Recognition of the Taliban Government in Afghanistan and International Community

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Abstract

The purpose of this paper is to study the responses and concerns of the international community vis-à-vis the Taliban government in Afghanistan as the Taliban takeover of Kabul in 2021 is a significant regional development having domestic, regional and global implications. Regarding the recognition of the Taliban government, the important states of the international community are responding with caution based on their strategic calculations, political values and long-term foreign policy goals in the regions adjoining Afghanistan. The states having stakes in Afghanistan are mainly divided in two groups: The US-led group and the China-Russia-led group. This paper finds that the US-led group will find it more challenging to engage with and recognise the Taliban government and, at the same time, the China-Russia group will try to fill the strategic vacuum in Afghanistan left by the United States (US) and its allies by having a more active engagement with the Taliban government. This paper also studies the realignments of the important regional states to respond to the unfolding situation in Afghanistan. Through qualitative research methodology, this paper contributes to enhancing the understanding and knowledge regarding Afghanistan and its significance at both regional and international level.

Keywords: International Community, Recognition of Government, Taliban Government, Afghanistan, Strategic Vacuum.

Introduction

The Taliban’s takeover of Kabul on August 15, 2021 resulted in a quick and sudden change of power in Afghanistan. The Taliban established their control in almost all provinces of Afghanistan in a short period of time.

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After taking over Kabul, they announced an interim government with important Taliban leaders as the members of the Cabinet. The Qatar-based Peace Process between the United States (US) and the Taliban resulted in an agreement between the US and the Taliban paving way for the complete withdrawal of the US and other international forces from Afghanistan.1 This process not only resulted in ending the twenty year US “War on Terror” in Afghanistan but it also culminated in emboldening the Taliban to capture and control Afghan territories through force instead of an Afghan-led and supported intra-Afghan dialogue.

Soon after the takeover, the Taliban renounced the existing political system and the Afghan constitution providing for the basis of the overall governing structures in Afghanistan. The Taliban would attempt to come up with a political system based on their world view and political aspirations inspired by strict interpretations of Islam. With the Taliban coming into power, the international community is faced with the question of whether to grant recognition to their government or not. The international community refers to the community of states having a variety of interactions and multiple patterns of relationship with each other. In the context of this paper, the international community refers to the important powerful states, both at global and regional level, having stakes and interests linked with the issue of recognition of the Taliban government in Afghanistan. The paper has been divided in the following sections: First, the conceptual framework of the study; secondly, the methodological approach; thirdly, recognition of the Taliban government: responses and concerns of the international community; and the final section carries conclusion of the paper.

**Conceptual Framework of the Study**

This part of the study attempts to explain the concept of the ‘recognition of governments’ in the context of International Law and International Relations. In simple terms, recognition means acknowledgment and acceptance but in the terminology of International Law and international politics, the term means the acknowledgement and acceptance of the international personality of either a new state or a new government. The

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United Nations (UN) after its formation as a universal international organisation attempted to codify international laws for some important areas of international conduct to bring clarity and certainty in the realm of international politics. In 1949, the International Law Commission included the topic of recognition in the list of the fourteen topics selected for codification to guide the conduct of states in important areas of international conduct.\(^2\)

The International Law Commission after a detailed analysis and deliberations, concluded that there was no uniformity in state practices regarding the process of recognition and it had been practiced more as a matter of foreign policy and political expediency instead of a legal duty. In this context, and until the present, it is not considered a legal obligation of states to recognise a new state or government and each state decides the matter keeping in consideration its own political interests and ideological orientation. The concepts of recognition of states and governments seem similar but both are technically different from each other and the differences need to be explained for understanding the analysis and findings of the study.

