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## The Rabble of International Community over Afghanistan and the Recognition of Taliban Government

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### ABSTRACT

It is to highlight the responsibility of the international community, and the concerns of the Afghan people under international law in the wake of the Taliban takeover on 15/ August/ 2021. Considering the apprehensions of Afghans under the rule of the Taliban in Afghanistan and the prodigious behavior of global polity, and regional powers to the recognition of the Taliban as a political party and finally the legitimate leadership of Afghanistan has legal domestic, international, and regional implications for Afghan people. The recent engagement of the international community with the Taliban government and the dynamics of political statements of the nations around the world and regional states have created a domino effect for recognition among regional powers over the course of the short history of the Taliban government in Afghanistan including the United Nations' response. A considerable segment of the international community is looking for economic, political, and strategic interests rather than international norms of diplomacy, human rights, and other international considerations for the recognition of the Taliban government. This paper investigates the interdependence between international law, regional politics, and human rights in the wake of the Taliban's takeover of Afghanistan. The paper also provides a conceptual framework for international recognition of the Taliban's government, it critically analyzes the international community's engagement with the Taliban's emergence as the de facto government and the broader implications for both Afghan citizens and global actors.

**Keywords:** Recognition, International Community, Afghanistan, Afghan People, Taliban, International Law.

### Introduction

It was a long and hidden journey between US and the Taliban from Barak Obama's administration away from the lens of media and the people of Afghanistan eye sight that latter determined the future of Afghan people, the agreement took place in Doha Qatar and was brought before media by Taliban spoke person in Doha during an interview with Efe News on Sunday March 2/ 2018, after the agreement Taliban was recognized by the international community as a political party, and were considered the coming government of Afghanistan, legalized that collation of former enemies with an international peace agreement informally behind the close doors. After the takeover of Kabul on the 15th of August 2021, a dramatic change of political power took place and the Taliban started to take control of all 34 provinces of Afghanistan. This seizure of power

not only resulted in the fall of the democratic government of Afghanistan and the withdrawal of NATO, and US forces from Afghanistan but also brought violent implications for Afghan people and regional countries varying from country to country depending upon the level of relation they had and the proximity of countries to Afghanistan.

With the control of Kabul, they started to form an interim government by abolishing the current political system and the constitution of the country that governed Afghanistan for the last 20 years. Taliban with their leaders had to come up with a political system in accordance with their political will, backed by rigid Islamic rules to justify their worldview. Coming into power international community has to think of the Taliban's government recognition, keeping in view the legal and legitimate status of their government because the formal recognition of any government by the international community is a very sensitive and complex issue that depends on various factors including; government internal legitimacy, adherence to international norms and human rights standards and the interest of individual countries and regional and international organization which is a very important question of the current day debate on international form in eve of the grave human rights violations, by violating Human Rights Law. However, the feedback of the regional and international powers regarding the recognition of the Taliban government is more political and economic interest driven rather than the other important factors that are inalienable in any case. The approach of this paper to the problem will be from a conceptual framework of recognition in accordance with international law, the concerns of Afghan people and the international community, the response to the Taliban government, and will bring some recommendations that will highlight the possible conduct of international community which will lead to the conclusion of the paper.

### **The Concept of Recognition in International Law**

In simple terms the concept of recognition is the acceptance or acknowledgment but in the context of states' practice in international politics, states relations in the international arena and in the Context of International law the term refers to the act of legal personality (state, international organization or government) by which a state or an international organization acknowledges the existence of another legal personality government. It is a formal process through which a state starts legal diplomatic relations with another state in the international arena through mutual consent of both states. Recognition can occur in different forms including De Jure, De Facto and Conditional Recognition the former refers to the acceptance of a state or government as legal and legitimate entity. De Jure recognition implies that the recognizing state formally considers the recognized entity to possess all the attributes of the government and is entitled to all the rights and obligations under international law. It establishes formal diplomatic relations and often involves the exchange of ambassadors or diplomatic missions. It also implies the rule of

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succession and retroactive effects accepting all the previous activities of a state or government as legal and legitimate actions under their legislation dated in the past. (Talmon, 1998)

