

# **Recognition of Governments and the Taliban Rule in Afghanistan**



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A thesis submitted in partial fulfillment of the requirements for the  
degree of MS Peace and Conflict Studies

Supervisor

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**Islamabad**

**(August 2022)**



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*“In the Name of Allah, the Most Beneficent, the Most Merciful.”*

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It is certified that the contents and form of the MS thesis titled “**Recognition of Governments and the Taliban Rule in Afghanistan**” written by **Ms. Tayyaba Razzaq (Registration No. 00000330305)** of Centre for International Peace and Stability has been vetted by the undersigned, found complete in all respects as per NUST status/regulations, is free of plagiarism, errors and mistakes and is accepted as partial fulfillment for the award of MS/MPhil Degree. It is further certified that the necessary amendments as pointed out by the GEC members of the scholars have also been incorporated in the said thesis and have been found satisfactory for the requirement of the degree.

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## **Author's Declaration**

I, **Tayyaba Razzaq**, hereby state that my MS thesis titled, “**Recognition of Governments and the Taliban Rule in Afghanistan**” is my own work and has not been submitted previously by me for taking any degree from National University of Sciences and Technology (NUST), Islamabad, or anywhere else in the country/world.

At any time if my statement is found to be incorrect even after my Graduation, the university has the right to withdraw my MS degree.

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Name of Student: (Tayyaba Razzaq)

Date: 31 August 2022

## Dedication

I dedicate this Thesis to my parents, Abdul Razzaq Khan & Yasmeen Razzaq-for their endless love, support, prayers and encouragement. And to my country Pakistan-without you I'm nothing & with you, I'm everything.

افراد کے ہاتھوں میں ہے اقوام کی تقدیر  
ہر فرد ہے ملت کے مقدر کا ستارا



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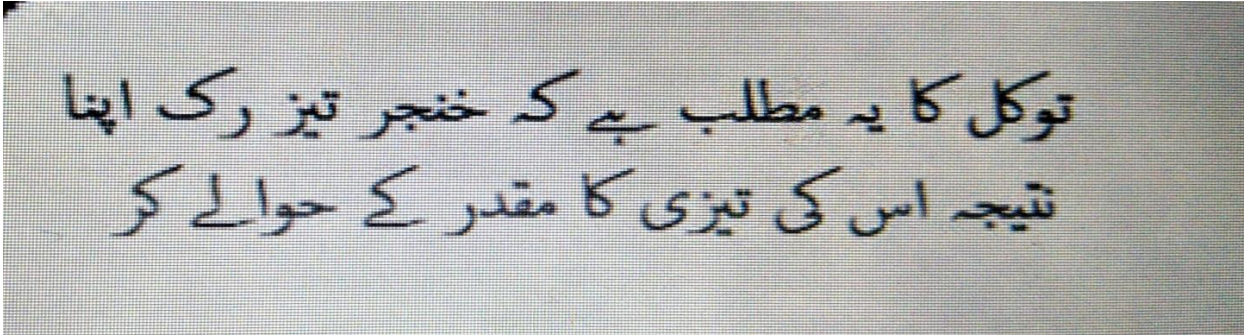
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## **Abstract**

This study focuses on contributing to the field of peace and conflict studies, with a special focus on International Law and recognition of Governments. It analysis Taliban takeover in the 1990s and in the year 2021. Observers, both within and outside Afghanistan, are wondering how the country will fare under the newly-announced care-taker setup, with the international community still contemplating whether to engage with or isolate the Taliban. Hence this research, will show how Taliban government might seek international recognition that would contribute in not only stabilizing the south Asian region, but also protect human rights and strategies leading towards more inclusive and comparatively stable Afghanistan. The findings of this analysis will help pave the way for the think tanks to tackle the emerging issue of Taliban legitimacy regarding interim government and help eliminate the risks that will cost peace and result in destabilization of Afghan by highlighting ways through which the government can be effective. The Methodology had Explanatory and descriptive approach: The main idea revolves around the concept of legitimacy and legality that is further supported by the concepts of doctrine of effectiveness and obligations. Research was also conducted diverse sources for content analysis – including local and international media and social media posts and stories in English, Pashto and Urdu languages. The conceptual framework explains the legitimacy, effectiveness and obligations that are expected from a revolutionary government for the sake of recognition. It also explores how power politics shapes and influences the international environment. The different chapters not only covers conceptual framework, but also Recognition of Governments, Understanding Taliban Rules in Afghanistan and lastly Recognition of Taliban Rule with future implications.

***Keywords: Afghanistan, International Law, Interim government, Obligations, Legitimacy, Legality, Power Politics, International Instruments.***

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## Chapter One

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### Introduction

The United States government officially declared the end of its twenty-year-long war in Afghanistan on August 31, 2021. Concerns were voiced over the apparent simplicity with which Afghan soldiers in Kabul surrendered and coalition forces departed from the city. As a direct consequence of this development, the Taliban and its supporters were able to complete their conquest of Afghanistan by seizing control of the nation's capital (Mohabat, 2021). Afghanistan, which had been plagued by conflict and instability for four decades, was turned "upside down and inside out" as a result of this departure, according quote a journalist for the BBC named Lyse Doucet (BBC, 2021b). In spite of this, and to the astonishment of many people, the takeover of Kabul and the rest of Afghanistan, with the exception of the Panjshir valley, was carried out with very little violence and strife, in contrast to the takeover that the Taliban carried out in the 1990s (Amowitz, Heisler, & Iacopino, 2003). As the international world continues to deliberate over whether or not to interact with or isolate the Taliban, observers both within and outside of Afghanistan are curious about how the country will do under the recently established caretaker structure (Wong & Wang, 2021; Tolo, 2021; Kashgarian, 2021).

Beginning on a note that was relatively conciliatory (albeit only in the mainstream and social media), work restrictions on women and a crackdown on journalists and young protestors, protesting both the Taliban and Pakistan's role in the Afghan conflict indicate both the trajectory of an Afghanistan governed by the Taliban as well as the resistance the group will face from young and educated Afghans in the future (Mohabat, 2021). On the other side, the Taliban made an announcement on their caretaker arrangement on September 7, 2021 (Fedricca & Peddeo, 2021). Initially, it appeared as though the Taliban intended to construct a government that was "inclusive" of all parties. Without going into any detail, in their own terms, "inclusive" meant the inclusion of all of the representative (ethnic and religious) groups in the country. However, the list of cabinet members and high officials was remarkable for the participation of Taliban and Haqqani hard-liner members and sympathizers (such as the United States-sanctioned Sirajuddin Haqqani), as well as the absence of women in any significant posts. (Mohabat, 2021). There were just two Tajiks and one Uzbek in the 33-person establishment, and their names were Qari Din Mohammad Hanif and

Qari Fasihuddin. Mawlawi Abdul Salam Hanafi was the lone Uzbek (Ahmad, 2021). Following the declaration of the formal establishment of the Taliban, the process of official and diplomatic contact with the Taliban has also begun in the surrounding regions. A ministerial-level meeting on Afghanistan was organized by Pakistan, which was attended by the foreign ministers of China, Iran, Tajikistan, Turkmenistan, and Uzbekistan. China has offered financial assistance in the amount of USD 31 million, and Pakistan is often accused of providing covert support to the Taliban and hosting the Haqqani Network on its territory (PTI, 2021; Wong & Wang, 2021). When it comes to fundamental human rights at the national level, notably those pertaining to the media and gender, the reality still paints a bleak image. This is especially the case (Wong & Wang, 2021; Tolo, 2021; Kashgarian, 2021).

This research examines the ever-changing reality on the ground in Afghanistan and what the future may hold for the war-torn country under the rule of the Taliban. This context provides the backdrop for the analysis. The thesis takes an explanatory and descriptive approach and analyses content from a variety of sources, including local and international media as well as social media posts and stories written in English, Pashto, and Urdu. The goal of the research is to provide a picture of Afghanistan's present and future geopolitical and economic landscapes. In addition, as a result of the topic's recency, the majority of the material of the research is derived not only from social media posts and news articles but also from secondary data. When dealing with the Taliban regime, the international community, and particularly the western bloc, should take into consideration the short-, medium-, and long-term recommendations that are included in this research. These recommendations were written with the most recent events in mind (Wong & Wang, 2021; Tolo, 2021; Kashgarian, 2021). These recommendations center on ensuring gender equality and the rights of the media, evacuating Afghans and foreign nationals who are in danger, sending a clear message regarding the Taliban from the western bloc, developing a possible working relationship with the Taliban regime, and concentrating on the well-being of the Afghan people over the long term.

## **Background**

On August 15, 2021, in the midst of the withdrawal of the United States and NATO from Afghanistan, the Taliban were able to take control of Kabul. On the same day, the incumbent President of Afghanistan, Ashraf Ghani, left the country after issuing a statement on his Facebook

page acknowledging the Taliban's ground victory. This statement, which has been widely interpreted as a resignation and will be discussed further below, may or may not have met the constitutional requirements for a presidential resignation (Fedricca & Peddeo, 2021). Amarullah Saleh, who had served as Afghanistan's First Vice President under Ghani, later said that he was the "caretaker" president of the country, despite the fact that it is believed that he has also departed the country. Nevertheless, it appears like the Taliban control the great majority of Afghanistan's land, despite the fact that the Afghan constitution does not specify who is eligible to assume the presidency in Afghanistan. In addition, the Taliban proclaimed themselves to be the Islamic Emirate of Afghanistan, and on September 7, 2021, they announced the establishment of a new government that would be composed, for the most part, of recognizable Taliban officials (Fedricca & Peddeo, 2021).

## **Conceptual Framework**

It is believed that when any government exercises its power by revolutionary means than it is considered as de facto government under international law. Such possession, although not dependent on the recognition by one or more states but the de facto government does have obligations of international law (Peterson, 2019; Murphy, 1999; Vidmar, 2016). This recognition is more politically encapsulated in many ways where recognizing is a far more complex phenomenon including self-interest and world order. It is a complex phenomenon as involving the matter of recognition of a government that is revolutionary and is on control by force or the constitutional government is denied by other state is merely itself a violation of International law (Vidmar, 2016).

For the above mentioned reasons, it is really a critical issue to understand which state is going to stand for the identity of Afghan government (Fedricca & Peddeo, 2021). Which state would mention or represent Afghan government at the UN and other international institutions (Peterson, 1983). However the term "legitimacy" is an important factor for a recognition of de facto government. Legitimate, often has a right and justification to exercise power in their own state and develop diplomatic terms outside border. As since decades of practice and experience legitimacy has proved itself to be more effective in decisions to recognize a government. The relationship of legitimacy with the government is in different ways. Firstly, the legitimacy prominently in the current arena is considered as a democratic legitimacy- which means that the support of popular



public and the representative of present government through legal means. It is more focused on the constitutional legitimacy- which means that international actors in this regard prefer elections and a government that controls through diplomatic means (Cochran, 1968).

There is another form of gaining “legitimacy” and that is completely intrastate matter. Whether to recognize a new government or not, with respect to international law, is through the most fundamental human right- the own population of that state. Let’s consider an example of France when it was recognized NTC government as the Libyan government, and declared the government of Ghaddafi very violent and prone to most serious crimes (Chen, 1951; Soe, 1958). It was a moment when Ghaddafi government had lost control over the Libyan territory and resulted in For-recognition by their own people.

Additionally, Locke also talks about the government’s and its recognition, he highlights that the foremost purpose of government is to protect and secure fundamental rights especially those rights that the individual cannot effectively protect in a state of nature (Chen, 1951; Soe, 1958). Therefore, if a caretaker government even if it is by a revolutionary means, focuses on gaining trust of the public by protecting their natural rights would be made easier to have a democratic legitimacy (Chen, 1951). Jean further adds that legitimacy can also be explained in the extent where the people naturally accepts the government instead of questioning the faction through which they actually belong. Piano emphasis that legitimacy is an important component of authority when power is to be exercised (Lauterpacht, 1945).

