of GPC and VNSAs. The first two (terrorists and transnational criminals) are clearly VNSAs. The next two (foreign intelligence actors and foreign military members) clearly involve state actors especially relevant to GPC concerns. Weapons proliferators most often are state affiliated but might not be, and cyber actors are neither violent nor directly linked to states in many instances. By viewing these threat actor categories from such an angle, the balance between GPC and VNSAs in border security concerns is striking.

As already suggested, the VNSA concept also helps policy discussions move beyond stark “either-or” arguments that result from highly “siloesd” current views of violent threat. One such argument describes violent offenders as either focused on profit (transnational criminal organizations) or ideology (terrorists). Along these lines, debate about whether or not Mexican drug cartels merit designation as foreign terrorist organizations by the USG has episodically animated policymakers. Thinking of both terrorists and organized crime groups as violent non-state actors could begin to shift policymakers away from what have been dead-end debates about reclassifying mostly non-ideological violent criminals as ideological actors. It may also move discussions beyond developing a simplistic understanding of the “crime-terror nexus.”

Also as discussed above, the VNSA concept helps policymakers develop a better-informed understanding of the ways in which great power competition plays out in the real world. Collectively, VNSAs significantly affect the environments in which great powers grapple with one another. For instance, legitimate and illegitimate markets interact in interesting ways as the United States copes with synthetic drug addiction and China, a primary exporter of precursor chemicals involved in the production of methamphetamine and fentanyl, favors revenue growth in its biopharmaceutical sector over drug control.<sup>44</sup>

#### 4. Key Considerations for the Future

U.S. efforts to adopt the VNSA framework would have to address significant conceptual challenges. Also, while the framework could reshape how the U.S. government allocates finite security dollars and other resources, it requires a champion in the executive branch, such as the National Security Council (NSC).

Among the conceptual challenges, as the above commentary suggests, drawing the lines between VNSAs and GPC issues may be tough. Some VNSAs may be coopted by great powers or be

q In 2014, RAND released a study based on a seminar involving acting and former senior government and law enforcement officials, practitioners, and experts covering “domestic intelligence operations and information sharing as [they] relate to terrorist threats.” Among other things, the study found that “Categorizing threats by group and compartmenting them by origin (terrorism, domestic terrorism, cyber terrorism, etc.) may unduly limit intelligence sharing and cooperation and pertains more to past threats than likely future threats. The cyber threat, organized crime, narco-traffickers, and terrorists might intersect, yet law enforcement and intelligence agencies are disconnected and not positioned to detect an intersection among disparate groups.” Brian Michael Jenkins, Andrew Liepman, and Henry H. Willis, *Identifying Enemies Among Us: Evolving Terrorist Threats and the Continuing Challenges of Domestic Intelligence Collection and Information Sharing* (Santa Monica, CA: RAND, 2014), p. vii.

involved in destabilizing regions of importance to powerful nations. As already discussed, the VNSA framework could help the U.S. government understand when and why such changes occur. Yet, maintaining analytic integrity—what’s VNSA versus what’s GPC—will be important.

Additionally, an array of serious, non-violent, and non-GPC security concerns exist. These range from cyber crime and non-violent fraud schemes to climate change and pandemics. Such issues, while not driven by states or non-state actors bent on physically hurting people, still can overlap with GPC and VNSA problem sets. Malicious, digitally driven foreign influence campaigns by Russia to disrupt U.S. elections are prime examples.<sup>45</sup> Such activity may influence terrorists such as violent white supremacists. Pandemics shape the markets that transnational criminals drive and affect the ideological ferment of terrorist movements. While lockdowns initially disrupted criminal profiteering, many transnational criminal organizations have adapted to COVID-19 realities—some diversifying activities, even prospering.<sup>46</sup>

A core conceptual challenge revolves around the position of terrorism in the hierarchy of security worries. In other words, while GPC has displaced it, does terrorism still require special and separate treatment as an issue beyond other VNSAs? Some experts have stridently argued that it does not, largely because of its infrequency. (In other words, terrorism has a very low base rate when compared to other criminality.<sup>47</sup>) Sir Alex Younger, former chief of the United Kingdom’s Secret Intelligence Service (MI6), has suggested that terrorism’s capacity to undermine the social fabric of a country distinguishes it as a threat.<sup>48</sup> Albert Bandura in 2004 posed four overarching reasons why we fear terrorism, despite its infrequency. The terrorist violence is unpredictable. Their actions are grave, killing and injuring people. Also, their actions seem uncontrollable. Finally, the growing centralization of our world and its interdependence make us fear that terrorists can easily disrupt life for many with a single act. They can harm economies, disrupt travel, take down telecommunications, and poison food supplies.<sup>49</sup> Whatever security experts decide about the relative place of terrorism among security concerns, 20 years after the al-Qa`ida attacks on 9/11, discussion should not end with simple acknowledgment that other issues, such as GPC, currently surpass it. A much more thorough conversation should be had about terrorism’s relation to other violent non-state threats.