The recognition of state means the acknowledgment of the statehood and international personality of a new state. International Legal Personality means the ability of an international entity to have rights, duties and the capacity to claim its rights according to International Law. The number of states in the international community has not remained constant. New states have come into existence in recent times as a result of the disintegration of the existing states or the decolonisation. The establishment of Pakistan, India, Bangladesh, Israel and the Central Asian Republics illustrates this fact. Similarly, the number of founding members of the UN was 51 but now the number has increased to 193 member states. The entry of a new state to the international community is granted through the process of recognition accorded by the already existing member states of the international community. Through recognition, the recognising state acknowledges the statehood of the new state asking it to fulfill its international obligations according to acceptable norms of international conduct. There are two divergent perspectives regarding the recognition of states: the constitutive theory and the declaratory theory.

The constitutive theorists believe that there can be no statehood without recognition. This theory advocates that a new state must be recognised to become a member of the international community. In contrast, the declaratory theorists believe that recognition is just a declaratory act and it has no value for judging and determining the status of a new state and it means that when a state fulfills the prerequisites of statehood then it automatically becomes the subject of international law. Kelsen has attempted to synthesise both the theories to provide a holistic conceptual picture for the phenomenon of recognition of states by introducing two types of statehood: natural statehood and juridical statehood. He believes that for juridical statehood recognition of the international community is mandatory but for natural statehood, recognition is not required by a new state fulfilling the essential criteria and attributes of statehood.

The recognition of a government, on the other hand, is the acceptance and acknowledgment of the authority of a new government in an existing state. If the government in a state changes through normal political processes, then the question of recognition does not arise. However, if the change in a government is through unconstitutional revolutionary means and as a result of force then the matter of recognising that new regime becomes important for the international community. Approval of the change implies the willingness of the recognising state to engage and have full-time diplomatic interaction with the new government of that state. In this regard, through recognition, the authority and legitimacy of the new government is acknowledged and accepted. After the establishment of the Peoples Republic of China in 1949, the US refused to recognise the government of the Communist Party of China until 1979. In that case, the statehood of China was not in question rather the question at the time was whether the communist government of China was the legitimate and representative government of China. The examples of the post-revolutionary regime in

Iran and the Taliban government of 1996 in Afghanistan can also be cited in this regard.

There are two competing doctrines in International Law which have attempted to direct and guide states’ behaviour on the recognition of new governments: the Tobar doctrine and the Estrada doctrine. Both these doctrines originated in Latin America. The Tobar doctrine, presented by Carlos Tobar (1853-1920), ex-Foreign Minister of Ecuador, in 1907 advocates that a new government in a state should only be recognised if it has come to power through democratic, constitutional and popular means. The Estrada doctrine, enunciated by Genaro Estrada (1887-1937), the Mexican Minister of Foreign Affairs, in 1930, in contrast, advocates that the criteria for recognising new regimes should be the level of their stability and control of the state instead of their democratic nature. In the context of the recognition of the Taliban government in Afghanistan, the US-led states seems to be influenced by the Tobar doctrine and the China-Russia-led group seems to be practically applying the guidelines of the Estrada doctrine.

Both the recognition of state and government is a matter of foreign policy and political interests, therefore, there is less uniformity in state practice regarding the recognition of new governments as well. In recent times, members of the international community, have responded to the recognition of new regimes with a policy of silence. In doing so, their recognition meant engagement but without declared recognition.

Similarly, concerning the Taliban government in Afghanistan, the question before the international community is not the statehood of Afghanistan but the question of the acceptance of the Taliban government as the legitimate representative of the Afghan people in the international community and its international institutions.

This research paper has used a qualitative research design mainly based on content analysis. The statements of important leaders and the contents of newspapers and research articles have been analysed to

8 Weeks, Presidential Studies, 496.
9 Weeks, Presidential Studies, 497.
forecast about the possible behaviour of important states of the international community concerning the Taliban regime in Afghanistan. Through this methodology, the responses and concerns of the international community have been explored by focusing on different interpretations advocated by the prominent leaders of the important states. For the conceptual framework of the study; along with the concepts of international relations, the study has also taken help from the method of legal doctrinal research. The broader conceptual framework, developed at the beginning of the study, also helps to analyse and understand the importance of recognition for the Taliban government in Afghanistan to gain acceptance and membership of the international community.

