Taliban 2.0: Transition to a Recognized Official Afghan Government? - Comparative case study between Taliban pre-2001 and Taliban 2.0 on governmental legitimacy

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-   **Comparative case study between Taliban pre-2001 and Taliban 2.0 on governmental legitimacy**

US and Taliban 2.0 signing peace agreement (29-02-2020)

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MA Thesis Middle Eastern Studies

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Abstract

The master's thesis *To What Extent Can We Consider the Taliban 2.0 as a Legitimate Governance in Comparison to the Taliban's Governance of 1996* is a qualitative comparative analysis of the contrast between the Islamic governance of the Taliban from 1996 to 2001 and the Taliban 2.0 rule which came to power in August 2021. The fundamental questions are whether the Taliban 2.0 has distanced itself from using Afghanistan as a safe haven for terrorist organizations, the willingness of the Taliban 2.0 to get involved in global politics and economics, while refraining from antagonizing other countries on account of their different beliefs and ideologies, and its promise to the international community to install a more inclusive government.

Over the last 43 years, the history of Afghanistan has been defined by the struggle for power, both from within and without. During this period the country witnessed mostly violence and destruction. The Taliban spotted an opportunity in the midst of this chaos and took over power in 1996. Despite the fact that the Taliban was labelled in 1998 as a murderous, terrorist, and warmongering rebel group, it did show some form of legitimate governance, by gaining the support among Afghan people. The attitude of the Taliban to its neighboring countries, however, resulted in isolation and the loss of legitimacy in the eyes of the international community. Furthermore, harboring terrorist organizations and discrimination against non-Pashtuns and women gradually played a role in the loss of its power in the year 2001.

So far, Taliban 2.0 has shown more pragmatism towards the outside world, by showing a positive attitude towards Iran and the Shia religion of the state, allowing China investments to enter Afghanistan, and engaging in relations with Russia by promising the installment of an inclusive government. The Taliban have furthermore gained more internal legitimacy by delivering basic needs for the people, guaranteeing safety, installing a judiciary system, and fighting off terrorist organizations.

This comparative analysis of the internal and external legitimacy of the Taliban of 1996 and Taliban 2.0 will be done by using Mampilly's model for successful rebel governance structures in two situations in order to assess their efficacy and examine the variances alongside the consistent or inconsistent policy responses by the international community to upcoming non-liberal rebel groups or governments.

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Introduction

With the restoration of the power of the Taliban 2.0 in the summer of 2021, after the withdrawal of the NATO from Afghanistan, countless people both within and outside of the country of Afghanistan are expecting the return of an authoritarian, Islamic governance under the leadership of the Taliban from the pre-2001 period.[1] But have Taliban beliefs about governing changed since they were ousted from office after the US-led invasion? Will there be a possibility for the Afghans and the outside world to trust the Taliban and to have a healthy relationship with it? Are the Taliban willing to operate in a more pragmatic way and reconcile their ideals of an Islamist governance with the 2004 Afghan secular constitution?

The peace agreement that took place on February 2020 in Doha between the Taliban and the US has led the world to believe that the former is willing to adopt a less strict Islamic governance than the Taliban had in the 1990's. The peace deal was comprised of four primary elements: 1) The cessation of group usage of Afghan land highlighted security dangers to the US and its partners, 2) Withdrawal of external actors from Afghanistan, 3) Providing peace and stability for the Afghan people, 4) A long-term and complete ceasefire. The Taliban 2.0 sees the accord as a success. Their strong position in these talks and plans for a more peaceful Afghanistan seem to show that the movement has not only weathered the previous decades of war and foreign involvement, but has thrived and shown how crucial the role of the Taliban can be in the Afghan's governance's future.[2] Surprisingly, the Afghan national government - who took over control of Afghanistan after the Taliban was ousted from office by the US-led coalition – was ignored in the peace negotiations by the Taliban and the US-government.[3]

Notwithstanding the popular former perception of the Taliban as a violent fundamentalist group or terrorist organization, the peace agreement in Doha between the Taliban 2.0 and the US has given the Taliban credibility and, to a certain extent, legitimization. Furthermore, as this thesis is progressing along with the developments of Afghanistan and the Taliban 2.0, we can already establish some new insights into and

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[1] Clark B. Lombardi, and Andrew F. March, "*Afghan Taliban Views on Legitimate Islamic Governance*," United States Institute of Peace, February 28, 2022, https://www.usip.org/sites/default/files/2022-03/pw_183-afghan_taliban_views_on_legitimate_islamic_governance.pdf.

[2] "United States Signs Agreement with the Taliban, but Prospects for Its Full Implementation Remain Uncertain," *The American Journal of International Law* 114, no. 3 (2020): 529–38.