The VNSA idea has the potential to alter how the U.S. government thinks of resource allocation among law enforcement, military, and intelligence programs devoted to halting violent non-state threat actors.<sup>r</sup> Now that terrorism is not the preminent

<sup>r</sup> It would also help clarify the strategic vision of the United States beyond GPC. See Malia DuMont, “Elements of National Security Strategy,” Atlantic Council, February 28, 2019, for a discussion of strategic vision as an element of national strategy making.

security concern it once was, it might be time to ask how much the United States should spend to counter terrorism versus violent drug traffickers, for example. Systematic comparison of the two would better inform any such conversations. The VNSA concept could also reshape related budget conversations in the executive branch by establishing a way for policymakers to get a clearer sense of how much the U.S. government spends on GPC programs versus violent non-state threats as a whole. Additionally, the VNSA model could promote comparative discussion related to intelligence collection priorities within the IC. In other words, it would bring together threat actors such as terrorists, drug traffickers, and other organized crime groups under one concept and may facilitate their relative ranking within the National Intelligence Priorities Framework.<sup>s</sup>

For the VNSA idea to take root, key agencies involved in national security and public safety will have to buy into the idea. The NSC could drive such a realignment in its role to “advise and assist the President in integrating all aspects of national security policy.”<sup>50</sup> The council and its subordinate committees serve as the primary tool the president uses to coordinate security-related change in executive departments and agencies and to formulate national security policy and strategic planning. The NSC could use the VNSA framework to organize interagency policy discussions. It could push relevant departments and agencies to adopt the VNSA concept and start breaking down longstanding barriers between programs tackling different sorts of violent transnational groups. Other parts of the government could take up the VNSA concept as well. The Office of the Director of National Intelligence could structure the relevant elements in its annual congressional worldwide threat testimony based on the concept, or key congressional committees could use it to shape hearings and legislation.

In the end, without some sort of catastrophic failure such as 9/11 to motivate change, no single clear path exists for how the U.S. government might consider and potentially adopt the framework.<sup>51</sup> What is certain is that, in the short term, it would need a patron to broach it in the U.S. government. Change may follow. **CTC**

<sup>s</sup> The National Intelligence Priorities Framework is the Director of National Intelligence’s tool for establishing national intelligence priorities, and the Office of the Director of National Intelligence and IC elements use the framework to allocate collection and analytic resources. See “Roles and Responsibilities for the National Intelligence Priorities Framework,” Intelligence Community Directive Number 204, January 7, 2021. The framework establishes priorities that “address a diverse range of threats, and a description of these threats is published by the Director of National Intelligence in the annual release of the Worldwide Threat Assessment.” See “Limiting SIGINT Collection and Use,” Office of the Director of National Intelligence (ODNI), in “IC on the Record,” a blog run by ODNI (2017).

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# “Without Us, There Would Be No Islamic State:” The Role of Civilian Employees in the Caliphate

By Matthew Bamber

**In its state-building project, the Islamic State had to rely extensively on civilian employees to staff its governing institutions. But despite the importance of these civilian employees to the Islamic State, there has been relatively little scholarship published on their role, and there has been a lack of understanding of the different types of employees. Interviews with 43 former Islamic State civilian employees shed light on the two distinct categories of Islamic State employees: those who became full members of the group (*muba`yain*) and those who did not (*munasirin*). There are significant differences in how these two categories were treated by the Islamic State, the positions they were able to fill, the financial benefits they received, and the processes through which they joined and left Islamic State employment. The anecdotal evidence suggests that civilian Islamic State employees in specialist occupations or who were particularly useful to the group had greater latitude to push back against the Islamic State or in other words had a greater degree of moral agency. Understanding the nuances is important in assessing the culpability of the Islamic State’s civilian workers and the danger they may pose in the future.**

**“Without us, there would be no Islamic State”**

– *Civilian employee in the Islamic State’s Public Services Office in Raqqa, Syria*<sup>1</sup>

**B**etween 2014-2019, the Islamic State undertook an ambitious governance project in Iraq and Syria that attempted to replicate and mimic the functions, institutions, and structure of contemporary nation-states. At its peak, the Islamic State’s state comprised an area of approximately 90,000 square kilometers (an area equivalent to the size of Portugal) and the group governed the lives of eight million civilians residing in its territory.<sup>2</sup> The experiences

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of civilians living in Islamic State-controlled territory varied widely. Hundreds of thousands of Iraqi and Syrian civilians fled the Islamic State’s territory as soon as they could,<sup>3</sup> many of those civilians who remained engaged in diverse forms of everyday resistance against their Islamic State occupiers,<sup>4</sup> while an unknown number of civilians were the victims of the group’s systematic mass killings, rape, and torture policies.<sup>5</sup>

However, this article focuses on a group of persons who have received little attention but played a key role in the development of the Islamic State: local civilian employees of the group. These Iraqi and Syrian civilians were employed by one of the Islamic State’s federal or provincial governing institutions for a specific role and in return received a salary, as well as frequently other financial and material bonuses. However, the Islamic State’s civilian employees did not necessarily pledge allegiance to the group nor did they necessarily become members. But taken as a whole, civilian employees were fundamental to the operation of the Islamic State’s state; they formed the majority of employees that staffed the vast number of governing institutions that the Islamic State created during the first years of its rule.

It is safe to assume there are many thousands of surviving former civilian employees of the Islamic State. They represent a potentially significant challenge. Many civilian employees presumably remain in their communities and represent a potential workforce for any future iterations of the Islamic State. However, significant numbers have also been detained in Syria and Iraq, with little transitional justice<sup>6</sup> or reintegration processes in place.<sup>6</sup> According to Human Rights Watch, Iraqi civilian employees affiliated with the Islamic State have been “subject to prosecution for their role in aiding or providing support to a terrorist organization.”<sup>7</sup> Courts in northeast Syria run under the auspices of the Syrian Democratic Forces and the Autonomous Administration of North and East Syria have distinguished between civilian and armed membership of the Islamic State. Sentences for civilian employees are one to two years of imprisonment instead of five to 10 years.<sup>8</sup> However, up until 2021, only 8,000 Syrians had been prosecuted in these courts. It is estimated that it would take at least another 13 years to prosecute the Syrians who are in detention in these camps, without even considering the Iraqis or other foreign persons currently detained in northeast Syria.<sup>9</sup>