On their other hand if a government is in power by unconstitutional means, then it questions the sovereignty and legitimacy of the state hood (Chen, 1951; Soe, 1958; Peterson, 1983). The Tobar doctrine have emphasized on the non-recognition of the unconstitutional government. It focuses on the concept that a recognition must only be granted to the government if it has an administration that came into power through legal and legitimate democratic means. The example of China and North Korea is important to understand in this concept, as they were not recognized by the major power-American until 1979 (Peterson, 1983; Talmon, 1998; Lauterpacht, 1945). Moreover, In contrast to this point of view it is a reflection of the Estrada doctrine which says that even a government in power has enforced its power through revolutionary and unconstitutional means- still it does not need the recognition of other sovereign governments. This is the reason that even

if Bangladesh government was not recognized by Pakistan for 3 years, it still remained and exercised its power (Peterson, 1983).

However, the prime form of legitimacy that is validated by its contemporary practice is called as constitutional legitimacy. In a nutshell, contemporary practice specifies about international law which gives inclination towards a constitutionally-valid control of government that came to power against any political party which is effectively in the control (Peterson, 1983; Talmon, 1998). This is in contrast to the historical practice, which in general considered an effective entity to be the government of a state. However, international law does not currently (and it is unclear whether it ever will) consider constitutionality to be a necessary prerequisite for governmental status. In point of fact, international law makes it possible for an effective body to lack any constitutionally recognized claims (Peterson, 1983; Talmon, 1998; Lauterpacht, 1945).

## **Literature Review**

The recognition of government in international arena is a political paradigm where the politics and national interests are exercised for their own benefits. Hence, at international level, political disapproval of an effective regime or so called interim government merely depends upon the international environment and the world order (Korsak, 1949; Talmon, 2000; Ribbelink, 1999). Under international law, it must be understood that the recognition to an authority that claims to be the government of an independent state is a matter to meet political discretion that is to concede few elements of international relations under the umbrella of international law. They are often changing the circumstances of expediency (Amowitz, Heisler, & Iacopino 2003).

In spite of the fact that they have established nearly total authority on the country, Afghanistan, since reclaiming its power almost a year, it is noticed that Taliban's are facing difficulty in terms of securing their international legitimacy for their administration in the midst of a rising humanitarian and economic catastrophe (Jaeger & Siddique, 2018).

On August 15, 2021 an Islamist group took control of Kabul, the capital of Afghanistan, as the Western-backed government of Afghanistan was collapsing and the United States and its allies were withdrawing their forces from the nation (Tolo, 2021).

However, the international community has been dissuaded from recognizing the Taliban as legitimate rulers due to concerns regarding human rights, in particular those pertaining to women's

rights, the Taliban's relations to terrorist organizations that are the prime indications of security threats, and lastly the inclusivity lacking in the new government's administration in the capital, Kabul (Wong & Wang, 2021; Tolo, 2021; Kashgarian, 2021).

Since they retook power, the Taliban have suppressed all forms of dissent, barred the majority of women from working outside the home and prevented the majority of girls from entering secondary education (Wong & Wang, 2021; Tolo, 2021). The faction that adheres to a strict interpretation of their version of Islam has been brought back by several limitations that they used to impose during the control in Afghanistan from 1996 to 2001. This lasted from the time period when it was in power (Jaeger & Siddique, 2018).

In the past several months, activists, especially female in Afghanistan, were jailed and then were later released for protesting against the restriction of their rights (Mohabat, 2021). At the same time, journalists constantly complain about the Taliban authorities restricting their press freedoms and using violence against them (Tolo, 2021). In addition, it has also been reported that the troops of Taliban have carried out paybacks against the officials of previous government the dysfunctional administration which was supported by the West. This is despite the fact that the Taliban has also announced a blanket forgiveness to all the Afghans after they gained control on the mid of August (Wong & Wang, 2021; Tolo, 2021).

The government officials in the capital, Kabul, have denied charges that they have engaged in repression or reprisals, and they have insisted that they respect all the rights of the people of Afghan, including the rights of women and their education, so long as it is done so within the parameters of "Islamic rules" along with the consideration of Afghan culture itself. Also at that time, those authorities which were associated with the Taliban have justified the practice of arresting anyone "who violate the law" (Jaeger & Siddique, 2018).

Suhail Shaheen also Emphasizes on the permanent representative of Taliban which were designated in the United Nations, and government has satisfied entirely of the prerequisites necessary for it to be granted international recognition. This information was provided to VOA by the Taliban. "We have complete dominion over Afghanistan, including all of its territory and all of its borders. We have the backing of the people of Afghan, and in light of these circumstances, our administration ought to be publicly acknowledged " Shaheen remarked. The United States of America along with many of Islamic countries, especially Afghanistan's direct neighbors

especially Pakistan, are of opinion that Taliban must show and practice obligations more before claiming their legitimacy for their government before they can seek legitimacy for their reign (Mohabat, 2021).

Additionally, Tom West, who is the United States special representative for the Afghanistan, made these remarks while he was speaking at a seminar in Washington. He said that "I find so far an encouraging degree of unity [internationally] when it comes to holding on recognition for more meaningful steps toward respect for the rights of all Afghans," West said. "I find so far an encouraging degree of unity internationally when it comes to holding on recognition for more meaningful steps toward respect for the rights of all Afghans, for a move toward a more representative government." (Mohabat, 2021).

West mentioned that during his conversation with representatives from the Taliban, he considered them to be "quite serious in their aim to contain" militants from the Islamic State within the country. However, he gave off an impression of being suspicious of the efforts that the Taliban are making to enclose al-Qaida, adding that United States will "like to have greater confidence in the initiatives" that could be taken against that terrorist network (Jaeger & Siddique, 2018).

The Ambassador of the United States stated that he has voiced concerns regarding retaliation killings as well as the disappearance of critics of the Taliban, stating that such occurrences "are under-reported" and that those involved have not yet been held accountable for their actions (Kashgarian, 2021).

The Taliban's assertions that they have fulfilled all of the prerequisites necessary to be recognized as the rightful rulers of the country have been received with skepticism from independent observers. Torek Farhadi, a former official in the Afghan government who is now an analyst, stated that the insistence of the fundamentalist group explains "we go by our customs regarding the women" is not tolerable to other nations. He added that certainly not other nation is willing risk its own reputation by establishing formal diplomatic ties with the Interim Afghan government this time (Wong & Wang, 2021). "Recognizing the Taliban while they offer little clarity on widely accepted rights of women to work and education has been the major turnoff for many countries," Farhadi added. "Many countries have found that doing so has been a significant turnoff." (Wong & Wang, 2021; Tolo, 2021; Kashgarian, 2021).

He stated that the Taliban must realize that they must change because the world does not seem to be interested in reducing generally accepted standards for them (Kashgarian, 2021). "The world is not interested in lowering universal standards for them," he remarked. The fact that Afghanistan does not have a government that is recognized as legitimate "punishes the entire population of the nation," he went on to say, adding that "we hope they do reform" (Kashgarian, 2021; Tolo, 2021; Kashgarian, 2021).

Major leading powers like Russia, China and other Islamic nations, also including Pakistan, are blamed to stay in contact with the Taliban before coming into power in Afghanistan. These countries have also increased their direct engagement with Kabul in last year to assist the Afghan government in addressing the states' ongoing humanitarian crisis and also crippled economic crises. (Wong & Wang, 2021). Moreover, they also disregarded and criticized Taliban's requests of official interim government recognition, mentioning worries about terrorism and highlighting crimes of human rights violations as their justifications (Tolo, 2021; Kashgarian, 2021). In accordance to Michael Kugelman, a senior associate at the Wilson Center in Washington, DC, "No government wants to be the first to recognize the Taliban, which has long been considered as a pariah." (Michael, 2021).

### **Significance of study**

The interim government in Afghanistan is a contemporary issue and such de facto government has much more waiting hurdles in its way. This research will highlight various dimensions that Afghan interim government is facing at the cost of peace and focusing on how it will help in various aspects including security issues, regional issues, highlighting national and international tensions. The findings of this analysis will help pave the way for the think tanks to tackle the emerging issue of Taliban legitimacy regarding interim government and help eliminate the risks that will cost peace and result in destabilization of Afghan by highlighting ways through which the government can be effective To date, scholars primarily working on the case of Afghanistan, have not focused typically on International recognition of Taliban interim government especially under the methodology of content analysis. This unique methodology will show how the speeches and decoding of words are showing the inclusivity of Afghan government so that they are considered legitimate in International world. In addition to this, an in-depth analysis on the speeches of politicians, interviews of peacekeepers and foreign policy advisors will provide such a variety of

ways through which international recognition of Taliban government would be preferred and promoted. Hence, this study will help bridge the concerned knowledge gap and provide achievable solutions.

## **Methodology**

For conducting a research and answering the research questions, qualitative research will be preferred. Relying on the qualitative information, a content analysis would be conducted on the data as it is employed to analyze the presence, meanings and relationships of certain texts and themes. Moreover, it helps to critically evaluate an analysis regardless of the desirability of its results. However in this research, Content Analysis is considered because it will decode the statements of Taliban leaders and the leaders of other neighboring states, which would further help us to understand hidden meanings and messages regarding inclusiveness and international recognition. Data collection will be primary and secondary both. A secondary data like articles and books will be preferred. Primary data will be collected by speeches, statements and also interviewing few experts from Pakistan and Afghanistan to analyze the importance of Afghan stability and its neighbors in a better way. The research is explanatory in nature the main idea revolves around the concept of legitimacy and legality that is further supported by the concepts of doctrine of effectiveness and the doctrine of legitimacy.

## **Research Questions**

- 1) What does legitimacy and effectiveness of interim government mean?
- 2) What kind of challenges are faced by Taliban rule?
- 3) How effectiveness and legitimacy make the Taliban government dependent on international recognition?
- 4) In which ways the caretaker Taliban administration in Afghanistan is trying to win the international acceptance?

## **Research objectives**

1. To understand why Taliban's interim government is not being recognized.
2. To further explore the challenges that are being faced by the Taliban government.
3. To understand the importance that how effectiveness and few obligations on interim government makes Taliban government dependent on International recognition.

4. To explore and analyze the importance of legitimacy of interim Afghan government that is directly linked with Afghan's stability.
5. To understand the intensification of the phenomena that peace would be the cost of not recognizing the interim government.

## Chapter Two

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### **Conceptual framework**

The conceptual framework which helps us to understand the "legal" view of government recognition as opposed to the "political" or "diplomatic", is not one that most people agree with. Many people say that states can refuse to recognize a foreign government with revolutionary roots if they want to use their political power and only think about their own political interests. From that point of view, a government like this should never be recognized. Most writers agree with those who support the political conception of recognition when it comes to recognizing States (Peterson, 1983; Talmon, 1998; Lauterpacht, 1945). However, they are probably in the minority when it comes to recognizing governments. It is interesting that authoritative writers who say there is never a legal duty to recognize a state also say that there is a legal duty to recognize a government (Jaeger & Siddique, 2018). Also, some of the people who say there is never a duty to recognize a government or a right to be recognized as such use language that is hard to understand if you don't assume that there is such a duty and right. The way governments act can also teach us something (Talmon, 1998). Most of the time, they say that a refusal or acceptance of recognition was based on a test of recognition that applies to everyone. The great variety of these tests reveals the flaws in the current recognition process. On the other hand, the assertion that a state is free to pursue any course of action it chooses in regard to this issue is one that is voiced quite infrequently, if ever. This fact, as we've already seen, is an indirect but clear acknowledgement of how legal recognition is (Lauterpacht, 1945).

### **Legitimacy of the origin**

A state whose government is refused on the terms of recognition is deprived of prerogatives of the international personality. Hence, for instance, the former government from which the recognition was withdrawn used to enjoy administrative valid organs and otherwise enjoys foreign assistance from the organizations even after the withdrawal (Lauterpacht, 1945). On the other hand the absence of legitimacy leads to the deprived protection and worse international personality of the unconstitutional government. The legitimacy may be taken, when sometimes, the



constitutionally unlawful authorities will effectively discharge the government functions until the time when new constitutional order is established (Akinyemi, 1975). An interim government is an officially constituted interim government that holds an unpredicted mandate for conducting governmental affairs for a strange term that would most probably last until the election for new government would be announced that will serve for a regular term of that country and have a regular mandate. An interim government is in place till the election for choosing a new government would be held which will serve for a usual term and have a mandate according to the citizen's will (Akinyemi, 1975).