**Taliban Government in Afghanistan and International Community**

The international community as a diverse community, refers to the community of states interacting in the realm of international politics. The diversity of this community is manifested by the variety of its actors and the differences in their capabilities and power. During the Cold War, the international community was broadly divided into two blocs on an ideological basis. A third bloc of nonaligned states also existed but this bloc could also not maintain its complete non-alignment on the prevailing issues of world politics. Although the contemporary international community has the US as the dominant superpower yet the international system cannot be regarded as unipolar. It is due to the presence of other competing major powers: China and Russia. Both seek to enhance their respective influence in the international arena.\(^\text{10}\)

*The US-led Group of States*

The US was heavily engaged in Afghanistan for four decades following the Soviet invasion of Afghanistan of 1979. After the 9/11 attacks the US, along with its NATO allies, fought a ‘War on Terror’ in Afghanistan with the aim of destroying the Al-Qaeda network, bringing regime change and promoting democratic values and ensuring the protection of the fundamental rights of the Afghan people. The twenty-year-long and

immensely costly war resulted in bringing about the fall of the old Taliban government leading to a new political setup. This new government formulated a constitution for Afghanistan based on the ideals of representative government, and respecting fundamental human rights, including women’s rights.¹¹

However, the Taliban, although not in power, continued a tactic of guerrilla warfare targeting both international troops and the Afghan National Army raised, trained, equipped and funded with international assistance. The killing of Osama Bin Laden (1957-2011) in the Abbottabad Operation by the US conveyed the message to the American audience that the Al-Qaeda network had been weakened and to a greater extent eliminated.¹² To end the war in Afghanistan and to ensure the withdrawal of US troops — a longstanding demand of the public — the Obama administration in 2013 started the Doha based Qatar Peace Process with the Taliban leadership. It eventually resulted in the Trump administration’s 2020 peace agreement between the parties and resulted in the recognition of the Taliban as political stakeholders in Afghanistan.¹³

With the withdrawal of international troops from Afghanistan by the Biden administration, the Taliban have once again, after decades of fighting, assumed power in Afghanistan. This transfer of power has not been through an intra-Afghan dialogue as expected by the US and its allies rather it has been a consequence of the Taliban’s military victories on the ground which led to the eventual fall of Kabul on August 15, 2021.¹⁴

Regarding the recognition of the new Taliban government in Afghanistan, the US-led states are cautious. They have three main concerns: a.) fundamental human rights, b.) the inclusive or exclusive nature of their government, and c.) more importantly, the nature of their relations with international terrorist networks. The statements of important leaders of this bloc point towards caution in their approach and they seem to be in agreement that linking the recognition of the Taliban government with their internal and external conduct as per their commitments in the peace agreement is the pragmatic policy to follow. This group of states has expressed that engagement with the Taliban is important but it will not make haste to recognise the Taliban government. The United Kingdom Foreign Secretary during his visit to Islamabad said in September 2021, “we do not want to recognise the Taliban as a government, but we do see the importance of engaging with them.”

In most of the states who were involved in the war in Afghanistan, representatives of the old political government of Afghanistan are performing the country’s diplomatic functions. The Taliban have asked for international recognition for them as they call the Taliban the rightful government of Afghanistan. Western states, especially the US, are cautious because the Taliban’s failure on the three aims they have for their government would convey a message to their publics that their government have failed in the promotion of democratic values and in the enhancement of global security for which the costly War on Terror was fought. Western states are cautious on the option of recognition of the Taliban government as international recognition is an important diplomatic instrument. Withholding it is the little leverage they have regarding the Taliban in Afghanistan. In a legal sense, according to Scott R. Anderson, the recognition of the Taliban as the rightful government of Afghanistan not just means their acknowledgment, it also brings with it considerable political, diplomatic, and economic benefits. For this reason, the Taliban are urging the international community to formally recognise their

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17 Jaafari, “The Taliban Want International Recognition. Countries are Debating.”
government so that their voice to the international community can be expressed through their appointed diplomatic representatives in formal diplomatic channels.