This article first provides an overview of the evolving role of civilian employees in the Islamic State’s attempt to build a state, with the group becoming less reliant on them as the caliphate

a “Transitional justice refers to the ways countries emerging from periods of conflict and repression address large-scale or systematic human rights violations so numerous and so serious that the normal justice system will not be able to provide an adequate response.” “What is Transitional Justice?” International Center for Transitional Justice.

project started to collapse. It then secondly details the qualitative differences between those employees who were also members of the Islamic State and those who were not. This article then thirdly examines how civilian employees joined and left the Islamic State. The degree of culpability of the Islamic State's civilian workforce in its crimes should be a key question for prosecutors. The fourth section of the article examines the ability of civilian employees to push back against the Islamic State, or in other words, their degree of moral agency. The fifth and final section outlines some conclusions.

The article is primarily based on interviews that the author personally conducted with 43 former Islamic State civilian employees in Iraq, Turkey, and Lebanon, who worked for the Islamic State for at least three months between 2014-2019. A database of primary governing documents released by the Islamic State's provincial governing institutions are used as supporting evidence.<sup>b</sup> These interviews were conducted as part of a larger doctoral project investigating the history, effectiveness, and internal variation within the Islamic State's governance project.<sup>c</sup>

It is important to add a caveat to this article's findings. Interviewees may have played down their involvement with the Islamic State and played up the degree to which they were coerced to work for the group. Additionally, they could suffer from recall bias as the interviews took place up to two years after the recapture of Mosul and Raqqa in 2017. There are, however, some factors that bolster confidence in the findings. Firstly, all interviewees were assured that their identities would be kept anonymous and none were interviewed in detention settings. Further, interviewees were located through fixers personally trusted by the interviewee or through the network of the author. Finally, as part of his wider doctoral project, the author interviewed an additional 73 former Islamic State members and ordinary civilians who resided in Islamic State-controlled territory and has coded more than 1,000 internal Islamic State governing documents. These additional

interviews and governing documents have been used to verify, as much as possible, the testimony of the civilian employees and to disregard those claims that seem to be clear fabrications.

## 1: The Changing Role of Civilian Employees in the Islamic State

Although the Islamic State has a two-decade history of governance and state-building in Iraq,<sup>10</sup> its state-building project between 2014-2019 was by far its most extensive and lengthy. The Islamic State's territorial control ebbed and flowed over time, but at its peak in 2015, its state stretched across an area of approximately 90,000 square kilometers and it governed a population of around eight million Iraqi and Syrian residents.

The Islamic State had a clear vision of its state structure and it closely resembled those of contemporary nation-states. The Islamic State's state was composed of a mixture of federal and provincial institutions, as evidenced by both a video that the Islamic State released in 2016 explaining its state structure and internal Islamic State governing documents.<sup>11</sup> At the federal level, the head of the Islamic State was the 'caliph' who acted as the executive and was tasked with upholding religion in the state and ensuring that all governance was aligned with the group's conception of sharia law. The caliph was supported in these tasks by a Shura Council, a council of six to 12 clerics, who picked the new caliph if required. The Delegated Committee was a legislative body of the most senior Islamic State operatives, fluctuating between five and nine members, who communicated and implemented laws and oversaw all provinces of the Islamic State and its associated offices and committees.

At the provincial level, the Islamic State divided the entirety of Syria and Iraq into 19 provinces that approximately aligned with the previous governorate boundaries of the Iraqi and Syrian states. Within each province, the caliph appointed a governor who was in charge of the running and security of the province but who was ultimately answerable to the Delegated Committee. The Islamic State envisioned having 14 ministry offices in each province under the oversight of the governor. Alongside these provincial institutions, the Islamic State had a further six specialized offices and committees that included a specific office for both its media operations and the administration of incoming foreign members.

Although the Islamic State only controlled 13 of its planned 19 provinces and its effectiveness in implementing its state varied, the Islamic State did establish a large number of governing institutions in some of its provinces, including specific ministries and offices for healthcare, education, taxes, public services, agriculture, real estate, judiciary, 'Islamic' police, and security, among many others.<sup>12</sup> In those provinces such as Nineveh and Raqqa where the Islamic State faced less armed resistance during the initial stages of its takeover and controlled for longer periods of time, it managed to establish, for a limited period of time, this full array of governing institutions. However, in provinces such as Homs, Kirkuk, and Aleppo where the Islamic State only had intermittent control and its takeover attempts were to a greater degree contested by force, it did not develop its state beyond basic security, police, and judicial provision.<sup>13</sup>

How many civilian workers did the Islamic State cumulatively employ during the 'caliphate' years and how many survive? This is a difficult question to answer. The most extensive analysis of Islamic State payrolls documents to date, published in June 2021

b The author constructed an original database, the "Islamic State Provincial Governing Document Database," which allows for comparison of the governing institutions established by the Islamic State across provinces and over time. These governing documents were sourced from existing online archives of Islamic State governing documents, mainly Aymenn Jawad al-Tamimi's site ([www.aymennjawad.org](http://www.aymennjawad.org)) as well as copies of documents given to the author by two Iraqi organizations and from the interviewees directly.

c The interviews took place in person in Iraq, Lebanon, and Turkey over five months between 2018-2019, and phone interviews were conducted with persons residing in Syria. Verbal informed consent was given by each interviewee, and the interviews were conducted in Arabic or English depending on the preference of the interviewee. No interviews were conducted in detention settings. The interviews were semi-structured, used a timeline approach, and focused on the Islamic State's governance. Interviewees were located either through fixers or through the personal networks of the author, and a snowball sampling method was also used. Snowball sampling is a technique for finding research subjects where one subject gives the researcher the name of another, who in turn provides the name of a third, and so on. For a detailed explanation of using snowball sampling in conflict settings, see Nissim Cohen and Tamar Arieli, "Field research in conflict environments: Methodological challenges and snowball sampling," *Journal of Peace Research* 48:4 (2011); pp. 423-435. The doctoral research plan passed through the ethical review procedures of both the Graduate Institute, Geneva, and the project funder, the Swiss National Science Foundation. This research is funded by a Doc.CH project grant from the Swiss National Science Foundation (178246).