If an interim administration is able to successfully exercise its own political power in the time period of the transition, it is expected that it will successfully generate a confidence not just considering the ability of the participating parties to collaborate on peaceful terms on constant basis, but also in the politically new system which will eventually replace it (Akinyemi, 1975). A caretaker government is also able to provide a road for those who are formerly very disturbing players in terms of shifting it towards peaceful, lawful activity, considerable behavior, similarly, it can offer a pathway for the balance of power to be transformed in such a way as to diminish the ability of disruptors to hinder progress. When a fresh system has widespread its legitimacy, it also makes it challenging for formerly dominant forces in terms of regaining their footing and gain influence (Peterson, 1983; Talmon, 1998; Lauterpacht, 1945). However, not all interim governments are established with positive goals in mind, and even those that are may not be successful in fostering favorable outcomes or creating the conditions necessary for normal political competition in the future (Akinyemi, 1975; Burger, 2003).

In light of this more general context, the few useful actions must be aimed by those who formulate public policy. These concentrate on the two most important aspects of negotiated interim governments: the mandate and the makeup. Governing the mandate made for public by the interim government, providing as much specificity as possible regarding its purpose and priorities (Akinyemi, 1975; Burger, 2003). While the primary focus of the caretaker government is typically on formulating and preparing for the next elections its win the status of a permanent government, this type of government is typically required to carry out a broader range of routine functions (Akinyemi, 1975; Burger, 2003) These include reestablishing security that requires handling of the armed forces, focusing on the deliverance of basic needs and services such as schools,

education and health issues, collecting funds, harmonizing foreign relations with states, and familiarizing immediately required reforms. In light of this, given what is sometimes a limited popular mandate, it may be crucial to differentiate the long-term needs of the interim arrangement from the short-term demands of the arrangement (Akinyemi, 1975).

The question of whether or not recognition came too soon is a matter of fact. In this regard, the customs and practices of different states do not lack the capacity to provide instructive guidance (Tolo, 2021). Therefore, it is safe to reject simple complaints and assertions of sovereignty that are not accompanied by attempts to reestablish the authority that is being questioned, and this has already happened (Zaibihullah, 2021; Thomas, 2021). Formal relinquishing of sovereignty by the legislative authority has never been regarded as a requirement of the lawfulness of recognition, with the exception of fleeting and fruitless attempts to introduce the notion of legitimacy. 9 The recognition of the independence of rebelling provinces by their parents' states is typically a protracted and difficult process. They frequently and pitifully announce with absolute certainty that no such appreciation will ever be forthcoming (Akinyemi, 1975).

In 1576, the Netherlands issued a declaration that they were independent from Spain. After another twenty years, both Great Britain and France officially acknowledged that country's independence. However, the Treaty of Munster in 1648 was the event that officially resulted in Spain relinquishing her claim to sovereign status. In 1668, she acknowledged Portugal as an independent nation, despite the fact that it had only broken away from Spain in 1640 (Zaibihullah, 2021; Thomas, 2021). It wasn't until 1839 that Belgium's mother country finally acknowledged the country's independence, despite the fact that the other European powers had done so in 1831. The United States and Great Britain were the first countries to recognize the independence of Mexico and other Latin American states in 1822; Mexico's home country did not do so until 1836 (Akinyemi, 1975). The United States and Great Britain were quick to follow suit. Within a year following Panama's separation from Colombia in 1903, the majority of states acknowledged the country's independence as a sovereign nation. However, in the case where Colombia when joined, in 1920, the League of Nations, not only made a memorandum of the details for the adoption of Article 10, which addressed that the Contract did not entail the acknowledgment of Panama's

freedom as a sovereign nation. This was the case when Colombia joined the League of Nations (Akinyemi, 1975).

These should, of course, be adapted in accordance with the particular opportunities and restrictions posed by the scenario at hand. When establishing an interim administration, the political settlement, also known as the framework that was agreed and the distribution of power among key actors, is the most important factor to take into consideration (Chen, 1951; Soe, 1958). The settlement is typically reached among powerful people, and it may be predicated on an official document for example, a peace accord or a national pact, or it may simply be based on a shared understanding (Chen, 1951; Soe, 1958).

The legitimacy from which the governments are formed by constitutional means allows the governments to enjoy the international status (Chen, 1951; Soe, 1958). On the other hand the interim government face various non recognition challenges due to its origin and rule. They are subjected to insignificant expectations and no indication to display governments who assert the right to receive, irrespective of the principle and grant to decline recognition. Although it is another opinion that the writers thinking on the political conception of recognition and the absence of international diplomatic relations is the sole result of non-recognition.

The legal and political views of the recognition of governments which may be called as legal or legitimate are mostly distinguished from political and diplomatic view of recognition of governments rather than one which is generally accepted. Although the constituted government is never titled to consider recognition as a matter of law. Some deny that other internationally recognized states does not have a duty to recognize the government of a sovereign state as it is completely an intra state matter. As legitimacy demands international acceptance weather they are on structural level or at international level. Similarly, legitimacy and recognition of interim government is a political question, it is not in accordance to existing division of powers within the state. The act of recognition when it is distinguished from its legal consequences (Chen, 1951; Soe, 1958).

### **Effectiveness of the government**

We must understand generally that the recognition depends also on the intergovernmental relations that are primarily exercised in the international arena. Therefore the recognition must have a pre-condition as compared to the international status of the governments (Lauterpacht, 2012; Akinyemi, 1975; Burger, 2003). The pre-condition merely relies on the effectiveness of the

government. This is to understand that how much a government is able to exercise its authority within an existing state even if it is an unconstitutional government. Hence the question that arises to understand whether the interim government is the government of that state if it is working effectively?

Similarly, authorities can be governments if they are effective in terms of public power and deliverance of services within the state. In case where the government is in exile we must understand that many unconstitutional governments can take control by the public power and deliverance (Lauterpacht, 2012; Akinyemi, 1975; Burger, 2003). Ultimately, as we understand that the recognition counts when the government was not constitutive or was not functionally decisive. Despite such understanding, the recognition of government is considered as a very intra state matter, if the government has a public power along with unconstitutional force it may work there. (Chen, 1951; Soe, 1958).

The recognition of government in international arena is a political paradigm where the politics and national interests are exercised for their own benefits. Hence, at international level, political disapproval of an effective regime or so called interim government merely depends upon the international environment and the world order (Korsak, 1949; Talmon, 2000; Ribbelink, 1999). Under international law, it must be understood that the recognition to an authority that claims to be the government of an independent state is a matter to meet political discretion that is to concede few elements of international relations under the umbrella of international law. They are often changing the circumstances of expediency.

This can lead to instability and lack of legitimacy, as seen in Iraq and Afghanistan in 2003-2005 and 2001-2002 respectively (Korsak, 1949; Talmon, 2000; Ribbelink, 1999). If negotiations are going to be slowed down or perhaps halted, a more broad-based procedure may be more controversial. A medium ground between inclusivity and efficacy can be achieved by being "inclusive enough, for example allowing major leading states or veto power holders whom have the control over future policy, including the military, to participate in the procedure. Such strategy can significantly boost the likelihood of the interim government's success.

A beneficial mediator function in the creation of a government can be played by local characters considering the example of Spain, back in 1975, also the external actors when leading international powers have their interests in the respective country, for example by nominating candidates or

exercising shared decision making. If the selection process for an interim administration is not locally owned and directed, the government risks losing its legitimacy. International actors, if taken seriously, are every so often essential to form such an interim government for instance, by negotiating and mediating the conversations which are prominent due to its installation that happened in Kosovo in 1999 (Korsak, 1949; Talmon, 2000; Ribbelink, 1999). Hence, we must lower the specific circumstances required by some actors, these should be balanced. Thus, considering the legal and political views the interim government has some obligations to prove itself more effective to response to the pressure of recognition.

### **Fulfillment of the obligations**

In addition to this, as far as the recognition of the governments is concerned, a government has some obligations imposed that is surely to be fulfilled. While considering the current case study of Afghan interim government, they have several obligations considering the international pressure.

### **Women rights and Taliban**

Women rights is sensitive issue when it comes under the Afghan government debate. The recognition is directly connected with the human right instruments which are universally accepted by every state. Moreover, during times of humanitarian disaster, women and girls. The rate of violence against women in the home, as well as abuse and exploitation, is on the rise in Afghanistan (Wong & Wang, 2021; Tolo, 2021; Kashgarian, 2021).

According to Elinor Raikes, vice president of the International Rescue Committee and he is also the head of the programme delivery, "We know that during times of crisis, violence against women and girls escalates." "As insecurity grows across Afghanistan, the International Rescue Committee is concerned that there may be a rise in instances of violence against women as well as an increase in instances of child marriage." We are also aware that how the rate of violence committed especially against women and young girls usually increases during times of crisis (Kashgarian, 2021).

In order for women and children to be protected and have their basic requirements met, the leaders of the world must bridge the massive financing vacuum that exists in the humanitarian sector (Kashgarian, 2021).

As of August 2021, only 64 percent of the funding required for the international humanitarian response plan for Afghanistan has been secured. Because of this shortage, it is possible that around 1.2 million children will not have any kind of access towards specialist protection amenities. As a result, these children will be at a greater risk of being victims of abuse, recruitment, forced marriages and underage marriages, child labor issues, harassment and sexual exploitation. And approximately 1.4 million people, the majority includes women who have survived some form of physical or sexual assault, will be left without access to safe spaces where they can receive holistic care (Kashgarian, 2021).

### **Right to education**

On the opening school day of the year in Afghanistan, March 23, excited (female) students arrived at the gates only to find them locked and guarded by armed Taliban members. In spite of the fact that only a few days earlier the de facto authorities had given guarantees that schools would be reopened for girls of the sixth grade and above, although they had prohibited higher education for female students (Kashgarian, 2021). A student from a middle school, from a remote province in southeast Afghanistan shared their excitement about the vision of remaining education and meeting their class fellows and teachers after many months. "I was overjoyed at the prospect of continuing my studies and seeing classmates and teachers after seven months," the student said. "During my prayer at dawn, I thanked Allah for hearing my prayers and allowing me to continue my studies. I ran as fast as I could on foot to go to school, but I was stopped and forced to turn around at gunpoint. The heaviness of melancholy and despondency was oppressive (Talmon, 2000; Ribbelink, 1999).

However, there may be some cause for optimism. When the Taliban previously controlled power, Afghanistan was quite different from how it is today in a number of significant respects. Access to education, employment opportunities, and political participation for women and girls in Afghanistan has seen tremendous improvement in recent years. Most notably, the percentage of illiterate girls has decreased by half. In 2018, there were 9 million pupils enrolled in schools across the country; 3.8 million of those students were female. This indicates a significant leap forward in comparison to the situation in 2001, when there were almost no girls enrolled in schools.

## **Treatment of the prisoners of war**

According to the reports of assistance organizations, inmates received inadequate amounts of daily food to eat and almost no medical attention. The Amnesty International that also went to the prison explained how much it was worried not only about when those prisoners will be released from prison, but also about how they would be able to survive or live in such conditions (Talmon, 2000; Ribbelink, 1999).

Outside of the prison, the Red Cross erected tents and initiated an emergency medical and food distribution programme in an effort to reduce the number of fatalities. Mohammed Ebrir, 18, expressed to the local relief workers that they often felt hungry. "We feel helpless," he said. It was reported by journalists that young guys with prominent ribs were consuming milk in order to restore enough strength to begin eating solid food (Talmon, 2000; Ribbelink, 1999).