The latter is an acknowledgment of the factual existence and control of a government or political entity, even if it may not meet all the criteria for government or legal recognition. It signifies that a state accepts the practical realities on the ground and is willing to engage with the recognized entity without necessarily conferring full legal status or legitimacy. (Talmon, 1998)

The conditional recognition occurs when a state or international organization acknowledges a government or political entity but imposes certain conditions or requirements for maintaining or upgrading the recognition. These conditions often relate to issues such as human rights, adherence to international law, peaceful resolution of disputes, or democratic governance. It's important to note that recognition is a political act and not solely determined by legal criteria. The decision to recognize or withhold recognition is within the discretion of each state or organization and can be influenced by political, strategic, economic, and moral considerations. There is no universal or binding rule in international law that governs the recognition of states or governments, but the concerns of human rights violations, adherence to the norms of international law, and customary practices and precedents have emerged over time to guide these decisions (Evans, 2014)

The UN after its establishment in 1945, brought some regulations to bring clarity and uniformity in international conduct on different topic into the realm of international conduct of diplomacy, to regulate the recognition of new entities. UN included the recognition of those 14 topics that had to be articulated by it, after the detailed examination of states' conduct through the course of history in their relations with other states it was concluded by the International Law Commission in 1949, that there was no uniformity in states conduct in the context of recognition and was delt more on the bases of political will and economic interest of the states to grant recognition to a state or new government.

However, it is to be taken in view the presence of different doctrines in international law that somehow regulate the behavior of the state regarding the recognition of the new government in the international arena including the Tobar doctrine and Estrada doctrines. The Estrada doctrine suggests that upon the establishment of de facto government in other countries Mexico will not extend recognition because it is considered a degrading practice to intervene in the sovereignty of other states recognition puts them in a vulnerable position because their internal affairs can be judged by other government which bring about a critical attitude when deciding about the legality and legitimacy of another government. Estrada was a Mexican foreign minister who presented the doctrine in 1930, in the wake of their personal experience as it was difficult to obtain recognition for its independence. In simple, it means that the recognition of a new government should only be based on the effectiveness of the government, the ability of the government to have control of the territory or its people, and their

ability rather than democratic and constitutional means. In contrast, the Tobar doctrine was presented by the foreign minister of Ecuador Carlos Tobar in 1907 which states that any new government should only be recognized if the cited government came to power through democratic and constitutional means, (Malanczuk, 2002)

In recent times, most of the states in the international community are pro-Tobar doctrine in the west and pro-Estrada in the east, thus for more Central and South Asian countries are more inclined to be silent about the recognition of the Taliban government in Afghanistan led by China and Russia that indicate a more prodigious behavior to have diplomatic relations with Taliban government under their strategic political and economic interest.

### **International Community in Sense of Major Powers and the Recognition of Taliban Government**

The intentional community represents the community of world states interacting in the international arena, which is a complex construct of diversity representing the ideology, political influence, economic power, and social construction of the society in a more or less distinct typical way. (Bruno Simma, 01 May 1998)The ideological diversity was more into the bloc system back in the Cold War, the world was representing two different ideological blocs led by two major powers of the world at the time a communist bloc and a capitalist bloc led by the Soviet Union and the United States accordingly. However, the current international community has the US as a major power but the international system cannot be considered unipolar, it is because of the presence of more economic, political, and military powers in the current system including China in East Asia, Russia in North Asia some Central European countries all of them are trying to enhance their political influence in international community.

After the 9/11 incident, the US along with NATO allies were involved in Afghanistan against terrorism through the UN legitimation of Afghan invasion in self-defense under the UN charter, without a clear decision and Resolution of the Security Council, which resulted in the fall of the previous Taliban government and established a new political system ensuring fundamental human rights and women rights with the constitutional representation of government. After two decades of war against terrorist, the US estimated their losses in Afghanistan and the completion of the mission of the US against terrorist groups in the region concluded to leave Afghanistan. To ensure the withdrawal of US military forces from Afghanistan. The Obama Administration initiated the peace process in 2013 with Taliban leadership in Doha Qatar, (Ejaz, 2022) neglecting the current political leadership of Afghanistan in agreement with the Taliban by the Trump Administration in 2020, which is considered by academician legalization of Taliban as a political party through the legitimized international peace agreement by technical tactics of US politics to popularize the agreed agreement through the