*An Islamic State flag flies over the custom office of Syria's Jarablus border gate as it is pictured from the Turkish town of Karkamis, in Gaziantep province, Turkey, on August 1, 2015. (Murad Sezer/Reuters)*

by Combating Terrorism Center researcher Daniel Milton, suggests that the group had at least 60,000 males in late 2016 alone on its payroll in Iraq, although this number includes almost 13,000 deceased 'martyrs'.<sup>14</sup> d The total was derived from tallying unique identification numbers (census numbers) assigned by the Islamic State in internal documents, which were subsequently captured by the U.S. military.

The documents examined by the Combating Terrorism Center appear to have included *muba`yain* (civilian workers who had pledged allegiance), but it cannot be said with certainty that they also included *munasirin* (civilian workers who had yet to pledge allegiance). A document from the Islamic State's Central Administration for Human Resources to the group's central government body, the Delegated Committee, that is cited by Milton reads: "In case a new munasir continues at work in the ranks of the Islamic State within the sector he first joins for a period of 30 days, then this munasir brother has the right to give bay'a, a census number should be issued for him, and monthly salary should be paid for him."<sup>15</sup> One reading is that after the probation period of

30 days, *munasirin* were provided a census number, a monthly salary, and the option to swear *bay`a* and thus join the ranks of the *muba`yain*. If this reading is correct, it suggests that the census-number-assigned workforce examined in the CTC study encompasses those payroll workers who decided after the 30 days to swear allegiance (*muba`yain*) as well as those who did not (*munasirin*). An alternative interpretation is that *munasirin* were only provided a census number after they swore *bay`a* and thus became *muba`yain*. If that was the case, then the CTC study would only encompass *muba`yain*. More research is needed to provide clarity on this point.

Milton finds that 18.5 percent of the those on the payroll who could be categorized into a specific ministry were employed in the Islamic State's non-military governance institutions with the largest proportion of persons working for the 'Judgement and Grievances,' 'Public Security,' and 'Education' offices.<sup>16</sup> The rest were assigned to work for the Ministry of Soldierly, with many but not all assigned to

d Milton suggested that a possible reason a deceased individual may have still been listed in the payroll documents is "because a continuing payment is being made to a widow or other family members." Daniel Milton, *Structure of a State: Captured Documents and the Islamic State's Organizational Structure* (West Point, NY: Combating Terrorism Center, 2021).

military units.<sup>e</sup> Scaling up and with the caveat that this is a back-of-the-envelope calculation, this suggests over 11,000 Islamic State employees were working at some point in civilian roles in Iraq alone.<sup>f</sup> Assuming that the Syrian side of the Islamic State's operation is similar, then it might be assumed that more than 22,000 employees worked at some point in civilian roles in both countries, not including civilians working for the Ministry of Soldierly. Given these individuals were not playing fighting roles, it seems safe to assume that a significant proportion—many thousands—survived the conflict.

The Islamic State could not rely exclusively on employees from among its foreign and local members, and therefore had to rely on civilian employees to provide the expertise and competencies that its membership could not provide.<sup>g</sup> Indeed, one of the first things that Abu Bakr al-Baghdadi did in his first videoed speech as caliph on July 4, 2014, was to make a recruitment call for “the scholars, *fuqaha* (experts in Islamic jurisprudence), and callers, especially the judges, as well as people with military, administrative, and service expertise, and medical doctors, and engineers of all specializations and fields.”<sup>17</sup> As the Islamic State could not rely on bringing in sufficient numbers of these qualified persons solely from abroad, it instead had to rely on local Iraqis and Syrians that it governed over to fulfill these functions as teachers, doctors, engineers, nurses, bureaucrats, and civil servants.

Across the duration of the Islamic State's state project, both the role of civilian employees and the group's relationship to these employees changed. Over time, the Islamic State's reliance on its civilian employees declined as it scaled back its state-like governing institutions in the latter stages of its territorial control. Instead, the Islamic State frequently redirected its remaining human and material resources to security and military functions or withdrew them entirely to its remaining strongholds, rather than continuing its attempts to run and staff a complete governing infrastructure in areas that it had tenuous territorial control over. The Islamic State's state was drastically reduced in its final months of territorial control in each province; it had only two primary schools and one middle school operating on each side of the Mosul river,<sup>18</sup> one field hospital in Mayadeen,<sup>19</sup> and only four electrician employees in Deir ez-Zor.<sup>20</sup> Therefore, the Islamic State no longer needed the civilian employees that its state had previously relied upon in the earlier stages of its rule.

e Some who worked for the Ministry of Soldierly were not assigned to specific military units but worked on tasks such as manufacturing, transportation, general administration, and procurement. According to Milton: “In other words, these may be individuals who could be thought of as working in the headquarters of the Islamic State's military machine, as opposed to those who were out on the frontlines of the battlefield.” Milton, p. 25. It is a matter of debate whether these individuals should be categorized as civilian workers analogous to the many civilians who work for the Pentagon.

f 18.5% of 60,000 civilian workers is 11,100 workers.

g Data remains blurry about the number of foreign persons who emigrated to join the Islamic State with estimates ranging between 25,000-90,000. One challenge, given the way data is presented by many governments, is the difficulty of working out the proportion of foreign terrorist fighters who joined the Islamic State rather than other groups. One study estimated the number of “all foreign Islamic State affiliated persons (men, women, and minors), including those now deceased” at 44,279-52,808. Joana Cook and Gina Vale, “From Daesh to ‘Diaspora’ II: Tracing the Women and Minors of Islamic State,” *CTC Sentinel* 12:6 (2019).