According to a statement made by a nutritionist for the Red Cross named Kirsten Gocher to the Washington Post, the condition of the inmates "shows there's been a lack of food for quite some time." Due to the fact that some of the detainees were in such poor health, the Red Cross decided to withhold from washing them. She stated that they would prefer to have unclean convicts for the next week (Talmon, 2000; Ribbelink, 1999)

Although the visit by the Red Cross brought attention to the situation observed at the Sheberghan prison, the circumstances inside institution was already covered in the documentary by especial Physicians known for Human Rights, an organization based in the United States (PHR). The organization came to the following conclusion in its report, which was made public at the end of January: "The facilities are entirely inadequate for the care of the number of people who are now being held there, the food is insufficient in quantity and nutrition, the water supply is unclean, sanitation is virtually nonexistent, clothing is scant, and barred walls open to the elements expose the inhabitants to the conditions of winter" There is an epidemic of disease (Talmon, 2000)

It is difficult to give adequate medical care because there are not enough supplies and the facilities are very basic. There is a widespread outbreak of diarrhea and jaundice, which is most likely caused by hepatitis A. General Jarobak, who was the commanding officer at the time, responded to a question from PHR about the death rate by stating that he did not know the numbers but that

"many, many, many inmates" had already passed away, most commonly from diarrhea and few of them from the disease called pneumonia (Cochran, 1968; Fraenkel, 1925; Davidson, 1991).

The PHR made the following observation: "The commanding officer has reported that the reaction to his demands for extra support and additional resources from the international community has been modest." The leadership in Kabul, together with the American military authorities and assistance organizations, chose to ignore the PHR's report (Talmon, 2000)

At the very least some of the convicts who were finally let free from Sheberghan and other prisons were had to pay substantial payments before their release. An article published in The New York Times states that numerous families had their belongings looted when they attempted to pay off local warlords in order to free members of their own families who had been arrested. The recent release of Sheberghan convicts was reported by the Associated Press to have been accompanied by the payment of a "toll fee" to the jailers in the amount of 30,000 Pakistani rupees each individual. On the journey to Kabul, travelers were extorted for an additional 50,000 rupees by military personnel at a checkpoint (Talmon, 2000; Ribbelink, 1999).

Mr. Hezmotullah, who travelled all the way from Spinboldak in the most southern part of Afghanistan to further negotiate the release of his trapped brother, stated that the process was similar to haggling at a marketplace. They began with 40,000 rupees, and then decreased from there." Many former inmates described awful conditions and acts of abuse that occurred while they were incarcerated. A former inmate named Azizullah, he was 20 years old in that year, rolled up his sleeve to demonstrate how thin he was and added, "I'm a farmer." I tell you, I didn't look like this previously." A new prisoner named Mr. Abdul Ahad elaborated on the situation, saying, "Every seven individuals would get one piece of bread to share, and then a little rice at night." Unfortunately, we do not even get enough water to drink. Only our stomachs were on our minds the entire time (Cochran, 1968; Fraenkel, 1925; Davidson, 1991).

### **Terrorism and security obligations towards other states**

Because of Afghanistan's drastic and notorious events, Afghanistan have repercussions beyond its borders because of its strategic location, which links the Arab and Persian regions with Central Asia and the Indian subcontinent (Telesetsky, 1998; Rashid, 1999).The invasion of Afghanistan by the Soviet Union in 1979 is seen as a watershed moment in the history of the region's



geopolitics. One of the most significant results of the Soviet invasion was the rise of the Afghan Jihad, which, according to some accounts, was orchestrated and financed by the United States of America, Pakistan, and the countries of the Arab Gulf. Although the Afghan Jihad was successful in delaying the advances of the Soviet Union, Eventually, it spawned the Taliban and Al Qaeda, bringing them to the attention of the world at large (Cochran, 1968; Fraenkel, 1925; Davidson, 1991).

Concerned about the resurgence of the Taliban, Central Asian terrorist organizations have begun carrying out their activities once more with the assistance of radicals. Along the border between Afghanistan and the Central Asian Republic, there was a significant uptick in armed conflict during this time period. The Islamic Movement of Uzbekistan and the Islamic Jihad Union had 3,000 militants implanted among the ranks of al-Qaeda and the Tehrik-e-Taliban Pakistan by 2013 (TTP). Between the years of 2008 and 2018, these terrorist organizations exploited the Af-Pak region as a base from which they launched 19 terrorist attacks across the CARs, resulting in the deaths of 138 persons, the majority of whom were killed in Kazakhstan, Tajikistan, and Kyrgyzstan (Davidson, 1991). Roughly ten thousand foreign terrorists from Xinjiang Uyghur Autonomous Region (XUAR) in China, Central Asia, and Pakistan are now operating in Afghanistan, according to a recent study conducted by the United Nations. The majority of these foreign militants are serving in the Khorasan Province's Taliban, al-Qaeda, and Islamic State ranks (ISKP). The presence of Central Asian terrorist groups in Afghanistan raises concerns of a rise in terrorist attacks in that country. (Telesetsky, 1998). (Rashid, 1999). Uzbekistan's Islamic Movement (IMU), Afghanistan's Islamic Jihad Union (IJU), Somalia's Jamaat Ansarullah, and others fall under this category (Cochran, 1968)

### **Clarity of Ideology-Interpretation of Shariah**

These contradictory signals highlight the fact that the Taliban leadership does not practice good governance or transparency. In addition to this, it enables elements of the Taliban and various government institutions throughout Afghanistan to formulate their own local policies based on their own individual interpretations of Sharia. It is generally the case that granting local mullahs the authority to apply their own interpretation of Islam violates the rights of women. However, Haibatullah Akhundzada, the Taliban's top religious leader, appears to have imposed his

conservative vision of Islam on the whole country in the wake of the most recent decision about public education (Telesetsky, 1998; Rashid, 1999).

In Islam, regardless of how the Taliban choose to interpret the religion, both men and women have the same obligation to seek knowledge. In the Holy Scripture known as the Quran, Allah commands people of both sexes to further their education and rebukes those who are ignorant. More than 800 different forms of the term "ilm," which can be translated as "knowledge," can be found throughout the Quran, demonstrating the book's emphasis on education and learning. It encourages everyone to think, wonder, reflect, and learn more about the world around them (Cochran, 1968; Fraenkel, 1925; Davidson, 1991).

The Grand Imam of al-Azhar made these remarks during a March 28 event presented by the United States Institute of Peace, that barring women from public positions or activities that prepare them for public roles is a grave sin that will have "negative consequences on the Day of Judgement" (Davidson, 1991). This statement was made in response to a question posed by the audience. The fact that such statements came from the highest-ranking authority of Sunni Islam is just further indication that the Taliban are not acting in accordance with Islamic principles. In point of fact, only the dictatorship of the Taliban in Afghanistan is the only Muslim nation that prevents girls from receiving an education (Telesetsky, 1998; Rashid, 1999).

### **International Instruments of Human Rights**

In the words of Human Rights Watch's assistant director for women's rights Heather Barr, "Access to education is much more about whether the gate in front of the school is unlocked than it is about whether the school itself is unlocked." "Donors need to discover ways to induce the Taliban to respect the rights of girls and women to education," "Donors need to find ways to induce the Taliban to respect the rights of girls and women to education" (Cochran, 1968).

According to Human Rights Watch, Whether or not the human rights environment for women and girls promotes and incentivizes education is a factor that international funders should consider (Cochran, 1968). The Taliban have made it illegal for women to work for money in almost any profession, with the exception of teaching young girls and providing medical care to other women. Threats have also been made against protesters who have advocated for things like the right to an education and a job, harassed, beaten, and detained by troops affiliated with the Taliban. These

protesters have demanded their rights. Donors and aid providers frequently address concerns over human rights in direct conversations with Taliban authorities. They need to make it abundantly clear that the provision of educational assistance will be contingent on the particular circumstances of each region, but that such assistance will not be allocated to regions in which the authorities prevent women and girls from attending school and from securing employment (Telesetsky, 1998; Rashid, 1999).

## **Power politics and Revolutionary Government**

The lens through which the revolutionary change of the government and the complexity of its region could be understood by the phenomena of power politics. It must be deconstructed to understand that who provided the power to another states to impose obligations on the interim government as it is completely an intra state issue. Moreover, who gave the power to the major powers to call it legal or legitimate? (Telesetsky, 1998; Rashid, 1999). While considering this question, when international law is studied under international relations, the power politics and its influence in the internal and external environment matters a lot. In addition to this, recognition completely depends on the politics. For instance, when Taliban came into power in 90's there were few states who recognized the Afghan government. Later on they faced the consequences by compromising the relations with the major powers in general and US in particular. (Telesetsky, 1998; Rashid, 1999).

Similarly, being a Muslim country and following an Islamic Ideology, apparently it is expected by the Islamic states to recognize the Afghan interim Government. But due to the international environment we must understand that the ideology's not always the driving factor of states when national interests and power comes under the debate. Moreover, If United states and the other powers will have a soft image and behavior towards the Afghan Taliban government than it is possible that the other developed and developing countries will surely recognize the revolutionary government (Soe, 1958).

Despite all this, if the question is raised on the legitimacy and obligations under international law, than the right to impose obligations on another state is also a question to then legality. Who gave the power to actors to call it as a legitimate or unconstitutional government or maybe power politics works like that? (Chen, 1951; Soe, 1958).

## Chapter Three

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### **Recognition of governments: An overview**

It is believed that when the government that has come into power is by the revolutionary means than it is a de facto government. Such possession although not dependent on the recognition by one or more states but the de facto government does have obligations of international law (Burger, 2003). This recognition is more politically encapsulated in many ways where recognizing is a far more complex phenomenon including self-interest and world order (Burger, 2003). It is a complex phenomenon as involving the matter of recognition of a government that is revolutionary and is on control by force or the constitutional government is denied by other state is merely itself a violation of International law (Chen, 1951; Soe, 1958).

For the above mentioned reasons, it is really a critical issue to understand which state is going to stand for the identity of Afghan government (Fedricca & Peddeo, 2021). Which state would mention or represent Afghan government at the UN and other international institutions. However the term “legitimacy” is an important factor for a recognition of de facto government. Legitimate, often has a right and justification to exercise power in their own state and develop diplomatic terms outside border. As since decades of practice and experience legitimacy has proved itself to be more effective in decisions to recognize a government (Hershey, 1920; Fenwick, 1969; Chen, 1951; Soe, 1958). The relationship of legitimacy with the government is in different ways. Firstly, the legitimacy prominently in the current arena is considered as a democratic legitimacy- which means that the support of popular public and the representative of present government through legal means. It is more focused on the constitutional legitimacy- which means that international actors in this regard prefer elections and a government that controls through diplomatic means (Cochran, 1968; Fraenkel, 1925; Davidson, 1991).

There is another form of gaining “legitimacy” and that is completely intrastate matter. Whether to recognize a new government or not with respect to international law, is through the most fundamental human right- the own population of that state. (Cochran, 1968; Fraenkel, 1925; Davidson, 1991). When the French government officially recognized the NTC as Libya's government and called the Ghaddafi regime aggressive and prone to the most heinous crimes, this is an example. It was a moment when Ghaddafi government had lost control over the Libyan territory and resulted in For-recognition by their own people (De Wet, 2019)

Locke argues that the primary function of government is to safeguard individuals' natural rights when doing so would be impossible in a state of nature. Hence, if a government even if it is by a revolutionary means, focuses on gaining trust of the public by protecting their natural rights would be made easier to have a democratic legitimacy (De Wet, 2019) Jean elaborates by suggesting that one measure of a person's legitimacy is the degree to which the general public recognizes them as part of a group without requiring them to prove their allegiance. Succeeding sections stresses the significance of legitimacy to authority, which is a necessary complement to power (De Wet, 2019)

On their other hand if a government is in power by unconstitutional means, than it questions the sovereignty and legitimacy of the state hood (Cochran, 1968; Fraenkel, 1925; Davidson, 1991). The Tobar doctrine have emphasized on the non-recognition of the unconstitutional government. It focuses on the concept that a recognition must only be granted to the government if it has an administration that came into power through legal and legitimate democratic means. The example of China and North Korea is important to understand in this concept, as they were not recognized by the major power-American until 1979 (De Wet, 2019; Talmon, 1992; Kelsen, 1941). Moreover, In contrast to this point of view it is a reflection of the Estrada doctrine which says that even a government in power has enforced its power through revolutionary and unconstitutional means- still it does not need the recognition of other sovereign governments. This is the reason that even if Bangladesh government was not recognized by Pakistan for 3 years, it still remained and exercised its power (De Wet, 2019)

In a nutshell, In contrast to previous practice, which typically viewed an effective entity as a State's government, current experience suggests that international law favors a constitutionally viable claim to power above a political body that is effectively in charge. (De Wet, 2019; Talmon, 1992; Kelsen, 1941). In this regard, historical practice generally treated an effective entity as a State's

government. However, international law has yet to recognize constitutionality as a necessary condition for governmental status (and may never do so). Indeed, In the absence of a constitutionally legitimate claim, international law allows for the existence of an effective body to continue.