[3] Lombardi, "Afghan Taliban Views, 1-44.

discrepancies between the Taliban of pre-2001 and Taliban 2.0. After the withdrawal of the US and its allies from this unwinnable war in Afghanistan in summer 2021, the Taliban captured the whole country within just a matter of weeks without much resistance from the national Afghan forces and the Afghan people. A noticeable difference is the rapid conquest of Afghanistan by Taliban 2.0 in 2021, which was significantly more smooth and featured less violence and resistance than the conquests of the previous Taliban. After the recapture of Afghanistan in summer 2021, the Taliban was able to install a temporary government on 6 September, 2021. Lastly, the Afghan people, along with the international community, have shown more leniency towards Taliban 2.0 in acknowledging the Taliban as a legitimate authority of Afghanistan.[4]

Despite the mentioned abstract realities between the Taliban of pre-2001 and Taliban 2.0, it calls into question a more detailed study of the external legitimacy of the movement, the internal acceptance by the Afghan community, and the sincerity in the approach of the international community in legitimizing a civil administration as a political actor with alien ideals and probably different governmental structures. I will summarize these questions into one question to investigate the extent to which the Taliban 2.0 has made changes in their governmental structures and to what extent the Afghan people and the UN will or can legitimize the movement. Thereby I will examine this case by applying the theoretical framework of 'rebel' governance to extract information about the extent of change the Taliban 2.0 governance has made in comparison to the pre-2001 Taliban rebel governance, how far they may be deemed genuine, by whom, and the policy response of the international community with regards to Taliban 2.0 governance.

These are the study objectives that will guide my examination into rebel governmental administrations. I will apply Mampilly's model for successful rebel governance structures to two situations in order to assess their efficacy and examine the variances. Theoretically, rebel rule is thought to exist in civil conflict contexts – underlying its frequently chaotic and unpredictable nature. According to recent empirical studies, residents living under insurgent authority often obey insurgent groups in some shape or form. History has shown several examples of insurgent groups being capable of governance and gaining external and internal legitimacy, by being able to provide security, maintaining military authority over the country and supplying food and medicine to a certain extent.

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[4] "United States Signs Agreement with the Taliban, 529–38.

Proper research done by authors like Kasfir, Terpstra, and Mampilly show that rebel governance has a tendency to display positive and engaging attitudes towards civilians in order to achieve some legitimacy or leverage over the controlled area. Considering the nexus of insurgent governance and legitimacy, it adds another degree of knowledge to the insurgent-civilian relationship in warfare scenarios, where civilians cooperate with the opposition, bypassing the official government. As a result of these complexities, this thesis will answer the following question:

"To what extent can we consider the Taliban 2.0 as a legitimate governance in comparison to the Taliban's governance of 1996?"

In order to resolve this research question, the first chapter of this thesis outlines the present scientific knowledge on insurgent governance and legitimacy. It is concerned with recognizing various types of rebel government structures and political legitimacy procedures within the available literature, with the goal of evaluating which types of rebel rule are lawful and to what degree. The chapter offers a detailed conceptual tool for assessing the legitimacy of rebel governance of the Taliban 2.0 and the Taliban of 1996 and the international community's perceived notion of or animosity towards insurgent governance and its legitimacy. In this chapter, I will give an outline of the last 43 years of Afghanistan's history and the rise and fall of the Taliban movement and the IEA's[5] rebel governance. I will specifically focus on the historicity of the rise of the Taliban in 1994, how it presented itself to the public and the international community, the form of governance structure it applied and the fall of this rebel government in 2001. Chapter two will provide the necessary context and tools that will serve as a prelude to the last chapter of this thesis. Finally, in chapter three the theoretical framework of chapter one will be applied to the case study. My aim is to examine the probable change of governance structure of the Taliban since its established rebel governance in 1996 and compare it with the Taliban 2.0 from the year 2021 to the present to determine its legitimacy. This chapter will be utilized to answer the research question I have put forward.

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[5] In 1996, The Taliban re-named Afghanistan to the Islamic Emirate of Afghanistan

Relevance of Research

A huge amount of literature will be presumably dedicated to examining and analyzing the players, events, and reasoning that have pushed Afghanistan back into the hands of the Taliban. Since the last American left Afghanistan in August 2021, the nation has been in the middle of a humanitarian catastrophe, which raises questions such as: Are the Taliban 2.0 able to manage the regional and global security challenges that Afghanistan presents? Will the present Taliban 2.0 uphold the peace agreement with America, which was signed on 29th of February 2020? Can we consider the Taliban 2.0 administration as a legitimate authority?

Russia and China have already initiated talks with the Taliban. China's main condition for the Taliban 2.0 is to stop criticizing the mistreatment of the Uyghur Muslims in Xinjian province in exchange for receiving economic aid and recognition of its governance, while the Russians demand a more inclusive government in Afghanistan. Pakistan has already covertly recognized the Taliban government, which is unsurprising given that it secretly provided the Taliban with intelligence before and during the US intervention. The rest of the international community has put forward harsher conditions, such as providing more freedom for women in the private and public sphere and the formation of an inclusive government. Taliban has responded by stating it will not rule in the way they did during the 1990's; however, it will impose sharia law in the country, which will preserve the rights of the minorities.

My work seeks to answer the question of whether the Taliban will find common ground with the internal and external actors in order persuade the parties to recognize the legitimacy of the Taliban 2.0 in the future. In order to get answers or insights with regard to this question, I will start with the rebel governance theory, where I will make a comparative analysis of the governmental structure of the Taliban of the past (1996-2001) and the governmental structure of the Taliban of the present (2021-present) in order to determine what attempts at governance the Taliban has made, to what degree they may be regarded lawful, and by whom.

Research Methodology

For the examination and study of the selected literature, I have to bear in mind that the technique and methodology should be consistent with the research question that will be addressed.

To answer the research question of this paper, a qualitative and nuanced approach is required. In Chapter 2 of this thesis, I will therefore apply a rebel governance theory which I have mentioned earlier in this work to question the nature of the Taliban's actions and ideology and to determine the legitimation of the Taliban government, which will include its hierarchy of institutions, effective governance, and social order. This model will be applied to the Taliban of the past and the present and to the way their government administrations' mechanisms have shaped the situation in Afghanistan, as well as to the manner in which the international community have responded to the governance of the Taliban 2.0. A wider secondary literature study is necessary to get a full grasp of the rebel governance theory in order to establish an understanding of the model, before I delve into Afghan Taliban's governance and legitimacy.