**“The Islamic State could not rely exclusively on employees from among its foreign and local members, and therefore had to rely on civilian employees to provide the expertise and competencies that its membership could not provide.”**

## 2: Categories of Employees: *Muba`yain* and *munasirin*

The Islamic State broadly had two categories of employees that staffed its military and non-military governing institutions: *muba`yain* (both foreign and Iraqi and Syrian persons who had pledged allegiance to the Islamic State and caliph Abu Bakr al-Baghdadi) and *munasirin* (alternatively called *al-Ansar*, local Iraqi and Syrian civilians who worked for the Islamic State but did not pledge allegiance). The Islamic State made a clear distinction between these two categories of employees in terms of their job responsibilities, salaries, benefits, and treatment at work.

Employees with positions of leadership and responsibility within the Islamic State's state—including *emirs* (heads) of local governing offices and members of *al-Hisbah* (morality police) and the Islamic Police—were required to be a *muba`yain*. The Islamic State did not trust its *munasirin* to carry out these key roles, and therefore, they were exclusively filled by foreign Islamic State members or local Iraqis and Syrians who had pledged allegiance. Many of the *munasirin* interviewees complained about their Islamic State bosses who were placed in these positions purely based on their allegiance to the Islamic State rather than their competency for the position. Employees in the healthcare, natural resources, public services, and education institutions spoke out about the incompetence of the *muba`yain* that impacted their ability to do their jobs. A lawyer who worked for the Islamic State described the Egyptian emir of the *Diwan al-Sihah* (Ministry of Health): “He was an idiot, although supposedly he had a medical degree from Egypt. We had to request our medicine and equipment through him for the hospital, and he refused many requests for no reason and he didn't listen to us. He brought in new rules about treating patients that led to many avoidable deaths.”<sup>21</sup>

A further distinction between the two types of employee was the salaries and benefits the Islamic State paid to each group. The amount the Islamic State paid to its employees generally declined across the duration of its rule, including a well-documented pay cut of 50 percent to its fighters announced in November-December 2015.<sup>22</sup> Although the amount that the Islamic State paid its employees varied between areas and over time, 14 interviewees who worked for Islamic State as engineers, medical staff, fighters, teachers, electricians, public service workers, or in antiquities brought up a consistent and large gap in remuneration between *muba`yain* and *munasirin* employees. These *muba`yain* and *munasirin* interviewees knew about the pay discrepancy from their own experience of being offered a pay increase for membership or

from their own colleagues.<sup>h</sup> A civilian employee who worked for the Islamic State as an engineer in the Administration of Public Services Office in Mosul stated that in 2016 *munasirin* were paid \$95 a month, while *muba'yain* were paid a minimum of \$450 a month as a base salary.<sup>23</sup> Similarly, a doctor in 2015 who worked for the Islamic State in al-Barakah province was paid \$150 a month while he claimed that doctors who pledged allegiance to the Islamic State and worked in the Medical Administration earned \$1,000 a month.<sup>24</sup> This large salary differential similarly extended to the Islamic State's military institutions. A former Free Syrian Army fighter who fought for the Islamic State in a battalion of *munasirin* in Deir ez-Zor in 2015 earned only \$40 a month, with no bonus money for dependents, compared to his Islamic State contemporaries who earned between \$70-100 a month, plus bonuses.<sup>25</sup>

There is also a pattern of differential treatment at work between the two categories of employees. The Islamic State frequently gave more dangerous work to its *munasirin* employees as it regarded its members as a resource that needed greater protection than other employees. A *munasir* at the Administration of Electricity in the Diwan of Public Services in Mayadeen, Syria, complained that as a non-member civilian employee, he was sent to fix the broken electricity cables outside of the city and near the frontlines while *muba'yain* mainly did paperwork or safer household electricity inspections.<sup>26</sup> An Islamic State *munasir* fighter from Deir ez-Zor complained that their battalions, which were composed entirely of *munasirin*, were sent to the frontlines (*ribat*) at the direction of their Islamic State member overseers: "We took our directions from an ISIS commander. In the five months there, we were always on the *ribat*—us and the other battalions. It did not matter if we lived or died."<sup>27</sup>

The Islamic State frequently attempted to turn its civilian employees into *muba'yain* by getting them to pledge allegiance to al-Baghdadi. The group used a mixture of coercive methods and financial and material incentives, including increased monthly salaries; promotions; benefits of better housing, cars, and motorcycles; and guaranteed electricity. An oil worker at al-Amr oilfield in Syria, where the emir of the oilfield offered an opportunity for all employees to become *muba'yain*, described the pitch: "They offered to double our salary of \$450 and to move to an overseer role in the refinery. My closest colleague, from the same area of Deir ez-Zor, joined straight away and was given a \$800 sign-on bonus. I was tempted for the money."<sup>28</sup>