There are several different scenarios that can lead to the formation of interim governments, such as the collapse of an existing regime, a negotiated agreement, a special election, or even international intervention. They can have a wide variety of compositions, including national, international, mixed, controlled by a single party, working collaboratively, civilian, military, or hybrid, and they can start at either the national or subnational level. There are many things that fall under their purview, from crafting a new constitution to instituting economic change, to providing or restoring basic services provided by the state. One example of a special duty is the preparation of a new constitution (Talmon, 1992; Kelsen, 1941).

There are a multitude of examples. For instance, when confronted with severe economic difficulties, a schism within the ruling elite, or a resurgent opposition, an existing regime may transform into an interim government in order to either stave off its own collapse or provide more political space for working toward a more permanent recovery or resolution. This can be done to either stave off the regime's demise or provide more room for political maneuvering for example in Spain, from 1975 to the year 1976 and in Indonesia from 1998 to the year 1999. After war, a dictatorship, or a delayed democratic process, an international intervention may lead to the formation of an interim international government as a practical mechanism to resume governance (Jaeger & Siddique, 2018). For example, in East Timor, the UN Transitional Administration served from 1999 to 2002. It is possible for a current regime and the opposition to come to terms on a peace pact or political settlement, which would result in the establishment of an interim government for a predetermined amount of time for example, El Salvador between 1992 and 1994 and Nepal between 2006 and 2008 (Burger, 2003).

This exemplifies the conditions in which the transitional government is the product of talks between two or more political actors navigating the aftermath of a catastrophic catastrophe, armed war, or totalitarian regime (Lauterpacht, 2012; Akinyemi, 1975; Burger, 2003). While political considerations are relevant in every context, they take on an especially vital role during the

negotiation process. In a high-stakes situation when neither side can dictate to the other, compromise is the only option, many political actors who were previously in sharp opposition to one another must discover ways to compromise in order to move forward. The parties confront the additional difficulty of working together to ensure the legitimacy and stability of any type of negotiated interim government throughout the course of what might be a protracted period of time (Mohabat, 2021).

## Chapter Four

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### **Understanding the Taliban rule in Afghanistan**

As of August 31, 2021, the United States has announced that it would officially end its twenty Afghanistan conflict has lasted a year. The seeming ease with which Afghan soldiers in Kabul evacuated and coalition forces departed from the capital sparked concerns. These concerns focused on the proximity of the two events. The Taliban and their allies were able to successfully finish their invasion of Afghanistan by gaining control of the nation's capital as a direct consequence of this occurrence. As a direct consequence of this pullout, Afghanistan, which has been plagued by war and an unstable political environment for four decades, will continue to experience these problems (Johnson, & Waheed, 2011). In spite of this, and to the surprise of a great number of people, It was accomplished with very little bloodshed that the Taliban were able to seize control of Kabul and the rest of Afghanistan (with the exception of the Panjshir region). In contrast to the takeover that the Taliban carried out in the 1990s. Specifically, the Panjshir valley was the only region of Afghanistan that was affected by this. Foreign and domestic watchers of Afghanistan alike are eager to see how the country does under its new caretaker government as the international community continues to deliberate over whether or not to interact with or isolate the Taliban. This is because the caretaker structure was only recently put into place (Farhoumand-Sims, 2007; Najmabadi, 1994).

Since their return to power in August 2021, Taliban officials have not articulated a clear vision for how they aim to reorganize the Afghan state. Some commentators have voiced cautious optimism on the possibility of convincing the Taliban to distance themselves from the most demanding and repressive parts of their former government (Jaeger & Siddique, 2018). This study's goal is to aid negotiators, whether from the international community or Afghan civil society, in finding middle ground between the Taliban's vision of "genuine" Islamic rule and liberal democracy and respect for human rights. This research is being conducted to assist the negotiators in reaching these agreements (Cochran, 1968).



The unexpected return of the Taliban in Afghanistan to power in August 2021 is expected to bring back the form of autocratic Islamist rule that was prevalent in Afghanistan from 1996 to 2001 (Gupta, 2021). Is it possible that the Taliban's views on governance have changed following 9/11? Is it possible for Afghans and members of the global world to negotiate with the Taliban to create a compromise between their "true Islamic system" and Afghanistan's relatively liberal constitution from 2004? The Taliban are as determined today as they were in the 1990s to constructing a government that adheres to both the canonical theories of mediaeval Islam and the current Islamist aim of creating an Islamic state (Farhoumand-Sims, 2007 Najmabadi, 1994). There appears to be a wide range of views within the Taliban movement regarding what an Islamic state should look like. The constitutions of other Islamic countries as well as those of earlier Afghan governments offer a wealth of precedents and insights into probable future developments (Gupta, 2021).

A detailed picture of how they intend to run the country has not yet been provided by Taliban officials. For example, they have moderated their discourse on girls' schooling, but have underlined that policy commitments require stability, funding, and time to implement (Jaeger & Siddique, 2018). There is reason for cautious optimism regarding the possibility that the Taliban can be persuaded by worldwide as well as Afghan civil society interviewees to establish a government that is subtly different, but significantly different, from that which they built during their first period of power and to maintain or refashion at least some elements of the constitutional order that was established in 2004 (Johnson, & Waheed, 2011). If the Taliban accepts a hybrid government that gives the people more power and respects human rights, it could be influenced by diplomatic engagement and international recognition, to a certain degree do so on a number of levels, both in terms of their personalities and their talents; those who are recognised to be subjects of international law and who are also able to engage in international relations fall into this category (Farhoumand-Sims, 2007; Najmabadi, 1994). There has been a decrease in violent crime in the country, but the economy, which relied on foreign aid for decades, is in freefall (Gupta, 2021; Tolo, 2021). There are tens of thousands of Afghans who have either fled the nation or been evacuated, and among them are a sizeable number of educated and powerful elites. Either they are concerned about their capacity to make a living in the future or they are concerned about the loss of their individual liberties under the leadership of a group that takes Islam literally. The Taliban barred girls from going to school and women from working when they were in power in

the late 1990s. Now, a year after the Taliban's takeover of Kabul, the country's president who was supported by the United States has unexpectedly and covertly left office. In the months leading up to the Taliban's seizure of Kabul, the Taliban had launched a military campaign to wrest control of provincial districts from their rivals (Gupta, 2021; Tolo, 2021).

It would appear that the claims in question are amenable to evaluation based on the international personality of the Interim Government and its capacity to carry out its responsibilities. When participating in this kind of activity, there are a number of interesting questions that should be given some consideration (Gupta, 2021). Is there both a factual and a legal foundation for this group's ability to act in the international arena? If this is the case, are there any restrictions on who can join, as well as guidelines for how such an organization should be given an international personality and level of authority? (Tolo, 2021; Najmabadi, 1994). Does the Interim Government adhere to these norms, assuming there are such things? If it does, then the question becomes how and when it should be given the right to act in international law and a personality. When these issues are examined more closely, it becomes clear that entities that participate or are considered to be subjects of international law and are also able to participate in international contacts do so on a variety of levels, both in terms of their personalities and their abilities (Johnson, & Waheed, 2011). This is the case regardless of whether the entity is able to participate in the international interaction or not. If a temporary government in exile is going to make a name and reputation for itself on the international stage, it is going to need to have the ability to maintain control over territory, keep things steady at home, and routinely get people to follow commands. There is partial fulfilment of these conditions by the Interim Government (Gupta, 2021; Tolo, 2021). In some sense, it lacks some of the characteristics that would be expected in a fully-fledged international person. As a consequence of this, it behaves in international law like a peculiar person who has only a limited amount of personality and authority (Gupta, 2021).

### **Comparing the Taliban of the 1990s to those of the 2021s.**

The political discourse of Taliban has taken on a 'fresh' tone since they took control, at least according to media reports. In actuality, despite the group's use of such messages, the group's ideology remains unchanged. The Taliban of 1996 and the Taliban of 2021 still have certain distinctions (Johnson, & Waheed, 2011).

As of 2021, the Taliban in Afghanistan are well-versed in political affairs and actively involved. Having a presence in Doha (Qatar) through the group's political office, which opened in 2013, has given them the opportunity to practice negotiation and diplomacy skills (Gupta, 2021). Because of this, the Taliban have formed alliances with neighboring powers such as Russia and China, and they recently said that China is their principal and "closest partner" (Fisher & Squires, 2021). Attention-grabbing suggestions arose from this statement, because while the Taliban have frequently lamented the plight of Muslims worldwide, particularly in Indian Kashmir, they have recently avoided making overt references to the Uyghur Muslims of China (Monshipouri, 2012; Murphy, 2002; Forsythe, 2009). Because of the Due to the recent courtship of Beijing by the Taliban, Uyghurs born in Afghanistan or currently residing there are terrified of being repatriated to China (Kashgarian, 2021). As a result of geopolitical considerations, China has made it clear that it is willing to negotiate with the Taliban in order to secure major investments in Afghanistan, most notably in the mining and oil industries. The latest declaration made by Beijing regarding aid for Afghanistan in the amount of USD 31 million further demonstrates this willingness (Wong & Wang, 2021; Tolo, 2021; Kashgarian, 2021).

The Taliban gained 'legitimacy' and a 'position of strength' when the United States Under the context of the Doha peace discussions, decided to recognize the group. In this scenario, the Taliban would be considered a "equal" and "powerful" party to the peace process (Gupta, 2021). Because of this, Kabul's Ghani government and the people of Afghanistan both weakened. In an interview with Pashto-language Tolo News, former Nangarhar provincial governor and According to Ziaulhaq Amarkhil, the discussions between the United States and the Taliban not only harmed the democratic system and the democratic principles in Afghanistan, but they also set the stage for the fall of Kabul's civilian administration (Gupta, 2021; Tolo, 2021). For Amarkhil, a decade of civil war in Afghanistan had worn out the Afghan people, and they had no choice but to accept the Taliban's takeover of the province of Nangarhar rather than continue the struggle (Tolo, 2021). As a result of talks with the United States, the Taliban were reportedly able to persuade Afghan army men to surrender, and then posted recordings of the surrender on their social media channels and handles. On social media, the group's fans and sympathizers frequently shared videos in Pashto, a Pashto-speaking language (Jalal, 2021b).

In addition, the so-called "new Talib" is not necessarily a religious seminary aficionado (madrassa). As a group, they now believe that despite the fact that a large number of militants and terrorists may have gone through madrassas, they are now better able to spread their message through the use of the internet, social media, and technology. According to the book written by Neil Krishan Aggarwal titled "The Taliban's Virtual Emirate," the Taliban places a significant amount of reliance on the dissemination of its message across South Asia using social media platforms that support several languages. Multi-lingual platforms allow the group to reach a wider audience, regardless of where they are located in the world (Gupta, 2021; Jaeger & Siddique, 2018). As Zabiullah Mujahid revealed in an interview with Pakistan's Geo News (in Urdu), the group's early pronouncements on terrorism and cultural activities were followed by its absolute rule of Afghanistan. Zabiullah Mujahid's explanation was given in Urdu (Geo, 2021). When Mujahid was asked if his organization would permit music and other cultural activities, he responded by saying that Islam prohibits music (even though the status of music in Islam is up for debate and interpretation), and that people expected them to adopt a regime that was compliant with the Sharia. Muhammad Mujahid also disclosed that the TTP (Tehrik e Taliban Pakistan) anti-Pakistan terror group, saying that it was a Pakistani problem and not an Afghan one. Pakistani intelligence Chief General Faiz Hameed visited Kabul a few days later and spoke with Taliban officials, during which time they reaffirmed their stance that they will not let the TTP to launch attacks on Pakistan from Afghanistan (Gupta, 2021).