Chapter three deals with the historicity of the rise and fall of the Taliban in the 1990's showing the differences of opinion about which factors specifically contributed to the rise of the Taliban, what role the Taliban played in Afghanistan, and how it managed its relations with the international community. For this purpose, I will provide solely secondary literature from authors like Rashid and Nojumi who are well-respected scholars in the academic world.

In Chapter four I will do my utter best to answer the research question by combining primary and secondary sources. The reason why I have put the emphasis on 'utter best', is because not all information about the politics and governance policies of the Taliban is currently available. This is because the Taliban still has some time left to prove its willingness to meet the peace agreements established on February 2020 in Doha. Thereby, I will keep myself updated by delving into recent testimonies of the Afghan people, the Taliban 2.0 administration, the statements of political state leaders, and other relevant actors involved, following the news daily and to a lesser extent the newly published secondary literature. I will use the first two chapters as a basis to answer the research question in chapter four to determine the rebel governance legitimacy of the Taliban 2.0.

Chapter 1: Literature Review

1.1 Literature Review: The History of the Rise and Fall of the Taliban (1994-2001)

Afghanistan has a lengthy and complicated war history from the end of World War II to the Soviet occupation and the establishment of Taliban authority at the end of the twentieth century. The prism through which academics have analyzed the country's criminal groups has shifted since the 1980s, representing the main school of thinking for comprehending the status of the world at a certain period. Many perspectives were influenced by the Soviet Era and the 'tug-of-war' between the major powers for dominance in the post-colonial globe of Afghanistan and illegal markets in a manner that represented the current international order.[6]

After the withdrawal of Soviet troops from Afghanistan in 1989, the country descended into a bloody civil war and had become a failed state by the early 1990s; a patchwork of small 'kingdoms' in which warlords held sway and where no central authority was present.

Scholars from various disciplines such as Martin Ewans (specialized in international relations), Michael Griffin (historian), and Ahmed Rashid (historian) agree that external intervention has plainly highlighted how foreign involvement was to blame for the Afghan state's demise.[7] Griffin, who is also a journalist, claims that the Taliban took advantage of the turmoil between various parties following the retreat of the Soviet military.[8]

However, in Griffin's book 'Reaping the Whirlwind', the author is unable to provide convincing evidence as to who is responsible for the rise of and the rapid takeover by the Taliban. The author suspects that Pakistan or Saudi Arabia are responsible for this, but admits that he has no empirical evidence to support this. He substantiates his suspicions on the basis of anecdotes and the suspicion that Pakistan has mixed feelings about the takeover of Kabul by the Taliban. Griffin also admits that there is no evidence of systematic aid by Pakistan to

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[6] Harris Samad, and Fatima Salman, "Literature Review," *Strategies for Reforming Afghanistan's Illicit Networks*, Atlantic Council, 2020.

[7] Ahmed Rashid, *Taliban: The Power of Militant Islam in Afghanistan and Beyond*, (New [rev.] pbk ed. [with a new pref.]. London [etc.]: Tauris, 2010).

[8] Amalendu Misra, "The Taliban, Radical Islam and Afghanistan," *Third World Quarterly* 23, no. 3 (2002): 577–89.

the Taliban or of the supply of weapons.[9] In contrast to Griffin, Ahmed Rashid and Cooley do provide evidence regarding the rise of the Taliban. Both authors acknowledge the importance of the role Mullah Umar played in the rise of the Taliban. Mullah Umar was the mastermind behind the movement by recruiting former religious students fighting injustice in the country. The rise of the Taliban started when Mullah Umar was informed about the kidnapping and rape of two teenage females in Kandahar by Afghan warlords, whom he subsequently killed with the help of his students, a story which captivated the minds of many Afghan people. Griffin, on the other hand, writes that the criminal acts against these teenage females were committed by the *mujahedeen*. John Cooley mainly bases his findings on data and interviews and appears more reliable than his colleague Griffin.

Factors that may have contributed to the Taliban's rapid advance into Afghanistan and its seizure of power over the country may have been due to their widespread popular support. According to many scholars of political and historical disciplines, the people were tired of the decades-long wars and saw the Taliban as the only possible solution to stop the ceaseless violence and kidnappings in the country. The Taliban is said to have united Afghanistan, which had been divided into five parts for decades.[10] In addition, the Taliban disarmed the Afghan people, established a single government, stopped producing opium (although there is disagreement among political and historical scholars here), and to some extent restored human rights.[11]

With the occupation of Afghanistan from 1979 by Russia, countries like the USA, China, Saudi Arabia, the United Kingdom, and France started to support the so-called "*mujahideen*", the anti-revolutionary Islamic movement, with weapons and money. After the *mujahideen's* victory over the communists in the year 1989, parties from Iran and Pakistan entered Afghanistan, fighting each other, which resulted in a bloody civil war in Afghanistan. After perceiving this division and lawlessness, the Taliban started their own movement. Robert Fisk, a journalist specialized in political science, draws a clear correlation between Islamic radicalism in Afghanistan and the Soviet invasion of this particular country, which created a security vacuum of which the Taliban took advantage.[12]

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[9] Michael Griffin, *Reaping the Whirlwind: the Taliban Movement in Afghanistan*, (London [etc.]: Pluto Press, 2001).