The Islamic State also frequently used coercion to try to force some civilian employees to pledge allegiance and become members. A worker at an Islamic State ammunition warehouse, described how he was coerced to become a member: "I was sent to a re-education course for five weeks because ISIS found out my brother had been a member of Hayat Tahrir al-Sham. They made us read and recite the Qur'an every day—if I made a mistake we were beaten, if I lifted my eyes I was beaten. Eventually, after two weeks, I had enough, and asked how I could leave the camp and they said that I had to join ISIS. So I did. I had to pass a sharia test and then I pledged allegiance in front of the emir of the camp. I went back to the warehouse at first, but I quickly became a soldier."<sup>29</sup>

**“The Islamic State frequently attempted to turn its civilian employees into *muba'yain* by getting them to pledge allegiance to al-Baghdadi. The group used a mixture of coercive methods and financial and material incentives, including increased monthly salaries; promotions; benefits of better housing, cars, and motorcycles; and guaranteed electricity.”**

One takeaway from the author's interviews was that over the duration of its five-year state project, the Islamic State's pressure on its civilian employees to become *muba'yain* increased and became more explicit. Interviewees felt that this was due to the large reductions in both the number of overall Islamic State employees, and particularly, the number of skilled personnel among its cadres, caused both by employees leaving and being killed by the anti-Islamic State coalition. Several interviewees reported that they proactively left their jobs with the Islamic State because of the pressure to join the group and the fear that they would eventually be forcefully conscripted into becoming a *muba'yain* against their will. One of those persons was the oil worker in al-Amr oilfield: "I left in late 2015 as ISIS started interfering more and more with us; I was scared that they would make us join and then they could send us to other oilfields in dangerous areas."<sup>30</sup> This change in the Islamic State's approach suggests it became preoccupied with the loyalty of its employees in the latter stages of its territorial control.

### 3: Joining and Leaving

The processes through which *munasirin* joined and left their employment varied substantially between Islamic State provinces and across the duration of the group's rule. Each Islamic State provincial administration had a large degree of autonomy, with civilians working in similar positions in different provinces experiencing very different employment criteria. Three interviewees who respectively worked in public services in Raqqa, Deir ez-Zor, and Mosul in late 2014 for the Islamic State described three different preconditions for employment: a three-week-long residential atonement and course in sharia in Raqqa,<sup>31</sup> three compulsory morning sessions on the Qur'an and Islamic sciences held by an Islamic State member in Deir ez-Zor,<sup>32</sup> and none at all in Mosul.<sup>33</sup>

Although there is spatial and temporal variation, there are some general patterns in the Islamic State's approach to civilian employee recruitment. In parts of its state, the group primarily relied on recruiting employees who had previously functioned in similar roles under the Iraqi government and Syrian regime. This appears to have been particularly the case in education, healthcare, and public services institutions. The Islamic State frequently forced civilian employees in these sectors to attend compulsory atonement and education courses on sharia law and the group's *manhaj* (prophetic methodology) if they wanted to keep their jobs following the group's

<sup>h</sup> There is, of course, a possibility that *munasirin* interviewees could have exaggerated the pay differential to make themselves appear better for not becoming *muba'yain*.

takeover. Especially in education, teachers and administrators had to undergo compulsory courses that varied from a day to several weeks. Governing documents from the Islamic State show that education courses were compulsory in multiple provinces,<sup>34</sup> although interviewees described the courses they attended very differently. According to an Arabic teacher from a village outside of Mosul who attended a week of morning sessions, “It was fairly easy, we just had to learn the tenets of the Islamic State and memorize the rules that we had to abide by.”<sup>35</sup> Contrastingly, a mathematics teacher from Deir ez-Zor had a far harsher experience: “They accused us of being apostates and that we had to prove ourselves to them. Colleagues were beaten who spoke against them. I didn’t want to attend the course, or work for ISIS, but I needed the money. It was like a prison, but it went quickly.”<sup>36</sup>

The Islamic State proactively recruited civilians who had worked for the Iraqi government and Syrian regime. All 11 of the interviewees who reported being approached in this way had worked in higher skills jobs desired by the Islamic State, including doctors, various types of engineers, teachers, accountants, and administrators. An electrical engineer from Deir ez-Zor who left his Syrian civil servant job during the civil war and opened up an internet café was recruited by the group: “I was approached by the Islamic State in my café as they needed engineers to fix the destroyed overhead cables. They found out about me from the other persons at the office and I decided to work for them as I didn’t make much under ISIS from the café.”<sup>37</sup> However, sometimes the Islamic State’s approaches to former state employees failed. An interviewee who owned several school academies in Mosul and worked as a teacher in an Iraqi state school, was approached by the Islamic State in February 2015 to work in the group’s education administration. He declined due to his disagreement with their ideology and subsequently fled to Iraqi Kurdistan several months later.<sup>38</sup>

For many civilians, the exact transition point from working for the Iraqi government and Syrian regime to becoming Islamic State employees was blurry as many of their responsibilities were the same and many continued to be paid by their former employers. It was only after one year of Islamic State rule, in July 2015, that the Iraqi government cut salary payments and pensions to civil servants in Islamic State-controlled areas.<sup>39</sup> Islamic State employees during this time received both a salary from the Islamic State and the Iraqi government (which was taxed by the Islamic State at rates varying from 10–50 percent, according to interviewees). In Syria, the regime stopped paying its civil servants’ salaries before the Islamic State took over. However, in the Syrian oil and gas fields controlled by the Islamic State, salaries were still paid to Islamic State employees by accountants from Syrian state-affiliated gas companies as the Syrian regime had agreed to a deal with the group to ensure the continued functioning of those plants.<sup>40</sup> These persons, therefore, worked as Islamic State employees, although they were at least partially paid by their previous state employers.