On the TTP, The statements made by Mujahid disclosed the Taliban's geopolitical perspective was fluid, pragmatic and changeable (Khare, 2021). Many believe that Pakistan still exerts a significant influence over the organization. Previously, Islamabad was accused of giving covert the Haqqani Network and the Quetta Shura of the Taliban have been provided with operational support in their battle against the coalition and the Afghan security forces (Khare, 2021). The Taliban's towards attention on China after their takeover indicates the regime's relevance to the country's political and economic interests (Khare, 2021). Though it is well accepted that the Taliban movement is supported by Pakistan's intelligence agency, the ISI, the regime would encounter political opposition and protest from young Afghans who despise Pakistan and its role in aiding the Taliban movement. According to a leaked audio message, the ISI chief influenced the Taliban leadership during his visit to Kabul to nominate certain cabinet members (Gupta, 2021). Because of this, the

anti-Pakistan narrative is already gaining traction in Afghanistan. After the ISI chief visited Afghanistan recently, the following is a tweet written in Pashto that was sent out by Rahmatullah Andar, a former member of the Taliban who now works as a spokesman for the National Security Council of the Afghan government (Johnson, & Waheed, 2011).

**Translation:** Although diplomatic ties with other countries are essential, our country cannot afford to place its security in the hands of Pakistan and Iran under the current circumstances. They have never been of any help to Afghanistan in a constructive way. The Taliban need to keep in mind that acts such as inviting Pakistan's intelligence head would only serve to enhance the narrative that is being constructed against them (Taliban).

There are a number of regional powers, including as Russia, China, Qatar, and Iran, which are concerned with this issue also Pakistan owes its success in Kabul to the fact that the Pakistan was the party responsible for bringing the Taliban to the table for negotiations (Monshipouri, 2012; Murphy, 2002; Forsythe, 2009). Afghanistan's Taliban, rather than the civilian Ghani administration, was seen as a better option for Russia and China when it came to dealing with terrorist groups. Because of this, Sher Mohammad Abbas Stanikzai, the deputy political office head for the Taliban, highlighted the organization's aim to create political and economic relations to the nations that are located in the area during a speech that was broadcast on radio and television (Khare, 2021).

He also hoped the Taliban would create cultural, financial, and trade ties with India. Even though it has attacked India for its mistreatment of Muslims in Indian occupied Kashmir, the Taliban's allusion to India reflects its intention to create regional connections (Khare, 2021). Despite Beijing and Moscow's desire to engage diplomatically with the Taliban, the Taliban's reference of China and Russia may be a pressure strategy to have US sanctions repealed (Stancati, 2021; Farge & Nichols, 2021). US sanctions against Taliban leaders went into effect over two decades ago, and as a result the Taliban have been able to operate outside the global financial system since then. Sanctions like these could last longer, allowing the US to keep tabs on the country's political Evacuate US nationals and Afghans with US and western visas from Kabul (Xin, Yunyi, & Wenwen, 2021).

## **Taliban, Al Qaeda, and IS-K: terrorists pursuing terrorists?**

The Taliban have promised to prohibit Al Qaeda and IS-K from attacking other countries. The Al Qaeda's power and influence have waned since September 11, 2001. Since the Taliban leadership continues to support Osama bin Laden's denial of responsibility for the 9/11 attacks and the Taliban's rule in Afghanistan, many people are concerned that Al Qaeda would resuscitate (Pannett, 2021). This suggests that the Taliban have a soft place for Al Qaeda. Recently, Al Qaeda published a declaration of support for Afghanistan's Taliban, congratulating them on their recent triumph. On this historic occasion, we would like to congratulate the Islamic Emirate administration, especially Haibatullah Akhundzada, on this momentous milestone (Mehsud, 2021). Studying that Ayman al Zawahiri, has pledged his devotion to all of the Taliban's top leaders, including Mullah Omar to whom al Zawahiri has previously referred to as "Mullah Omar" (El-Bay, 2021). Al Qaeda may be able to engage in covert operations in Afghanistan with the help of the Taliban, as evidenced by this pact, such as recruitment or social media promotion, due to international demands. A caretaker Interior Minister has been named: Sirajuddin Hasani, head of the infamous Haqqani network. Due to his ties to the Taliban and Al Qaeda, Haqqani is still wanted criminal by the FBI and has a 10 million dollar premium on his head (FBI, 2021). An all-out attack on Al Qaeda is unlikely while Siraj is in charge of domestic security (Xin, Yunyi, & Wenwen, 2021).

The Taliban is still concerned about the IS-K. The August 26, 2021, attack on Kabul International Airport, which resulted in the deaths of over 200 people (mostly Afghans), framed the threat posed by IS-K in Afghanistan. China demanded immediate action from the Taliban after the attack, with a spokesperson for the Chinese government claiming that the Taliban had assured Beijing that no forces would be allowed to damage China via incursions made via Afghanistan (Xin, Yunyi, & Wenwen, 2021). Apparently, it appears like the Taliban plans to take action against the IS-K. Practicality and vagueness are both issues when it comes to taking action (Jaeger & Siddique, 2018). The Taliban has expressed hope that the end of the "foreign occupation" signaled by the US withdrawal from Afghanistan will convince IS-K to stop committing terrorist acts in the local media. It's hard to believe that such remarks are anything but wishful thinking (Xin, Yunyi, & Wenwen, 2021).

When it comes to forgiveness and inclusion, the Taliban as a whole is divided along hierarchical lines (Jaeger & Siddique, 2018). Media professionals, singers, interpreters and cultural symbols have been targeted in rural areas, which is at odds with what Kabul's leaders are stating. IS-K adherents and the Taliban's foot soldiers, particularly all would-be suicide bombers from the fedayeen share the same ideology to IS-K adherents and foot soldiers. It may be tough for these members of the group to launch a full-scale attack on the IS-K. Despite the seriousness of the threat, the Taliban may be exaggerating it to promote the idea that they are the sole "line of defense" against ISIL. It appears, based from what we can see so far, both Beijing and Moscow have bought into this story, which means they will support the Taliban in the ongoing peace talks (Stancati, 2021; Farge & Nichols, 2021).

### **The Taliban and Women's Rights**

The oppressive treatment of women by the Taliban in Afghanistan throughout the 1990s is one of the primary sources of concern over gender rights in that country. As a result, the Taliban explicitly discriminated against women by forbidding them to hold jobs outside the house and banning them from attending school (Stancati, 2021; Farge & Nichols, 2021). Moreover, women needed a male relative, or "mahram," to accompany them at all times, whenever they left their homes (Farhoumand-Sims, 2007; Najmabadi, 1994). Men were also compelled to confine their partners to the house. Today's women in Afghanistan, especially those living in the cities, feel unsafe and threatened when they see Taliban members watching the streets and the government's actions are reminded of the hardship, restrictions, and constraints they endured in the 1990s. In 2020, Afghanistan's national literacy rate was predicted to be 59% for men and 29% for women (UNESCO, 2020). As a result of the US/post-2001 Coalition's presence, Afghanistan's 29.8 percent female literacy rate improved dramatically, compared to the Taliban government in the 1990s (Farhoumand-Sims, 2007; Najmabadi, 1994). Enrollment There will be about 9.5 million students enrolled in Afghan schools by 2020, up from 900,000 in 2001, with 39% of those students being female. This rise occurred after the Taliban's ouster in 2001 (USAID, 2021). In recent years, the percentage of Afghan women in the workforce has risen to 22% (Organization, 2021).

When it comes to their stance on women, the Taliban have purposefully been evasive. (Monshipouri, 2012; Murphy, 2002; Forsythe, 2009). The Taliban's reaction when asked about

their position on the issue is that they support the dissolution of the Ministry for Women's Affairs was in response to a decline in support for women's rights under Sharia law and the vice and virtue ministry was reinstated (Forsythe, 2009). What exactly does the "Taliban support for women's rights" imply in practice is left unexplained. It was recently reported that Stanikzai stated women will not be serving in positions of power under their administration, namely the cabinet (Thomas, 2021; Strohecker, Lewis, & Lawder, 2021; Farge & Nichols, 2021). However, they can function adequately even at very basic levels (BBC, 2021a). Taliban views on Afghan women have not altered, as reaffirmed by this statement. Because of this, many males believe that women are unfit to handle positions of authority or authority-related responsibilities. (Najmabadi, 1994). Conceptions of women's roles in society that are too masculine, as are prevalent in Afghanistan, are problematic (Murphy, 2002). Doubt is raised over whether the Taliban has revised its ideas on gender equality in the wake of its 1990s record, it was distinguished by its demeaning attitude toward women and its lack of female leaders (Farhoumand-Sims, 2007). The Taliban have claimed that women's rights in Afghanistan are in line with Sharia law, but that doesn't mean they won't try to use it as an excuse to restrict those rights in the future. Even now, Afghan women face the same kind of brutal treatment they endured during the Taliban era in the 1990s (Stancati, 2021; Farge & Nichols, 2021). A question with a price tag of a million dollars is how to achieve gender parity in Afghanistan:

In 2021, would the Taliban be different from the ones that ruled Afghanistan in 1996? In both the affirmative and negative sense. Even though they've become more technologically and politically adept, the group still strives to create regional relationships while also seeking political recognition as well as economic benefits (Monshipouri, 2012). As a result, the international world may be able to exert influence on the Taliban to grant Afghan civilians human rights and gender equality for all in exchange for official recognition and material benefits (Thomas, 2021; Strohecker, Lewis, & Lawder, 2021; Farge & Nichols, 2021). No, because a group that has been fighting the United States for two decades and has approximately 5000 suicide bombers ready to go will eventually return to its 'basics'. In a hyper-masculine patriarchal paradigm, women's personal and professional rights are not given full consideration (Farhoumand-Sims, 2007; Najmabadi, 1994). Cultural pursuits, like as women's involvement in the arts and media, are also at odds with such a worldview. Therefore, any pledges made by the Taliban regarding gender equality may be used to



win international recognition and ease restrictions on the country's economy at the beginning (Thomas, 2021; Strohecker, Lewis, & Lawder, 2021; Farge & Nichols, 2021). There is, nevertheless, a gloomy outlook in several sections of the country. Editorial director of Etilaatroz Zaki Daryabi told the tragic story of pregnant police officer Negar who was shot and killed in Ferzkoh, Ghor, with her spouse in front of a crowd of Taliban fighters on September 5, 2021 (Daryabi, 2021). The Taliban have not yet determined whether or not one of their own was responsible for the murder, but they have pledged to look into the case. However, it is because of incidents like these that women across the country feel afraid, particularly in rural areas where media coverage and focus are few (Daryabi, 2021).

## Chapter Five

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### **Recognition and the Taliban rule**

It is an undeniable fact that obtaining control of essential locations, such as the nation's capital and other important cities, as well as administrative and legislative hubs, is of paramount significance in terms of success because it does not have control over these critical locations, the Interim Government does not have jurisdiction over the administrative headquarters and offices of the government. This limitation is a clear restriction on the degree to which its usefulness can be utilized (Johnson, & Waheed, 2011). In spite of this, a certain amount of success has been achieved by the Interim Government, which may be sufficient for a government in exile to develop a certain amount of personality and competence in international law. This degree of effectiveness has been accomplished by seizing a sizable chunk of national land and compromising Kabul's capacity to maintain authority over the rest of the country (Zaibihullah, 2021; Thomas, 2021).

Afghans interim government must have effective activities for recognition. Sometimes constitutionally unlawful authorities effectively charge the functions of the government. (Johnson, & Waheed, 2011). Therefore we must understand that the authorities can be governments because of their formal status or just because of their effective government activities, which also includes the fulfillment of obligations of interim government, and their relations across borders. Hence, constitutionally unlawful governments become an effective government (Telesetsky, 1998; Rashid, 1999).