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consent of already terrified and broken people of Afghanistan taken through compensation of peace in Afghanistan. Agreements with the US Taliban have given a sense of victory over the democratic government of Afghanistan on the ground eventually undermining the political and military influence of the government, the regional politics were dramatically changing day by day leading to the fall of the Afghan government on 15<sup>th</sup> August 2021. (Verma, 2020)

Now, it was a crucial stage of that collation of two fronts that were established through an international peace agreement (Refers to the US-led countries and Taliban) to decide on the recognition of Taliban as a legitimate government of Afghanistan openly and formally, sticking to the agreement the US-led states were cautious about the formal recognition of Taliban government keeping three thematic articles of agreement: (Qazi, 2020) 1 The inclusive government through the lens of their strategic and political interest in region and Afghanistan. 2 The nature of Taliban relations with other terrorist groups in region and international terrorist networks that will ensure their security. 3 The fundamental human rights that will ensure the standard of international norms and influence of the UN agencies. However, the political statements of the US-led bloc can be viewed as a salient and informal recognition of their conduct with the Taliban. The recent statements of the UN cannot be neglected to hold a conference in Doha Qatar (1 and 2 May 2023) on Taliban government recognition that was later taken back by the UN after a wide reaction from political leadership and human rights activists.

To counter the argument that the US lost its influence and presence in Afghanistan would be a misunderstanding of the presence of US strategic allies around Afghanistan. The US has established its formal diplomatic channels through diplomatic missions of other countries where Qatar has very organized and crucial role to play. After the UN statements about the conference on Taliban in Qatar Doha on May 1, 2023, the visit of the prime minister of Qatar with the foreign minister joined by the Intelligence chief of Qatar on Friday, May 13, 2023, to Kandahar to meet the Taliban officials, indicate the intentions of the western bloc on Taliban recognition. It was the first international visit of a foreign Prime minister to Afghanistan in such a crucial period of time when the international community held international debates on the recognition of the Taliban government. Backed by the official statements of the US government on April 26, 2023, announcing the death of the ISIS mastermind that led the Kabul Airport attack on August 26, 2021, popularizing the Taliban alignment to one of the thematic articles of the agreement “the nature of Taliban relation with international terrorist groups”. The US-led block might have the concerns about the political vacuum in Afghanistan if they do not come to the fore, it is the possibility of another regional or international power to fill that vacuum with their support as they perceive China to be that power in the region.

To sum up, the Western bloc and especially the US seems in no hurry to formally recognize the Taliban government as the legitimate government of Afghanistan undermining the other two conditioned articles of the agreement and

the concerns of Afghan people regarding their future under the Taliban government however, the informal relations through its allies diplomatic mission is constant in this regard.

### **The Role and Response of Regional Powers**

The leading forces in central and south Asia are the two regional and international powers including China and Russia both politically and economically, because of the proximity with Afghanistan they have established their prime interest in Afghanistan which is converging mostly around the economic and geopolitical interests of these nations. The rise of China as an economic and political power has brought estimated concerns for the Western bloc that can be seen in clashes with Australia in the South China Sea rendering Chinese international trade has changed the intention of China to work on regional connectivity which can cover the major part of the market economy of China and will reduce the estimated influence of western bloc over the international trade of China. Regional diplomacy in the presence of a political vacuum in Afghanistan under the Taliban is turning inside out for Russia and China after the withdrawal of the US, and NATO forces from Afghanistan. China before the Taliban seizure of power in Afghanistan was willingly trying to establish formal diplomatic channels with the Taliban. On July 28, 2021 state councilor and foreign minister Wang Yi met with Taliban delegation led by head of the Taliban political commission Mulla Abul Ghani Beradar to discuss the Afghan peace process. Wang Yi pointed out that “Afghan Taliban are important military and political force” (NEWS, 28 Jul 2021) however, it can be considered as the evidence of following Estrada doctrines in presence of legitimate and internationally recognized government this act of chine diplomats was considered against the diplomatic norms of a country, in presence of a legitimate, and popularly accepted government internally (Afghan People) and externally by international community in Afghanistan and a complete breach of the international norms of sovereignty of a state, that collective deviance from the international norms of diplomacy and interference in internal problems of a state have a long history of revolutions and violent implications for the population of the state that may initiate the reciprocal consequences for initiator too, where Beradar ensuring that Taliban will never let any terrorist group to use Afghan soil against China, the movement was the establishment of new ties with Taliban by recognizing Taliban as major political and military power in Afghanistan to secure their prime interest of security against East Turkistan Islamic Movement in Afghanistan. However, China is a regional power and has more strategic and economic interests in Afghanistan including the extraction of natural gas, and petroleum, including the rare Earth metal coper. China owns its inclusive right to work on the Mis Aynak project located in Logar Province which were signed in 2007 with previous government of Afghanistan but was halted due to the extreme conflict that was hitting Logar at that time extraction of the mine