[10] Amalendu Misra, "The Taliban, Radical Islam.

[11] Jo Thori Lind, Karl Ove Moene, and Fredrik Willumsen, "Opium for the Masses? Conflict-Induced Narcotics Production in Afghanistan," *The Review of Economics and Statistics* 96, no. 5 (2014): 949–66.

[12] Robert Fisk, *The Great War for Civilization: The Conquest of the Middle East*, (New York, NY: Knopf, 2005).

Well before the Taliban entered the region's troubled history, Afghanistan was already a rogue state with no clear political existence, which the international community did not recognize as a key player because of its nature as a failed state. [13]

In the year 1994, when the Taliban took control over the country, the Americans praised this movement for disarming and reuniting the people, even though the legislation of the Taliban was based on a radical interpretation of Sharia. In spite of the support of the Americans, the Taliban still had to deal with the Northern Alliance (NA) that controlled northeastern Afghanistan, commonly seen as the United Islamic Front for Afghanistan's Salvation. From this side, the Taliban was met with severe opposition from the beginning and suffered a major public rebellion in Mazar-e-Sharif in May 1997, by the NA and Uzbek commanders.[14]

According to public records, the Taliban committed a number of noncombatant executions between 1996 and 2001, and tens of thousands of residents were relocated. As a response, the UN imposed sanctions that deprived civilian Afghan men of food, which affected around 160,000 individuals. While the United States celebrated the Taliban's ascent in 1994, the 9/11 attacks, as well as the Taliban's ties to Osama Bin Laden, served as a direct impetus for the commencement of adopting UNSC resolution 1368 and 1373. After the adoption of these resolutions by the UN, the only ally left was Pakistan. With the invasion of Afghanistan in 2001 by NATO, the power of the Taliban over the country came to an end.[15]

In my opinion, too little research has been done on the credibility of the Taliban's rule between 1994 and 2001. The Taliban movement was quickly labeled a radical, extremist, and terrorist organization in its early days by western governments and western media. Scholars have too easily written articles that took over the narrative of the media and its governments about the Taliban. One of the reasons for dehumanizing the movement, which can also be deduced from Ahmed Rashid's book, is that the Taliban hindered America in building a

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[13] Amalendu Misra, "The Taliban, Radical Islam.

[14] Neamatollah Nojumi, *The Rise of the Taliban in Afghanistan: Mass Mobilization, Civil War, and the Future of the Region*, (New York [etc.]: Palgrave, 2002).

[15] "UNSCR Search Engine for the United Nations Security Council Resolutions," UNSCR, Accessed June 8, 2022, http://unscr.com/en/resolutions/.

pipeline through Afghanistan. The Taliban is said to have given Argentina the green light to build a pipeline through Afghanistan. Also, after the 9/11 attacks, the Taliban would have been willing to try Osama Bin Laden according to its legal system, if America had come up with evidence that proved incontestably that bin Laden was actually behind the attacks. However, America refused to entertain this notion and decided to invade Afghanistan together with its allies. Finally, it is also questionable whether the Afghans were waiting for Western intervention. Several studies such as that of Robert Fisk show that the Afghans do not believe in democracy and, on the contrary, strive for an Islamic legal system. Therefore, I will critically consult multiple sources to get an accurate picture of how the Taliban ruled and what the relationship between the Taliban and the people was like.

1.2 Literature Review: Taliban 1996-2001: Understanding Its Illegitimacy Through Rebel Governance Theory

As a result of the aforementioned academic setting, both an empirical and a theoretical complexity will be used as a premise for this investigation. From a theoretical standpoint, rebel governance has been extensively discussed among scholars, like Lahai and Mampilly from the disciplines of international relations and political science.[16] However, it was not until the attacks on the Twin Towers in New York on September 11, 2001 that extensive literature on the rebel governance theory was developed about the relation between rebel insurgency and Islamic movements. The scholar Mampilly wrote in 2007 about the rebel governance theory of the fighting between government and nongovernment actors in North and South Sudan, the fighting between Arabs and Muslims in north Sudan on the one hand and Christians and other religions on the other. The author Mampilly states that religion in and of itself cannot be seen as the core of the division and fighting in Sudan. The author provides ample evidence of how rebel fighting and fighting for power stems from the political and economic exclusion of dozens of ethnic and religious minorities. Religion is merely used as a tool to express violence and insurgency.[17] Political scientist Salehyan discusses multiple

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[16] John Lahai, Idriss, and Lyons Tanya, *African Frontiers: Insurgency, Governance and Peacebuilding in Postcolonial States*, (Surrey Farnham, England: Ashgate Publishing Limited, 2015).