The often-blurry lines with respect to Islamic State employment has implications for both counterterrorism and ongoing prosecutorial efforts against the Islamic State. There is a tendency to assume that Islamic State employees consistently had full knowledge of whom they were working for and are therefore a legitimate target for prosecution.<sup>41</sup> For some Islamic State civilian employees, however, it is clear that there was some ambiguity about who they were working for, which could lessen the degree of culpability at an individual level. It remains, however, a larger

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discussion whether the current dominant counterterrorism and legal framework that treats civilian employees as individuals legally culpable, regardless of the nuances of their relationship to a terrorist group, is fit for purpose in a conflict context where a group takes over control of a territory. Should a doctor who kept treating civilians in his village or town, but did so on the payroll of the Islamic State, be punished after the fact?

The process of quitting differed among the Islamic State’s civilian employees. Many interviewees said they simply left their positions and fled Islamic State territory in response to the group’s actions and the increased attacks by local actors and the global anti-Islamic State coalition. In the beginning of the Islamic State’s rule, civilian employees who left risked lethal reprisals against their family, confiscation of their property, and the danger of reprisals from Islamic State supporters in their new location.

The potentially brutal repercussions for quitting were laid out by several interviewees. The daughter of a doctor who worked for the Islamic State in Deir ez-Zor until April 2015 revealed that her brother was taken prisoner by the Islamic State and they had to pay a \$3,000 ransom to secure his release and that they received death threats in the Turkish border town to which they initially fled.<sup>42</sup> A truck driver from Tadmur, employed by the Islamic State from September 2015 to transport items between Islamic State-occupied towns until he fled to Lebanon in February 2016, revealed that the group took his houses and money, labeled him an apostate, and threatened him with death if he returned to Syria.<sup>43</sup>

A takeaway from the author’s interviews is that quitting as an Islamic State employee became easier as the Islamic State’s state project declined and the control over its employees and territory weakened. An accountant who worked for the Diwan al-Zakat in Raqqa fled in late 2016 to Turkey because she felt that the Islamic State did not have the resources to capture her or to threaten her in Turkey: “At that stage, ISIS were too busy fighting; I was scared to leave before then because I thought they would find me. But so many people left ISIS at that time, I hoped they would not want to exert the efforts to find me.”<sup>44</sup> As the Islamic State’s territorial grip continued to decline from 2016 onward and the group devoted more resources to its military apparatus and consolidating its remaining territory, the trickle of Islamic State employees quitting became a flood. The employee at the Administration of Electricity in the Diwan of Public Services in Mayadeen in the group’s al-Khayr province, Syria, who remained until the Islamic State abandoned its territory in 2018, stated that there were only four employees left in 2017 from an original 16 who served most of Deir ez-Zor city and surrounding countryside.<sup>45</sup>

In addition to taking the opportunity to flee when Islamic State

control deteriorated, many civilian employees quit when the Islamic State cut both salaries and benefits to employees or stopped salary payments completely. There were a variety of different experiences when it came to attempts to leave because of salary issues. An engineer in the Administration of Public Services Office in Mosul, who left Islamic State employment in 2017 but remained in Nineveh province, described a simple process: “ISIS stopped paying my \$65 a month salary for five months and we [my family] had no income. The emir [of the Office] refused to say when we would be paid. I needed to find work elsewhere, and so I told the emir that I was leaving. He understood and there was no problem.”<sup>46</sup> Others, however, did not have such a straightforward disentanglement from their Islamic State employer. A doctor employed by the Diwan of Health in al-Barakah and Raqqa provinces throughout the duration of the Islamic State’s rule stated that he received around a third of his \$55 a month salary from October 2016 and then no salary from January 2017 onward. He attempted to stop working in an Islamic State hospital and to only treat private clients in his neighborhood, but the group refused to let him leave and they threatened to label him an apostate, to execute him, and to detain his family.<sup>47</sup>

#### 4: Moral Agency

The degree to which those who worked for the Islamic State were willing accomplices to its crimes or acting under duress is an important question when it comes to prosecutorial attempts to establish justice for the group’s many victims.

The degree of moral responsibility that the Islamic State’s civilian employees had in their role is complicated. It could be expected that civilians working for an armed terror group would have little ability to push back against the group due to its overwhelming coercive power. Indeed, many civilian employees under the Islamic State had little choice but to follow the group’s edicts due to the fear of the consequences for themselves and their family. As an accountant at the Diwan al-Zakat in Raqqa between 2015-2016 described her work: “Whatever ISIS told me to do, I did it. The emir [a Moroccan ISIS member] of the Office followed us very closely. Several colleagues were arrested by *al-Amniyyin* [Islamic State intelligence police], they disappeared and were detained or killed. I didn’t want to end up like them.”<sup>48</sup>

It would be wrong, however, to conclude that employees had no moral agency. Some of the Islamic State’s civilian employees found ways to push back and resist against the group. A common pattern among interviewees is that the more specialized nature of their role within the Islamic State’s state, the more room they had to make their own choices. A case in point were some employees in the Islamic State’s governing institutions for healthcare and oil and gas. In one case, a doctor who ran a private clinic in Deir ez-Zor was employed by the Islamic State to treat its fighters. Although the Islamic State wanted him to exclusively treat group members, he was allowed to keep his other civilian patients and frequently made Islamic State patients wait when they came to him for treatment. The doctor’s family mentioned that he could make these demands as the Islamic State desperately needed doctors and he was well respected within his community.<sup>49</sup> Civilian employees in the Islamic State’s oil and gas sectors had a similar degree of room for maneuver. An engineer who worked for the Islamic State in refineries based in both the al-Tanak and al-Amr oilfields described numerous situations in which the civilian employees were able to push back against the Islamic State.<sup>50</sup> In one instance, the Islamic State attempted to institute