### **Afghanistan's future: engaging or isolating?**

There were significant disagreements between the leadership of the Haqqani Network and the Taliban before to the announcement of the caretaker arrangement. With much of Kabul's central security apparatus under their control, they intended to be in charge of the new government and wanted Kabul to remain its capital. In light of the fact that network leader Sirajuddin Haqqani hails from Kabul's South-Eastern province, this desire arose. They are considering controlling government matters from Kandahar, which they perceive as the epicenter of Taliban power,

according to current supreme leader Mullah Hebatullah and late leader Mullah Omar's son, Mullah Yaqoob. Initially, the Taliban's declaration of the caretaker government was delayed due to internal frictions, and Mullah Abdul Ghani Baradar was travelling back and forth between the capital city of Kabul and the city of Kandahar in order to discuss the internal workings of the new administration (Johnson, & Waheed, 2011). The international community's attention will now be focused on how the caretaker government operates and performs in terms of ensuring that Afghan individuals have equal access to opportunities and rights (Cook, 1994; Fraser, 1999).

Hebatullah Akhundzada, the country's Supreme Leader, will be in charge of the country's Shura (council) governance style, which is similar to Iran's without elections, after the Taliban's takeover of Afghanistan in a formal sense, along with the announcement of the caretaker setup. At this point, the likelihood of internal and political transformation is extremely low (Zaibihullah, 2021; Thomas, 2021). However, fundamental beliefs about Afghanistan must be reexamined by the international community from a humanitarian rather than a security perspective. More over 38 million people call Afghanistan home; the Taliban has a few thousand members and soldiers. Although embargoes and sanctions will have an impact on the Taliban, they will have a greater impact on the Afghan population (Johnson, & Waheed, 2011). According to media reports, the for reasons related to national security, the government of the United States has frozen about 10 billion dollars of Afghanistan's national reserves (Strohecker, Lewis, & Lawder, 2021). According to recent reports, banks in the country remain closed as a result of the freeze, posing a serious financial and humanitarian dilemma. In addition, Afghans are unable to buy the necessities of life because they lack the means to do so. As long as this condition persists, Afghanistan is on the verge of a civil war and socioeconomic collapse (Johnson, & Waheed, 2011). Afghanistan's future cannot be viewed through a binary securitization lens in 2021, as it was in the 1990s, when both the Taliban's past actions and their future intentions will have negative repercussions for Afghanistan and the Afghan people. There should instead be a focus on how Afghans who have decided to stay in their nation will be affected by any future sanctions (Fraser, 1999; Thomas, 2021)

Concerns of Western countries in Afghanistan include preventing the country from being exploited for terrorist activities against them, guaranteeing gender equality and basic human rights, and averting an unprecedented refugee crisis that would send even more people fleeing to Western

countries (Cook, 1994; Fraser, 1999). The only way to make headway on these issues is to develop a working relationship with the Taliban administration. Additionally, negotiating with Taliban commanders they are still hit with sanctions from the UN and the US and on the "global wanted terrorist" lists offers a challenge (Zaibihullah, 2021; Thomas, 2021). The leader of the Haqqani Network, for which the FBI has placed a \$10 million bounty, is now one of their top 10 most wanted. Sirajuddin Haqqani, was named Afghanistan's Interior Minister. Since his younger brother was assassinated, he has been at the center of peace efforts and inter-Afghan dialogue, Siraj Haqqani, was taken over by the Taliban. Anas and Siraj are heroes in the eyes of the Taliban's supporters. Their followers tell the story of how much they sacrificed to defeat "foreign invaders" in this conflict. 40,000 followers on Twitter is the number of people who follow this supporter (Thomas, 2021).

**Translation:** After a lengthy absence, Anas Haqqani travelled to Paktia to see his birthplace, the town of Garda Serrai. There he was reunited with his family and the locals. There was a time when Americans walked these streets unchallenged; no one dared to ask for their name (due to fear). No matter how long the (black) night of injustice lasts, there is always a new day (light). Therefore, perseverance and patience are crucial in a protracted conflict (Jalal, 2021a).

For the western bloc, this dilemma is compounded by the sentiments expressed by those who support the Afghan Taliban and the Haqqani Network (Zaibihullah, 2021). The Taliban's top officials must be talked to in order to "get things done" both now and in the future. However, the bloc of west would be regarded as legitimizing terrorists by interacting with leaders such as Siraj (Cook, 1994, Fraser, 1999; Thomas, 2021). The West will have to make a call on whether or not a fundamental change is required in Afghanistan, and whether or not former terrorists should be treated as terrorists or as key contributors, in the present and as well as in the future. Sanctions policy in the United States has been static thus far. There has been no movement in Washington to ease restrictions on Taliban leaders like Sirajuddin Haqqani, and the US military views him as a valid target. Zaid Mujahid issued a statement accusing the United States of violating the Doha Agreement and interfering in Afghanistan's domestic affairs (Zaibihullah, 2021). When dealing with 'officials' like Haqqani, this provides a tremendous diplomatic obstacle for the international community to overcome (Fraser, 1999).

Initially, the United States is worried about the pasts of some cabinet members the new defense minister Mohammed Yaqoob is the eldest son of Mullah Umar, and Siraj ud din Haqqani was wanted by the Federal Bureau of Investigation. Concerns expressed by the United States must be highlighted by the Interim Government in order to gain recognition (Zaibihullah, 2021).

Second, the caretaker government needs to place an emphasis on gender rights. International. The rights of women to equality in education, work, and economic and social activities are reaffirmed in Articles 10, 11, and 13 of the Convention on the Elimination of All Forms of Discrimination against Women (Murphy, 2002; Forsythe, 2009).

Thirdly, the interim administration needs to be inclusive. The cabinet members need to include leaders from a variety of sects, and they need to communicate with all Afghans in an effort to foster national unity (Strohecker, Lewis, & Lawder, 2021).

In the fourth place, they need to ensure that there is clear communication. "Do not take the law into your own hands," but which law? Shariah law? What about the law of nations? Law based on the Constitution? (Murphy, 2002).

Fifthly, the recognition of the interim government is entirely predicated on "obligations" and their "legitimacy under International law." As a result, the recognition of nations is predicated on the activities of the Afghan Government (Murphy, 2002).

Sixthly, Considering that no one should be tortured or subjected to any cruel, barbaric, or degrading treatment or punishment, as stated in article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, therefore the Interim government cannot justify itself by beating and punishing protestors. Both the Universal Declaration of Human Rights (article 5) and the International Covenant on Civil and Political Rights (article 7) state that no one shall be tortured (Siebold, 2021; Posaner, 2021).

Seventhly, in accordance with Article 3 of the UDHR, which guaranteeing each individual the fundamental rights as human beings, liberty, and protection from harm to one's person, the prisoners who are in the custody of the interim administration must not be treated in an inhumane manner (Cook, 1994; Fraser, 1999). Providing everyone with the security of knowing they are

protected from physical harm and the freedom to pursue their own interests, In the prisons, Torture or other cruel or brutalization of detainees is not tolerated (Monshipouri, 2012; Murphy, 2002; Forsythe, 2009). As the international world considers what course of action to take in Afghanistan, it may divide its involvement with the Taliban administration into three time frames: immediate, intermediate, and distant (Wong & Wang, 2021; Tolo, 2021; Kashgarian, 2021).

### **A commitment for the short term**

#### **Issues pertaining to gender, the news media, and fundamental human rights**

To ensure Afghans are not left to fend for themselves, The United Nations as well as its member states have a responsibility to guarantee that soldiers from the United States and coalition countries withdraw. In the Panjshir Valley, there have been reports of summary executions (Hakim, 2021). Media and human rights activists are in significant risk because of the lack of coalition forces in rural areas of the country (Strohecker, Lewis, & Lawder, 2021). Isolating the Taliban administration from the rest of the world will almost certainly lead to a recurrence of the 1990s, when the Taliban used worldwide (particularly Western) isolation as a means of defending the severe measures they have implemented throughout the nation. So urgently, the global community must work together with leaders of the Taliban to ensure the safe evacuation of foreign nationals and citizens of other countries from Afghanistan (Strohecker, Lewis, & Lawder, 2021). The global community must engage with the Taliban to reopen Afghan airports if it is to succeed in this endeavor. Airlines from around the world are reluctant to fly into or over Afghanistan, despite agreements with leasing and insurance companies to do so (Jaeger & Siddique, 2018). As a result of these worries, it will take longer for humanitarian aid, such as food and medicine, to reach Afghanistan (Strohecker, Lewis, & Lawder, 2021). As a result, it is essential for Afghan airports to become functioning so that people may be evacuated and humanitarian aid can be delivered (Najmabadi, 1994).

Gender equality as well as freedom of the press are also under threat in our country right now (Siebold, 2021; Posaner, 2021). In order to exert pressure on the regime, the western bloc must maintain contact with the Taliban. As long as the international world, particularly the Western bloc, refuses to discuss or deal with the Taliban, there is a great probability that the countries in

the region may step up to fill the void (Farhoumand-Sims, 2007; Najmabadi, 1994). As a result, the current condition of affairs in Afghanistan differs significantly from that of 1996, given the readiness of the aforementioned six countries to negotiate with the Taliban leadership (Jaeger & Siddique, 2018).

### **Clear communication**

Messages from the West since the Taliban's takeover are a mixed bag. Despite the fact that while the alliance has not yet acknowledged a potential Taliban administration, first remarks have hinted at the possibility of a working partnership being established with the organization (Johnson, & Waheed, 2011). "We do not recognize the Taliban as a government but we do see the significance of interacting and having a direct channel of communication with them," British Foreign Secretary William Hague said in Pakistan (Syed, 2021). Thus according to Josep Borrell, who serves as the High Representative for the European Union in the areas including Foreign Affairs and Defense Policy, "in order to support the Afghan population, we will have to interact with the new government in Afghanistan" during an EU foreign ministers' conference in Slovenia (Siebold, 2021). A flight of Germany's remaining Afghan workers out of Afghanistan has been discussed with the Taliban, according to German Chancellor Angela Merkel (Posaner, 2021). The Western Bloc requires a clear strategic direction for Afghanistan in light of the current and future challenges the country faces, rather than providing contradictory messages. Regardless of whether or not the bloc recognizes the Taliban regime, the message must be clear and precise. The use of mixed messages in Afghanistan policy formulation would only lead to uncertainty and difficulties (Strohecker, Lewis, & Lawder, 2021; Siebold, 2021; Posaner, 2021).

### **Medium term engagement**

#### **Utilizing a desire for recognition by the Taliban**

Working with the Taliban to ensure that they honor their vows to a, provision of equal rights for women and minorities in the government of the future, and the maintenance of an unbiased media can also help to leverage to seek recognition. To keep the Taliban responsible for their commitments on these vital problems, if the organization persists in defying international authority, the world community can use this influence and diplomatic involvement in addition to

economic sanctions (Farhoumand-Sims, 2007). As a final point, any type of recognition of the Taliban regime must not be based solely on the fact that other countries have done so (Cook, 1994; Fraser, 1999). Given the increasing complexity and interdependence of the world's financial markets, it's essential that we find ways to adapt to, it is imperative for Taliban rule to engage with the Western bloc. The international community's involvement in human rights and a representative government should be the cornerstones on which Afghanistan is built (Strohecker, Lewis, & Lawder, 2021).

### **Online communication and policymaking by the Taliban**

To this point, the Taliban have utilized social media effectively to spread their message and propaganda. Western authorities face a tremendous task in fighting the Taliban's social media messages. Moreover, there is a wide range of message content throughout the Taliban's many multilingual channels. Even though Zabihullah Mujahid and Suhail Shaheen, two of the Taliban's most prominent spokesman in English, foot soldiers and social networks personalities with hundreds of followers broadcast conflict-promoting information in Pashto and Dari while releasing neutral statements asking for interaction with the global community (Cook, 1994; Fraser, 1999; Strohecker, Lewis, & Lawder, 2021). Policy regarding the Taliban cannot be developed based on the propaganda of Taliban through English language media because of this reading online discussions in Dari, Pashto, and even Urdu is important for understanding the situation there (Airan, & Rahimi, 2022; Thomas, 2021).