In the South Asian region, India as a state strategically aligned with the US, has expressed its concerns and apprehensions over the Taliban takeover of Afghanistan. In the post-Cold War era, and especially after 9/11, India and the US have improved their relationship through a strategic partnership based on a broad common interest of containing the influence of an emerging China. Since 9/11, India has been an important investor and contributor in reconstruction and institution-building efforts in Afghanistan. In doing so, they improved and strengthened their bilateral relationship.\(^{18}\) Between 2014 and 2021 the Ashraf Ghani-led government in Afghanistan established a cooperative relationship with India leading India to pledge assistance to Kabul in the form of building mega infrastructure projects including the construction of dams. With the Taliban takeover in Afghanistan, India has lost its position of strength and looks at the situation with a considerable concern.\(^{19}\)

It has stated that the Taliban takeover was indirectly facilitated and helped by Pakistan. It has also publicly expressed its view that the presence of the Taliban network in Afghanistan can be a source of regional and global insecurity. India perceives the Taliban to be under the influence of Pakistan which it has accused of using proxy networks to sponsor terrorism inside India. Due to its close ties with the previous government of Afghanistan, India feels uncomfortable engaging with the Taliban and it is urging the international community to strictly monitor the behavior of the Taliban and, if necessary, to prevent them from becoming a source of regional insecurity and a safe haven for terrorist networks.


China-Russia led Group of States

China and Russia form another group of states having geographic proximity with and interests in Afghanistan. In the context of the broader global distribution of power and its strategic interests, the US perceives China to be a strategic competitor. The analysis of China’s profile on political, strategic, and economic fronts indicates that the future of world politics will revolve around US-China rivalry. The strategic and diplomatic maneuverings of the US on different fora and in different regions point towards the US policy of containing China as a challenger in the international system. The announcements in the G7 meeting held from June 11-13, 2021 in England, the formation of new alliance-systems, such as QUAD and AUKUS, and the growing Indo-US strategic relations point towards the importance the US gives to containing the growing global and regional influence of China.

Since the end of the Cold War and the disintegration of the Soviet state apparatus, Russia has lost superpower status but in a world with multiple centres of power, it is still an important international player especially with respect to its neighbouring countries. Russia still has important political and economic influence on the Central Asian Republics. Russia and China as leaders of the Shanghai Cooperation Organization, a political, economic, security, and military alliance which came into force in September 2003, share a similar vision on important political, strategic, and global and regional issues. They have been successful in forging, against the backdrop of the Cold War Sino-Soviet split, good bilateral relations.

On the issue of interaction and engagement with the Taliban, China and Russia share one important concern with Western states and that is not to let Afghanistan become a haven for international terrorist networks. They do not use the Western rhetoric of fundamental human rights, instead for both these states what matters most is the stability of the region. The US withdrawal from Afghanistan, provided both Russia and China with an opportunity to be present on the ground and to turn the situation in their favour by engaging with the Taliban. That is why they are the only states which have not recalled their diplomatic staff from Afghanistan and have left their embassies functioning in Kabul. Additionally, the situation in Afghanistan, has also provided both states with the opportunity to fill the strategic vacuum in Afghanistan and to
highlight the US failure of over two decades of warfare and “nation-building.” This increases their regional sway and justifies their global diplomatic position that the US should not impose its values upon people of other societies and traditions.\textsuperscript{20}

China has enormous long-term interests in Afghanistan especially in its investment in the mining sector and for the successful implementation of the Belt and Road Initiative. In close coordination with Russia, it would engage and assist the Taliban government in order to turn the evolving strategic environment in its favour as stability in Afghanistan is one of the most important prerequisites for realising the Chinese goal of regional connectivity. Visits and meetings of delegations from Russia, China and Pakistan with the Taliban leadership indicate the strategic calculations of these states.\textsuperscript{21} The Taliban leadership in their July 2021 visit to China attempted to allay concerns regarding the issue of international terrorism especially in the context of the separatist movement that China faces in the Muslim-majority province of Xinjiang.\textsuperscript{22}