[17] Zachariah Mampilly, "Stationary Bandits: Understanding Rebel Governance," Order No. 3295784, University of California, Los Angeles, (2007), 111-112.

previous studies on rebel governance in his paper; however, this concept is quite a new phenomenon, since most scholars from various disciplines deal with the framework of war between states, as opposed to the study of civil war between state and nonstate actors. War between state and non-state actors has not been dealt with extensively, until the end of the 1990's. Salehyan states that one of the reasons for the existence of rebel governance is the lack of both hierarchical democratic institutions and support from the public, which can create opportunities for insurgency to build weak states.[18]

The most recent study related to rebel governance theory, was written by the historian and international relations' specialist Terpstra. This scholar deals explicitly with governance legitimacy and rebel governance during civil war and whether the Taliban fits within this premise. This professor, unlike his colleagues from the same discipline, provides a paradigm that showcases what a legal and strong governance should entail. He does, however, agree that states need a functioning governance resulting in strong democratic hierarchical institutions and a sound support from its people in order to flourish and develop.[19]

1.3 Literature Review: Post-2021 Taliban: Understanding Its Acceptability Through Rebel Governance Theory

The emphasis in the study of the Taliban 2.0 in political and historical sciences mainly regards the aspirations and reframing of the organization's ideology according to Ahmar. Directly excluding the Taliban 2.0 government does not seem to be a solution nor does resuming a war against this organization, according to the author. He expresses his concerns about the future that the Taliban 2.0 has to offer its people. Emphasis is placed on women's rights violations and rivalry parties such as IS and lesser-known organizations seeking to compete for power with the Taliban 2.0. It is furthermore important that the international community continues to put pressure on the Taliban 2.0 government to respect human rights and to implement an inclusive government.[20] Even countries like Qatar and Pakistan emphasize the fear of human rights violations, especially with regards to women and the

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[18] Idean Salehyan, "The Delegation of War to Rebel Organizations," *The Journal of Conflict Resolution* 54, no. 3 (2010): 500-502.

[19] Niels Terpstra, "Rebel Governance, Rebel Legitimacy, and External Intervention: Assessing Three Phases of Taliban Rule in Afghanistan," *Small Wars & Insurgencies* 31, no. 6 (2020): 1143–73.

[20] Ahmad Wani, "Afghanistan's Neo-Taliban Puzzle," *South Asia Research* 41, no. 2 (2021): 220–37.

chances of getting a proper education and work. One of these concerned persons about human rights violations is the journalist Charlotte Bellis working for the channel Al-Jazeera, who has spoken with Afghan civilians about their living conditions and questioned them about their hopes of a better future under the Taliban 2.0 government. Furthermore, she spoke with the Taliban 2.0 on the treatment of ex-government officials or its affiliates. However, she has been ordered by this new government to report only what she saw and what the Taliban have to say. This will, of course, make the fieldwork done by journalists extremely difficult in order to grasp a full understanding of the credibility of this government because of the censorship being applied by the Taliban 2.0 government.[21]

The 2021 policy report from Dara Massicot, who specializes in international relations, discusses the issue of the Taliban 2.0 and the danger that lurks if the US does not take a pragmatic approach to this movement. The danger lurking in the economic and political isolation of the international community is that the Taliban will intensify its relations with the great archenemies of the US, namely Russia and China, but also that it will cooperate with Iran, which in turn could have repercussions for national security with Israel.[22]

Given the recent takeover by the Taliban, the supply of literature is still relatively scarce. This makes it somewhat difficult to make a comprehensive analysis of the reframing of the ideology of the Taliban 2.0 and the status of its functioning according to the UN Charter. In my opinion, the statements in the existing literature of Taliban 2.0 and news media outlets are mostly based on gut feelings, since the Taliban 2.0 still needs time to work on their policies and infrastructure. This opinion is also shared by ex-veterans, such as Scott Ritter, who have fought in Afghanistan against the Taliban.[23]

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[21] Gavin Ellis, "Taliban Takeover: Charlotte Bellis Faces Perils Outside 'enemy Territory'," *Pacific Journalism Review: PJR* 27, no. 1 (2021): 41–46.

[22] Dara Massicot, "Can a Pragmatic Relationship with the Taliban Help Russia Counter Terrorism?" The National Interest, The Center for the National Interest, September 3, 2021.

[23] "Foreign Aid Required for Afghanistan," Energy Intelligence, October 19, 2021. https://www.energyintel.com/0000017c-98ab-d5a9-a57c-febb51a70000.

Chapter 2: Rebel Governance Theory, Legitimacy, and Policy Response

Introduction

For the examination and study of the selected literature, I have to bear in mind that the technique and methodology should be consistent with the research question that will be addressed.

To address the research issue of this paper, a qualitative and nuanced approach is required. In this chapter, I will therefore apply a comparative case study by using a framework and methodology related to rebel governance theory provided by scholars like Mampilly, Terpstra and Kasfir. The models provided by these scholars will help me to extract the overall viability of the argument. I will examine two phases of the Afghan Taliban governance: Taliban governance (1996-2001) and Taliban governance (2021-present).

Most often, academics who study the relationships between insurgence groups focus on the violent aspect and the methods of recruiting citizens. It can be fascinating and exciting for the reader to learn what is happening behind front lines and what kind of violent patterns rebel insurgents display. However, virtually no comparative approach has been taken by political commentators or academics toward insurgent government systems until the 2000's. Focusing solely on the recruitment methods and violent acts of insurgence groups, although clearly evident, do not give much insight into the larger complex of relationships in which violent groups are continually engaged with local communities.[24]

As experienced witnesses of political violence are pointing out, even in the midst of massive fighting, the majority of people engage in non-violent ways.[25] Indeed, even at a phase of widespread violence, according to experts, fewer than thirty percent of the population, in fact approximately 5%, will openly join together in violent group. In short, striving to comprehend noncombatant experiences during a battle without an understanding of insurgent government methods necessitates intentional denial of the vast majority of encounters that impact life in today's war zones.[26]

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[24] Zachariah Cherian Mampilly, *Rebel Rulers Insurgent Governance and Civilian Life During War*, Ithaca, (N.Y: Cornell University Press, 2011), 7.