### **Getting hands on Afghanistan's national riches with no hassle**

For security reasons, the US has cut off Afghanistan's accessibility to its almost \$10 billion in national reserves. Access to these reserves would have to be restricted in the future if the West agreed to recognize the Taliban as the country's legitimate government. In the event that there are no interventions in the macro economy in the near future, Afghanistan's currency, the Afghani, has dropped in value relative to the dollar and may continue to do so (Airan, & Rahimi, 2022). The Haqqani network's leaders are still subject to sanctions from the United Nations and the United States. The ramifications of these sanctions for the Afghan people could be far-reaching now that these officials are under the control of the Taliban regime. In the post conflict environment of



Afghanistan, the international community can try talking to the Taliban government about how to improve the economy and create employment in Afghanistan. Afghanistan's economy is still a major source of concern for the country's government (Airan, & Rahimi, 2022; Thomas, 2021). Due to its reliance on international assistance and technical assistance for its economy, Afghanistan would be devastated if the international community suddenly halted all of its help. This might lead to mass migration, food shortages, and economic hardship for millions of people in the region. Terrorists infiltrating into neighboring nations under the guise of refugees are also a threat to regional security as a result of this migration (Johnson, & Waheed, 2011; Thomas, 2021)

### **Long term**

#### **Combating terrorism**

To keep Afghanistan secure and peaceful so that it doesn't threaten regional or global security, the international community may work within certain parameters with the Taliban Cooperation with the Taliban government is still necessary to stop terrorists from using Afghanistan as a base (Cook, 1994; Fraser, 1999). It is also possible that the international community will work with the Taliban government to keep terrorist groups in check and to combat them (Jaeger & Siddique, 2018). The Taliban government in Afghanistan faces the prospect, identical to that of their earlier rule, of the nation returning to an active safe haven as a result of diplomatic boycotts and isolation, which have resulted in various socioeconomic issues (Johnson, & Waheed, 2011). As was previously mentioned, the Taliban's demand for recognition and the easing of international sanctions can be made contingent on the group ensuring that no terrorist activity, including recruiting and operations, takes place within Afghan territory (Airan, & Rahimi, 2022).

#### **The socioeconomic status of the average Afghan population**

Long-term successes in education, healthcare, and the economy under US and coalition forces must be built on to avert a humanitarian crisis in the country. Afghanistan's GDP is expected to reach about USD 19.87 billion in the year 2020, up from 4.055 billion in the year 2002, according to the World Bank (Bank, 2021b). Agriculture was 18.5 percent, industry was 23.9 percent. During this time, the proportion of GDP represented by the amount of money donated as aid fell from about 100 percent of GDP in 2009 to 42.9 percent of GDP in 2020 (Bank, 2021a). It is no longer

feasible for Afghanistan to make a full recovery given that the Taliban have taken control of the nation and the amount of help coming into the country from other countries has considerably decreased (Thomas, 2021). According to the World Bank, "with the flood of aid since 2002, Afghanistan has sustained high economic development and improvements in key social indicators for more than a decade." A booming aid-driven service sector and significant agricultural expansion contributed to the country's average annual growth rate of 9.4 percent between 2003 and 2012 (Johnson, & Waheed, 2011). While this was going on, the amount of money given as aid dropped from about 100% of GDP in the year 2009 to the 42.9 percent of GDP in the year 2020 (Bank, 2021a). Now that the Taliban have gained control of Afghanistan and foreign aid to country has significantly diminished, it is no longer possible for Afghanistan to recover, the country faces a serious economic and humanitarian catastrophe, with the risk of a refugee exodus to other nations (Johnson, & Waheed, 2011). According to the World Food Programme, Nearly fourteen million Afghans are at danger of being hungry (Farge & Nichols, 2021). Western countries have provided significant aid to Afghanistan over the past two decades, but there has to be a way to guarantee that it reaches the country without falling into the hands of the Taliban (Murphy, 2002; Forsythe, 2009).

### **Pakistan's perspective towards recognition of Afghan Interim Government**

Tehreek-e-Taliban Pakistan (TTP) anti-Pakistan militants have kept up their campaign of violence inside Pakistan since the Taliban's takeover, mostly against Pakistani state targets (Airan, & Rahimi, 2022). The TTP's violent campaign against Pakistan is likely to increase now that the Taliban are back in charge (Farge & Nichols, 2021). Through the liberation of TTP commanders and a huge number of TTP fighters who had been imprisoned by the old Afghan government, it has also benefited materially from the Taliban's rise to power. Mufti Noor Wali Mehsud, leader of the TTP, is still stationed in Afghanistan, and he has reaffirmed the TTP's support for the Afghan Taliban (Farge & Nichols, 2021).

Despite this, Pakistan's policy of supporting the Afghan Taliban has not changed despite the mounting threat and violence (Airan, & Rahimi, 2022). The Pakistani government is not placing any conditions on their contact with the Taliban, unlike other countries such as China which is demanding that the Taliban disassociate themselves from terrorist organizations before they will

deal with them. Instead, Pakistani authorities are placing their faith in the Afghan Taliban to assist in reining in the TTP. (Whitlock, 2021; Airan, & Rahimi, 2022). The Afghan Taliban, for their part, are giving vague assurances that Afghan land will not be used as a base of terrorism against other nations, but they are remaining silent on the issue of the TTP. They have not shown any intention to take action against the TTP headquarters and cadres in Afghanistan (Whitlock, 2021). There is a chance that, behind the scenes, they are urging Pakistan to enter into negotiations with the TTP and possibly even helping to facilitate such talks. There were rumors that the Afghan before the overthrow of the previous Afghan government, the Taliban had arranged for talks between the government officials of Pakistan and the TTP also (Thomas, 2021; Strohecker, Lewis, & Lawder, 2021; Farge & Nichols, 2021).

### **Major Power's perspective towards recognition**

When it comes to putting pressure on the Taliban administration, In this day and age, when the United States and other countries have few options left at their disposal, worldwide recognition is a valuable asset. The greater the degree of consistency among nations in employing that lever, the more powerful it will be (Farge & Nichols, 2021). Recognition by Afghanistan's neighbors would lend the Taliban a semblance of legitimacy and provide access too much of the monetary backing, but it would also significantly reduce U.S (Thomas, 2021). The power and influence and the capability to press the Taliban on the most challenging objectives of access for emergency assistance and movement rights for Afghan refugees and on the wider priorities of appropriate positions, the protection of human rights, and counter - insurgency assure.

Humanitarian help should not be contingent on certain activities by the Taliban, as seen by the recent issuing of new licenses to allow higher aid flows and increasing European Union humanitarian aid (Wong & Wang, 2021; Tolo, 2021; Kashgarian, 2021). The challenge, though, is how to provide aid to the Afghan government to reduce poverty without giving legitimacy to the Taliban. The United States' regional engagement should include a call for regional allies to maintain their solidarity in non-recognition and work with assistance donors to provide much-needed supplies. The Taliban's efforts to be held accountable on the crucial fronts of governance, rights, and terrorism could be hampered if the neighbors formally acknowledge them (Cook, 1994; Fraser, 1999). However, this might be a test bed for rewarding the Taliban should modify its

actions so that the area may engage the Taliban in productive ways that are consistent with American goals (Farge & Nichols, 2021).

Longtime member and former spokesman for the group's elected positions in Qatar, Suhail Shaheen, was nominated by the Taliban to serve as their ambassador to the United Nations as part of their appointment of top members to formal government roles (Thomas, 2021; Strohecker, Lewis, & Lawder, 2021; Farge & Nichols, 2021). They have regularly encouraged foreign embassies, including those from the United States and European states, to return to Kabul in press announcements that they have released. In addition, the organization has kept up a consistent pace of high-level diplomacy with a variety of states in the neighborhood and the region as a whole, such as China, India and Russia (Whitlock, 2021; Airan, & Rahimi, 2022).

## Chapter Six

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### Conclusion

A lot of the Taliban's efforts to gain or build international legitimacy may be traced back to the group's desperate financial situation, namely its wish to have cash unfrozen and various forms of help supplied. This may explain why the Taliban have made so many overtures (Whitlock, 2021; Airan, & Rahimi, 2022). A severe humanitarian catastrophe was brought on as a direct result of the Taliban's takeover of Afghanistan one year ago, which was then followed by economic sanctions and other restrictions imposed on the country by the international world. The Afghan women, children, and girls in particular have been affected the most severely. Afghan women have watched their rights vanish before their very eyes over the past two decades, and the hopes and aspirations of young girls for their futures have been dashed as a result. In the meantime, as a result of the country's ongoing economic crisis, virtually all of the population is currently experiencing hunger, and they have restricted access to health care as well as other necessities (Whitlock, 2021; Airan, & Rahimi, 2022).

On the other hand, the Taliban have made it quite plain over and over again that preserving their own internal coherence and demonstrating their control within Afghanistan are their highest priorities. Women and other political stakeholders are not represented in the current caretaker administration, which is made up completely of their own leadership. However, the caretaker government does include a number of officials who are sanctioned internationally (Wong & Wang, 2021). Despite the fact that the United States, Russia, China, and Pakistan issued a united diplomatic statement advocating against a rebirth of the title, The Afghan government is now known as the Islamic Emirate after being rebranded by the group. They disregarded the order and went forward anyhow (Whitlock, 2021; Airan, & Rahimi, 2022). The rank and file of the organization have put an end to the demonstrations that were taking place all throughout the country; protesters and journalists are being jailed and beaten (Wong & Wang, 2021; Tolo, 2021; Kashgarian, 2021). The leadership of the Taliban has dismantled The Ministry of Women's Affairs effectively prohibited female

children from attending school, it prevented women from entering the workforce in many fields (Instead of its historically infamous Ministry for the Propagation of Virtue and the Prevention of Vice). At least some factions within the group have pushed for and began the adoption of despicable policies, such as the public hanging of convicted criminals (Whitlock, 2021; Airan, & Rahimi, 2022).

First of all, when the recognition comes under consideration, gaining legitimacy and meeting obligations are two of the most important priorities for the interim government. According to the findings of this research, governments, even if they are administering the state by unconstitutional means, are nevertheless expected to demonstrate that they are effective in their roles.

As a result of the fact that the Taliban's interpretation of Sharia is not recognized on an international level, the international community is gravely concerned about gender discrimination and women's rights. There is still a lack of inclusion among cabinet members, which demonstrates that the national cohesion of Afghanistan is not given sufficient concern. The current caretaker government requires a favorable response from the international community, and inclusivity and flexibility are the keys to getting that response.

The emphasis should be placed on guaranteeing the gender equality and also guaranteeing the civil liberties of the media, the evacuation of Afghan and foreign nationals who are in danger, the transmission of unambiguous messages regarding the Taliban from either the western bloc, the exploration of the possibility of establishing a cooperative partnership with both the Taliban regime, as well as the maintenance of a primary focus on the health and safety of the Afghan individuals for the duration of an extended period of time. The strategy of "going with your own way and making others immune" is ineffective when used on a global scale. Because of the current political climate, international aid cannot be delivered to Afghanistan by way of the Taliban. This makes it far more difficult for the international community to alleviate the grave humanitarian catastrophe that Afghanistan is experiencing. There are a number of very persuasive arguments in favor of not recognizing the Taliban administration; but, doing so creates a number of significant roadblocks for the delivery of the international economic aid that Afghanistan so desperately requires. And the people of Afghanistan, not the Taliban administration, are the ones who suffer the most from this conflict.

West noted that the U.s is collaborating with other foreign stakeholders and partners to assist in addressing the worsening economic and humanitarian situations. He noted that it is probable for such attempts to persist despite the fact that Taliban are unable to keep good on their vows regarding the worse behavior as well as other rights problems. He also stated that this applies to the situation regardless of the Taliban's actions. To be more specific, he emphasized that this is probably going to be the situation. Officials affiliated with the Taliban still controls around a dozen of Afghanistan's thirty four different regions, they have allowed women to return to work in the healthcare system, opened both private and government universities to female students, and allowed girls to re-enter secondary school (Cook, 1994; Fraser,1999).They have vowed to let all girls to go to school once again the next month, justifying the delays on budgetary restrictions and the length of time required to guarantee that ladies resume studies in conformity of Islamic Sharia law. They promised that all females may go back to school beginning the next month. Therefore, in regional diplomacy, despite the fact that although the Taliban may have temporarily stabilized the situation in Afghanistan, the future of the country remains uncertain. This information indicates that factions led by minority Tajiks have sworn to fight back against the Islamist leadership. There is a chance that the Taliban's power may be tested in the coming months, when the country's customary battle season begins.

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