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mandatory communal prayer regulations and to restrict Wi-Fi to the cafeteria rather than the bedrooms. Civilian employees refused and received no punishments or material sanctions.<sup>51</sup>

Individual civilian employees with specialist expertise who worked in Islamic State governing institutions also reported having a large degree of autonomy. A businessman from Tadmur, who initially fled to Turkey and then returned and worked for the Islamic State for a year and a half, stated that his high level of specialism allowed him to set his own demands: “I could set my own boundaries with ISIS. They needed my network and they treated and paid me well. They tried to take my phones away from me and to shut down my internet business. I refused, explained that I needed it for work and they allowed me to keep it.”<sup>52</sup>

Distinguishing the degree of moral agency that a particular individual possessed, after the fall of the caliphate, is very difficult for those seeking accountability for Islamic State crimes. However, preliminary findings from these interviewees suggest that contrary to some reports, civilian employees could have a degree of moral agency. Civilian employees with in-demand skills, a high degree of specialism, and of economic benefit to the Islamic State appear more likely to have had greater leverage to push back against the group.

#### 5: Future Outlook and Conclusion

Understanding the unique role that Islamic State civilian employees played in its state is essential for analyzing the current evolution and potential future iterations of the Islamic State in Iraq and Syria. Many civilian employees of the Islamic State have presumably been able to continue living in their local area. However, many civilian employees have been detained in Iraqi or Syrian camps as suspected Islamic State ‘affiliates’ and housed alongside Islamic State fighters with limited prospects of facing prosecution in the near term nor transitional justice or rehabilitation initiatives. The numbers of Islamic State affiliates in these detention settings are not insignificant: Al-Hol is the largest Syrian IDP camp for people who were affiliated with the Islamic State or who fled the Islamic State-held territory, and in October 2020, there were 64,007 persons held there by the Kurdish Syrian Democratic Forces, of which 86 percent were Iraqi or Syrian.<sup>53</sup> Iraq, at one time, maintained IDP camps that housed a total of 240,000 persons who were either affiliated with or lived in the Islamic State-controlled territory but has now closed all but two of those facilities.<sup>54</sup> Given the size of the Islamic

State civilian workforce, presumably a significant number of those detained with suspected connections to the group who were detained in Syria and Iraq were civilian employees and presumably a significant number are still alive.<sup>i</sup>

The procedure of prosecuting Islamic State civilian employees in Iraqi courts has been severely criticized for the swiftness of its trials, the overreliance on secret informants, and an effectively non-existent public defense system, among other issues.<sup>55</sup> The attitudes of local (non-affiliated) Iraqis and Syrians toward punishment of the Islamic State civilian employees differs depending on both the actions of the civilian employee and the role they had, and this has implications for reintegration.<sup>56</sup> As an interviewee in a survey conducted by Vera Mironova stated: “There would have been no ISIS if civilians would not have helped them run their Islamic State. But by working for them, they helped the organization function. An Islamic State fighter could not go and kill people if he did not have a proper breakfast cooked by a civilian ISIS employee.”<sup>57</sup>

The varying degree of moral agency enjoyed by Islamic State civilian employees has implications for criminal culpability. Many *muba`yain* were certainly coerced to become members of the Islamic State; however, the author’s interview data suggests that there were many civilian employees who ignored the Islamic State’s demands and choose to remain as *munasirin* rather than becoming members, despite the threat of direct violence and material and

financial incentives. In general, there has been a tendency within prosecuting authorities—and within the wider counterterrorism community generally—not to differentiate between these two categories of employees and to treat Islamic State ‘affiliates’ as one homogenous category. However, this article has shown that there are substantive differences between the two categories and that civilian employees often did not know they had joined Islamic State and often had limited moral agency. The focus of both prosecuting authorities and the counterterrorism community assessing current threats should therefore be placed on prosecuting *muba`yain* who willingly joined the group.<sup>58</sup>

The Islamic State still retains its state-building ambition with an additional ideological desire of restoring its ‘fallen caliphate.’ Any Islamic State attempt at rebuilding its state will again require the extensive use of civilian employees. The many thousands of surviving former civilian employees represent a potential recruitment pool for a future workforce for another Islamic State caliphate project. There are certainly grievances the Islamic State could exploit. Many of its former civilian workers are in long-term detention in often dire sanitary conditions, with little prospects of facing a fair trial or reintegration, while others face discrimination and difficulties building a livelihood. A displaced gas engineer from Homs, now residing in Turkey, told the author: “I fled Syria in 2017 as I did not want to be in prison. They [the SDF] know I worked for Islamic State and they will punish me. I cannot find any real work now, only laboring for a few hours. I hated Islamic State, of course, but they let me work and paid me well some of the time. If it was between this and the Islamic State, I choose the Islamic State.”<sup>59</sup>

Understanding the Islamic State’s categorization of, use of, and reliance on civilian employees is, therefore, not only of interest to prosecutors and the counterterrorism community but also essential for analyzing the potential future trajectory of the group’s state-building project. **CTC**

i It is impossible to say how many of these detained suspected Islamic State-affiliated persons in Syria and Iraq were civilian employees of Islamic State as no surveys of these persons have been conducted. An unknown number of civilian employees of the Islamic State have been prosecuted and found guilty in the courts of Autonomous Administration of North and East Syria. See Tanya Mehra and Matthew Wentworth, “New Kid on the Block: Prosecution of ISIS Fighters by the Autonomous Administration of North and East Syria,” International Centre for Counter-Terrorism - The Hague, March 16, 2021.

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