More importantly, the states which border Afghanistan including China, Pakistan, Iran, Tajikistan, Uzbekistan and Turkmenistan have formed an informal group to address common regional challenges and to oversee the situation in Afghanistan.\textsuperscript{23} This group can be seen as a continuation of the China-Russia group vis-à-vis the Taliban government. These states advocate that the Taliban needs economic assistance along with acceptance by the international community. They recognise that the Taliban needs assistance

to form an effective government so the practical strategy is to engage them and to offer their assistance.

Pakistan, a strategic ally of China in South Asia, was one of the three states which recognised the Taliban in 1996 when they came to power the first time. During the War on Terror, Pakistan remained an ally of the US. However, the US-Pakistan alliance faced ups and downs and the US had accused Pakistan’s lack of seriousness about and its double game in fighting the ‘War on Terror.’ It has been widely believed that Pakistan has always had influence with the Taliban leadership. Having a friendly government in Kabul has, in fact, been a longstanding objective of Pakistan’s foreign policy. Pakistan’s troubled relations with Ashraf Ghani led government and the growing Indo-Afghan relationship became a diplomatic challenge. With the Taliban now in power, Pakistan is in an advantageous position and able to contain the strategic influence of India in the country. Pakistan can also accrue some domestic advantages from its relations with the Taliban. It has urged the Taliban to detach itself from the Tehreek Taliban Pakistan (TTP), a terrorist network operating in Pakistan and responsible for many deadly terrorist attacks over the last twenty years. Consequently, Pakistan shares the China-Russia policy of helping the Taliban government and urging the international community for more engagement and assistance.

Similarly, Iran also has an important stake and concerns in Afghanistan. As a partner of Russia and China, it also makes strategic calculations and keeps an eye on the evolving situation in its neighbourhood. Iran is also in favour of engagement but it requires some guarantees from the Taliban regarding terrorism and protection of the rights of the Shiite population residing in Afghanistan. The Central Asian states of Tajikistan, Turkmenistan and Uzbekistan look towards political and foreign policy guidance from Russia.

**Response from the Middle East: Saudi Arabia, Qatar and Turkey**

Saudi Arabia, under Mohammad bin Salman, is attempting to diversify its economy as well as the security and foreign policy options. The cancellation of a meeting between Crown Prince Mohammad bin Salman of Saudi Arabia and the US Secretary of Defense Lloyd Austin and a subsequent meeting held between the Deputy Defence Minister of Saudi
Arabia and the Russian Defence Minister hints towards a shift in Saudi Arabia’s foreign policy. The US has been a strategic ally of the Kingdom but on the question of engagement and recognition of the Taliban government, Saudi Arabia does not share the same US concerns except the one regarding Afghanistan being used by terrorist networks such as IS-K (Islamic State-Khorasan) and Al-Qaeda which both have their own vision of an Islamic Caliphate.

In this scenario, Afghanistan can once again become a threat to global security. The role of Qatar as a mediator and facilitator in the Qatar Peace Process resulting in the conclusion of the Doha Agreement 2020, enhanced the stature of the state and helped in strengthening the US-Qatar relationship. Consequently, Qatar has emerged as a central player in the West’s relationship with Afghanistan. This central position of Qatar is viewed unfavourably by Saudi Arabia. This can be understood in the context of existing differences and a cool relationship between the two states.

Saudi Arabia will attempt to realign itself with Russia and Pakistan over the evolving situation in Afghanistan. It might not formally recognise the Taliban in a hurry as they did in 1996 but its current policy is close to the China-Russia group viewpoint. This situation could result in the convergence of interest and détente between the Middle Eastern rivals: Saudi Arabia and Iran.