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that were estimated was 11.5 Millions of copper deposit (RFE/RL's, 2024) and other broad side to be considered in this regard is the China Pakistan Economic Corridor for regional connectivity that will lead them to build a 290 km long expressway between Peshawar and Kabul to connect Central and South Asian countries and Amu Darya oil contract signed between Taliban and Chinese Xinjiang Central Asia Petroleum and Gas Company, in the continuation of their first approach to Taliban and their concerns about East Turkistan Movement (Ali, 13 Nov 2020) the recent meeting of Pakistan, China and Taliban foreign ministers was reported to largely circling around economic interests of China and Pakistan held in Islamabad on May 6, 2023, however the Chinese foreign minister after the meeting pointed out that Taliban government has issued a written letter to him that Taliban will ensure security against East Turkistan Movement, the delegation also discussed about de facto status of Afghan authorities.

As regional powers China and Russia lead the South and central countries to have strong hold and mutually beneficial interests in Afghanistan under the Taliban government both countries emphasize regional stability and Development of the region by counterterrorism efforts, enhancing economic opportunities, infrastructure development, and geopolitical influence. Regional stability is crucial for China and Russia to protect their own borders and prevent the spread of extremism and terrorism. Afghanistan being a potential breeding ground for such threats, both countries are motivated to work together, and with the Taliban to ensure stability and regional trade, by utilizing the strategic geographical location of Afghanistan as it is gateway to Central, South and Middle East both countries see economic opportunities in Afghanistan. China's Belt and Road Initiative aims to boost regional connectivity and trade, and Afghanistan's strategic location could play a vital role in this vision. Russia, too, is interested in resource extraction, infrastructure development, and trade routes that could enhance economic cooperation in the region. Geopolitical influence is a significant factor for both China and Russia. They aim to maintain a presence in Afghanistan to shape the country's political landscape and have a say in its future developments. By engaging with the Taliban, they secure a seat at the negotiating table and assert their influence in the region. This extension of hands toward the Taliban government in Afghanistan somehow creates a likely domino effect in Asian political dynamics to accept the Taliban representation in their countries as a de facto government and develop diplomatic ties with the Taliban. United Arab Emirates and Uzbekistan are the two that got attention in the past few days, the recent development in diplomatic relations of the Taliban and regional countries is evident to enhance their political and economic interests with these particular nations that may lead to full and formal recognition of Taliban government.

## **Response and Concerns of Afghan People to the Rabbles of International Community**

Afghanistan has been the graveyard of human rights for the last few decades due to religious and ideological extremism and the geopolitical importance of the country for regional and international powers, almost no part of Afghan society has been lifted untouched and no hands are clean. Leading from the invasion of the Soviet Union and the established civil wars by regional and international military intelligence agencies to the rise of religious extremists to power and the invasion of US, and NATO forces, and the rise of the Taliban to power once again on the 15<sup>th</sup> of August 2021 has been considered the pre-planned and calculated crimes against human rights in Afghanistan by experts around the world, which made Afghanistan a living hell for human rights (Rubin,2003). Taliban is the regional Islamic extremist movement that emerged in the early 1990s and came to power by seizure of Kabul in 1996, tackling President Burhanuddin Rabbani due to the civil war in Afghanistan. During the first regime of the Taliban, they established the so-called Islamic Emarat of Afghanistan, undermining the historical background of Afghanistan's existence and its people applying the rigid Islamic rules to forcibly justify their worldview against the political and ideological will of the people which were never approved by Islamic world except Pakistan, Saudi Arabia and United Arab Emirate.