[25] Charles Tilly, *The Politics of Collective Violence*, (West Nyack: Cambridge University Press, 2003), 12.

[26] Mampilly, *Rebel Rulers Insurgent,* 17.

Relatively little research has been done into rebel governance during civil war, as can be observed from Mampilly's commentary, in which the context of study of an institution through which rebels operate in relation to civilians is underexposed. The notion of a rebel government and the academic understanding of it, has made a significant contribution to the larger discussion of state failure and governing. Recent studies have shown the capacity and rebel insurgents' readiness, alongside customary authority, as well as other unofficial local players, to take the responsibility of governance and to fill the power vacuum when the state fails to deliver stability, peace, security, and the provision of basic needs. Frequently, this is accomplished via the enforcement of violence (Terpstra 2020; Ibrahimi 2016; Arjona 2016; Mampilly 2011). For a plethora of multinational actors taking part in actions behind rebel lines, whether altruistic or commercial in nature, there is a practical necessity to comprehend the mechanisms that govern everyday life among the communities with whom they want to engage.[27]

Understanding rebel governance may also be advantageous for the international community and the UN in future conflict resolutions. The better we understand the interactions between rebel groups and citizens throughout a long struggle, the more we open ourselves to the possibility of a rebellion transitioning into an internationally recognized government. Examples of relatively successful governments are the Taliban during the 1990s, Hezbollah in south of Lebanon (1982) and the FARC rebel militias of Colombia (1998). The FARC rebels as non-state actors have even gained international credibility through peace negotiations for its governance over its controlled territory. On the other hand, Hezbollah, which gained a large following among the people of Lebanon and owned and operated schools and hospitals and provided such basic needs as drinking water, was denounced as a terrorist group by the international community due to its animosity towards Israel.

In this chapter I will discuss the conceptualization of rebel governance, and which varieties of rebel governance exist within an institutionalized context, centered on the relationship between the rebel government and the civilians. I will hereby observe the two forms of legitimacy: pragmatic legitimacy and moral legitimacy deployed by rebel organizations (Terpstra 2020). I will also assess the governance structures, legitimacy, and capacity and apply this to the Taliban from pre-2001 and the Taliban from 2021- present. Finally, I will discuss Heristchi and Mampilly's policy response theory, which mainly looks at the expectations the UN have put as a condition before accepting a rebel governance and

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[27] Mampilly, *Rebel Rulers Insurgent,* 7.

whether the requirements the UN charter has put forward are consistent and democratic or morally biased. Hereby, I will exhibit studies that represent the will of the people and how the Afghan people want to be governed.

2.1. Understanding Rebel Governance

2.1.1 Conceptualization of Rebel Governance and structures

Numerous authors have examined rebel governance and have spent a large amount of time determining the characteristics of the state in the developing world, showing persuasively that a government's incapacity to construct a coercive infrastructure or a dominant role in society may compel non-state actors to contest its sovereignty. Far less interest has been dedicated to these rivals' governance procedures. Rebel governance is a freshly examined phenomena that extends beyond the concepts of basic thuggery strategies, and which goes beyond the simplistic rhetoric of having ungovernable attributes as well as an unwillingness to consider the influence of citizen engagement in civil conflict. Authors like Mampilly and Kasfir have discussed the different components of rebel governance, such as the differences between insurgencies, citizen involvement, violence through coercion, and terrain and dominance.[28]

Scholars like Kasfir define "governance" as constituting the spectrum of organizational, authority, and response options that indicate the relationship between rebels and civilians, whereas rebel governance functions as an authority within a 'failed state,' which governs the affairs of the civilians in a territory, to a certain extent for public goals.[29] The exercise of violence demonstrates both authority and the power to set and enforce rules.[30] Kasfir emphasizes that rebel governance does not entail a lack of other forms of power within its territory and can have a convoluted authority structure. Furthermore, ethnic, religious leaders, state officials rival militias, traditional leaders or other forms of leadership all qualify as legitimate rulers.[31]

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[28] Kasfir, Nelson, "Rebel Governance – Constructing a Field of Inquiry: Definitions, Scope, Patterns, Order, Causes," In *Rebel Governance in Civil War*, 21–46, 2015.

[29] Nelson, "Rebel Governance, 24.

[30] Ana, *Rebelocracy*, 185.

[31] Ana, *Rebelocracy*, 185.

Mampilly stresses the point of "effective governance," which signifies a situation in which an insurgent organization in possession of territory exhibits the three capabilities listed below. First and foremost, it must be capable of building a police force competent of controlling the populace, producing a level of stability that allows for the creation of additional governance functions. Second, the group should have a system for resolving disputes, which goes through a formal legal organization or an informal mechanism. Residents want to use this system on a regular basis to settle disagreements against fellow residents, as well as any issues that may develop within the rebel group. Thirdly, the group should build its ability to deliver additional public services in addition to security.[32]

The boundaries of rebel government are well-defined. For example, an interstate actor invading another country, or the ruling over foreign people as an occupying army is not deemed as a rebel government, while indigenous rebels' resistance to rule by foreign occupiers does qualify as such. Rebel governance stops from the moment it loses its territories, the conflict ceases to exist or when a deal in favor of the national government is made.[33]

2.2 Pragmatic Legitimacy versus Moral Legitimacy

In his article, Terpstra focuses on rebel governance and rebel legitimacy and how foreign involvement in favor of an existing administration or the withdrawal of external forces can help insurgent groups shape their administration and control over a country. These mentioned situations are crucial for insurgents in their decision to adopt pragmatic legitimacy or moral legitimacy or both. The author states that specifically amid cases of external interference, moral notions of legitimacy are often used by insurgents, whereas pragmatic kinds of legitimacy are more prominent factors when external enemies are absent or when they withdraw.[34]

Concepts like governance and legitimacy that are adopted by a rebel group, usually display unstable, changeable, and sensitive characteristics during an ongoing civil conflict.[35] The interplay between pragmatic legitimacy and moral legitimacy supports the case even

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[32] Mampilly, *Rebel Rulers Insurgent,* 17.