Qatar’s role as a power broker and mediator between the Taliban and the US has brought the tiny Gulf state into a pivotal position vis-à-vis engagement with the Taliban both as a movement and now as a government. Since 2013, the Taliban had a permanent political office in Doha to negotiate with the US to withdraw from Afghanistan and

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26 Eleonora Ardemagni, “Still a Mediator: Qatar’s Afghan Shot on the International Stage,” Institute for International Political Studies, September 3, 2021,
recognize the group as its legitimate political government. During these years, Qatar gained significant influence over the Taliban. This could be of considerable importance to the West in any engagement with the Taliban. A high level Qatari delegation visited the Taliban after their takeover of Kabul to convey the concerns of the US and to remind them of their commitments.\textsuperscript{27}

Nevertheless, the Foreign Minister of Qatar has maintained that the formal recognition of the Taliban government is not on the cards but he urged the international community to engage and assist the Taliban through multilateral bodies to form some workable governance system in Afghanistan. In a meeting with his German counterpart he expressed his concern that disengagement with the Taliban could create a strategic void and vacuum in the country which might be filled by other important regional and major powers.\textsuperscript{28}

The US has opened an office in Doha to monitor the situation in Afghanistan. The situation for Qatar is tricky as along with its heightened profile due to its enormous support to the US in its evacuation of US and Afghan citizens from Kabul, Qatar’s relations with the Taliban can be viewed in a dim light by regional states, especially Saudi Arabia and UAE which have already accused Qatar of having contacts and relations with extremist groups. As a result, Qatar will have to play a careful role as a mediator.

Turkey is also an important state which has considerable experience on the ground in Afghanistan as a NATO member. It assisted international troops in Afghanistan in a non-combat role and it has been responsible for security at the Hamid Karzai International Airport in

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Kabul for the last six years.\(^\text{29}\) Turkey, under Recep Tayyip Erdogan, Prime Minister between 2003 and 2014 and President since then, has attempted to glorify the era of the Ottoman Empire in order to strengthen his political base and his party’s following. In close coordination with Qatar, Turkey also helped in the evacuation campaign. The Turkish delegation has also interacted with the Taliban leadership to explore avenues for future cooperation. The Turkish President stated, “Turkey is ready to lend all kinds of support for Afghanistan’s unity but will follow a very cautious path.” He said it would be based on an analysis of the Taliban government’s conduct.\(^\text{30}\) Turkey, in coordination with Qatar, has shown willingness to operate and ensure the functioning of the airport in Kabul. As a mediator between the US-led group of states and the Taliban, it can play a constructive role. It engaged with the Taliban leadership through the Heart of Asia-Istanbul Process, a regional initiative of Turkey and Afghanistan launched in 2011.\(^\text{31}\) It has gained an understanding of its fellow Muslim state and some influence. The role of Turkey in Afghanistan can also help in improving the difficult US-Turkey and Turkey-European Union relationships.

The analysis of the responses of these three Middle Eastern states regarding the Taliban Government in Afghanistan shows that Turkey and Qatar have a convergence of interests while Saudi Arabia and Qatar have a divergence of interests. It can be argued that on the question of the nature of engagement with the Taliban and on other regional issues, Saudi Arabia and its regional allies and Qatar and Turkey will follow different trajectories resulting in widening the already existing gap between them.


Conclusion

With regard to the newly-formed Taliban government and the overall situation in Afghanistan, the international community has varying concerns and responses. These concerns and responses are rooted in their respective political values, foreign policy goals, and strategic considerations. There are mainly two groups: the US-led group of states and the China-Russia-led group of states but the analysis shows that the hasty withdrawal of the US from Afghanistan has weakened the position of the US-led group, leaving Russia and China to fill the strategic vacuum. Regional states have also started realigning themselves as per their strategic calculations with either of the two groups. Concerning the recognition and engagement with the Taliban government, the China-Russia group of states is more comfortable, clear in its stance and in favour of an implicit and silent recognition. For the US led-group of states, it is challenging due to their expectations from the Taliban government regarding inclusiveness, fundamental rights, and detachment from terrorist networks.