The level of satisfaction and need based rights of genders are essential part of a government, where people can observe inclusive presence of themselves in structure of public government and social society regardless of difference of gender to work, participate and fulfill their basic needs and to achieve the higher level of progress in freedom of their decisions making process of personal life. Women rights in Afghanistan have been the part of conflict for decades following the history of warlords, religious pretext and cultural boundaries that kept women in a suspicious position and suppressed their due rights, where Taliban were the major elements as a cause of religious pretext in the recent history of Afghanistan who arose from provincial capital of Kandahar and extended to all parts of Afghanistan in short history of their arrival to Kabul after the fall of democratic government of Dr. Najibullah in 1992. women rights have been affected by reforms of public institutions with different ideologies that kept fluctuating during the history time and time again including socialist, democratic and rigid Islamic institutions that took place and fluctuated the socialist and democratic reforms of public institutions, with these fluctuation of ideologies economic, cultural, political and social policies of Afghanistan changed after the fall of every government in Afghanistan accordingly.

During the past 2 decades from 2001, to 2021, social activists, government and international organizations have brought a lot of positive changes in public institutions in form of women rights including women participation in public structure of the government, women representation in political activities, and



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social structure of society, that provided several opportunities and freedom to work, get education and social movability to women. With the dramatic fall of the democratic government of Afghanistan (Islamic Republic of Afghanistan) on 15th August 2021 into the hands of the Taliban, women again found themselves in an unprecedented and suspicious position to think of their future in the hands of the people who have proven nothing than that of denial and infringement of their due rights. (Nehan, 2022)

After the fall of Islamic Republic of Afghanistan, in just 11 days brought an end to the dreams of young women and girls across the country that they were following for years, women in Kabul, Kandahar, Mazar-e-Sharif, Herat and other big cities threatened by Taliban new regime to relinquish their job, education, social activities, political activities, those who are working in media and bounded them to their doorsteps, women who were previously involved in international organizations for women rights, political and social activists took their activities underground, and reacted to the new regressive policies in a different way to speak for their due rights, especially for those young girls that have been bounded from school to attend, women teachers opened hidden and underground schools supported by social activists protestants to work and raise their voice, and call upon international community to support their rights in Afghanistan as international community left them in a dark, and an uncertain situation,

A former parliamentarian and senior women rights activist in Afghanistan Shukria Barakzai told in an interview on 10/12/2021 with [Azadi Radio] that I was a bear witness of the previous government of Taliban. She also points out to the women's rights violations they carried out in 1996 to 2001. She claimed that the Taliban have not changed as they were propagating a soft and humble image in Qatar (Doha) to the international community during negotiations with America. She further added that the Taliban are repeating the same excuses to distract women and violate their rights as they were excusing at the time of their previous regime. That they are working on a platform to bring the women back and we will allow them to do their jobs, education, and social and political activities. By five years of their rule in Afghanistan, they not only provided the circumference they were promising for but also brutally denied young girls from education.

### **Conclusion**

In summary, it is evident with popular statements of the United Nations, and aftermath visit of the Qatari prime minister to Kandahar coupled with change in the dynamics of political statements in the region; and international conferences that took place recently including China, Pakistan, and Taliban meetings to state that international and regional powers are converging again over the Taliban government recognition for their economic and political interests undermining: the political background of Afghanistan, the concerns of Afghan people, the violations of human rights, and the legal status of recognition in case of Taliban that can have

legal implications for the region and the international community by compromising the international norms of diplomacy and sovereignty of the state. It is the legal and moral right of the Afghan people to urge the international community in regard to international law, international norms of diplomacy and sovereignty of the state for their due rights under any government that will be recognized by the international community.

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