[33] Nelson, "Rebel Governance, 24.

[34] Terpstra, "Rebel Governance", 1143.

[35] Terpstra, "Rebel Governance", 1145.

more of how highly complex the strategies and tactics of a rebel governance can be. External involvement for example, in favor of a 'failed state', reduces the number of options for insurgents' groups to govern owned territory. As a consequence, the rebel group can decide to display its authority over a region by establishing a parallel government, where it competes with the national government for the favorable opinion and recognition of the people to make use of their judiciary system or educational system.[36]

Pragmatic legitimacy can decrease due to the limited options a rebel group has, while it can increase the moral legitimacy of a rebel group. The removal of foreign troops provides opportunities for rebels and therefore pragmatic legitimacy, while its moral legitimacy will decrease, unless the morals of the rebel governance resonate with that of the majority of the people. Moral legitimacy is founded on 'positive narratives, compliance with existing standards, and moral rules, while pragmatic legitimacy is grounded on service supply, security, or even a readiness to form a coalition government. Pragmatic legitimacy involves the supply of fundamental needs, often known as "delivery-based legitimation". Pragmatic legitimacy may also be founded on having an insurgent group's capacity to offer safety or a relatively secure political and social structure. The ability of an armed group to provide civilian areas with security and stability is critical. Moral forms of legitimacy relate to a larger collection of societal standards and moral principles.[37] As Schlichte states, rebels' assertions of legitimacy are often linked to overarching ideas or belief systems.[38] These encompass, for example, religious notions of system of governance. Furthermore, insurgents' assertions to legality are often based on community myth-symbol formations, like the use of flags, religious rhetoric and motto's, traditions, and other symbolic references. These tactics go further than just providing public services. They encompass the appropriation and exploitation of cultural signifiers in order to provoke an emotional reaction of the population and are used for the movement's propaganda to convey the organization's image. [39]

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[36] Terpstra, "Rebel Governance", 1147.

[37] Terpstra, "Rebel Governance", 1147.

[38] Klaus Schlichte, *In the Shadow of Violence: The Politics of Armed Groups*, 2009, 417.

[39] Andrew D. Brown, "Politics, Symbolic Action and Myth Making in Pursuit of Legitimacy" *Organization Studies* 15, no. 6 (1994): 862.

2.3 Policy Response: Legitimacy of the UN Charter?

Policymakers naturally show great reluctance when interacting with violent organizations, because of concern that any engagement would be seen as legitimizing a volatile and perhaps an uncontrollable geopolitical actor. Despite the reality that many rebel groups are no more unstable than many recognized state authorities, most corrupt states still suffer less repercussions from the international community. Several contemporary ways of coping with rebel governance begin with a normative prejudice. This is because sustaining the nation-state is desirable in and of itself, rather than putting the well-being of people on the ground first. Mampilly addresses the flaws of the engagement of the international community towards rebel governance. The current policy approaches by strong states, international bodies, and multinationals are even threatening particular insurgencies with inclusion on lists of prohibited groups. Some insurgencies are unconcerned about naming and shaming by the international community, as long as they have the upper hand in a particular region or country. However, when powerful insurgencies are put on the list of prohibited groups, economic sanctions can follow quickly. As a consequence, this can have significant ramifications for the average civilian, because of the possibility of the freezing of assets, or the denial of access to basic services or even protection when the region is ruled by coercion and intimidation.[40]

The problem with legal experts from North America and Western Europe is their preconceived notion that violent actors are by definition illegal actors. Numerous insurgencies may be exempt from this classification according to the function they serve based on ideological aims and geopolitics. History has shown that it is not only insurgencies that are treated as illegal actors. Even legal political parties in the Middle East like the FIS Islamist party in Algeria in 1992 or Hamas, which participated in elections in 2006 and won, were approached with overt bias and treated with suspicion by media and political actors. This biased approach is highly problematic, since it undermines the whole idea of the promotion and the upholding of the pluralist principles of democratic rule.[41]

The program of the militants of FIS in Algeria was grounded on Islamic principles, using the Qur'an and the Sunnah as the sources of law. According to FIS, Islam belonged in the political realm and was used by the party as a global political project whose aim was to

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[40] Mampilly, *Rebel Rulers Insurgent,* 242-43.

[41] Claire Heristchi, "The Islamist Discourse of the FIS and the Democratic Experiment in Algeria," *Democratization* 11, no. 4 (2004): 112, 117.

establish sharia in Algeria. The political party FIS embraced the idea that sovereignty only belongs to God.[42]

The question remains whether the case study of FIS is similar to the case study of the Taliban in the 1990's and the present. If democratic elections occurred in Afghanistan and if the Taliban as an Islamist party was willing to participate and won the elections, while competing with secular nationalist parties in a stable, supportive country, would it then receive international recognition or would the "simplistic bipolar logic" of the fight against terrorism prevail, where Islamism is seen officially as the new bogeyman?[43]

As mentioned before in this chapter, one of the key features of state-making is popular support and the representation of the will of the people. If that is also one of the key features of state-building or nation-building within a democratic framework, the chances are highly advantageous for the Islamist movement of the Taliban. According to Pew research Center, 99% of the Muslims in Afghanistan are in favor of making Sharia the law of the land.[44]

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[42] Heristchi, "The Islamist Discourse", 123.

[43] Heristchi, "The Islamist Discourse", 111-12.

[44] Benjamin Wormald, "Chapter 1: Beliefs About Sharia," (Pew Research center, April 30, 2013). https://www.pewresearch.org/religion/2013/04/30/the-worlds-muslims-religion-politics-society-beliefs-about-sharia/.

Conclusion

According to the scholarly literature on rebel governance, non-state actors have proved to a certain extent their competence and drive to govern in the regions they control. While tactics of intimidation or the exercise of violence, as well as oppression, are common themes, their governing frameworks vary greatly and can be effective. The reason why I have brought up the definition of rebel governance is because this concept is relatively underexposed. Another reason to conceptualize the concept of rebel governance is to provide the reader with the insights necessary to differentiate between legitimate and illegitimate rebel governments. Furthermore, the distinction between pragmatic legitimacy and moral legitimacy in the subsection of this chapter is used as a theoretical framework to highlight the government structures of insurgents during civil war and to determine whether a rebel governance conforms to statehood. Lastly, I have touched upon the foreign policy responses of legal experts of strong states and international bodies who tend to be highly skeptical towards rebel governance and its legitimacy, especially when it comes to upcoming insurgent civil administrations with different ideologies.

Chapter 3: The History of the Rise and Fall of the Taliban

Introduction

Understanding the rise of the Taliban in the year 1996 requires us to look back at more than 40 years of Afghan history. It was in the year 1979 that the Soviet Union invaded Afghanistan. While the United States supplied and armed the *mujahideen* in Afghanistan of Arab and Afghan origin, millions of Afghans fled to neighboring countries such as Iran and Pakistan. Soon, America's Intelligence Service (CIA) organized and funded a special operation and armed Afghan *mujahideen* in the war against its enemies, specifically the Soviet Union with their ideology of communism. Muslims from all around the world were encouraged by their Muslim governments to join Afghan militancy in the name of Islam. One of these Muslims who responded to the call was the well-known fundamentalist Islamist Osama bin Laden who brought with him a large amount of wealth.[45] In 1983, a meeting was held between the representatives of the Afghan *mujahideen* and the US President Ronald Reagan at the White House. The United States saw the Afghan *mujahideen* as partners in its struggle against the communist regime and the Soviet Union.[46]

In the 1980s, this alliance was reflected in popular Hollywood films such as Rambo 3, in which Sylvester Stallone played the main character and fought with Afghan villagers against the Russians. At that time, the Afghan *mujahideen* were labeled as freedom fighters. In 1986, nations like the United States would arm the Afghan *mujahideen* with extra-powerful weapons that the latter could put to good use to win the war against the Soviet Union.[47]

After almost ten years of occupation, the Soviet Union decided to withdraw from Afghanistan, resulting in the end of the Cold War between the United States and the Soviet Union. However, during the Soviet War against the Afghan *mujahideen*, new factions started to organize in the neighboring countries Pakistan and Iran. Seven of these parties were from

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[45] Neamatollah Nojumi, *The Rise of the Taliban in Afghanistan: Mass Mobilization, Civil War, and the Future of the Region*, (New York [etc.]: Palgrave, 2002), 221-222.

[46] Eric S Margolis, "Trump Turns on Pakistan," *The Washington Report on Middle East Affairs* 37, no. 2 (2018): 37–38.

[47] Margolis, "Trump Turns," 37–38.

Pakistan and eight parties from Iran.[48] These external factions entered Afghanistan with their own political ideologies. Instead of establishing a centralized authority, these groups began to meddle in the internal affairs of the Afghans, with the result that the destruction they wrought was perhaps greater than what the Russians had wrought during their ten-year occupation of Afghanistan.[49]

Besides exporting arms and providing financial aid, Islamic fanaticism also reached internal factions within Afghanistan, for instance in the forms of the political ideology of the Muslim Brotherhood in Egypt, Deobandi madrassas of Pakistan or the Wahhabism of Saudi Arabia. Internal factions within Afghanistan, which is home to tens of ethnicities, having multiple languages, and different religions, started to fight each other, disregarding the traditions and customs of Afghanistan's various communities.[50]

Amid these crises, in 1994 a group of students called the Taliban, formed its own movement in response to the lawlessness and destruction of Afghanistan. Where all external parties outside Afghanistan and internal factions in Afghanistan failed, the Taliban succeeded in disarming the population and the warlords of weapons, tanks, Kalashnikovs, and even to the extent that the movement reunited a fragmented country and established a single government. Lastly, the Taliban eventually destroyed the opium cultivation and somewhat restored peace and security in the country.[51]

In this chapter, I will discuss the key points that contributed to the rise and fall of the Taliban from 1994 amid the massive crises that Afghanistan faced. The purpose of this chapter is to investigate how the Taliban started to become such a politically significant force by establishing a sociopolitical presence in Afghanistan after the collapse of communism of the Russians in 1989. The goal is to examine how the Taliban developed itself before coming into power, how the movement strengthened their stronghold on Afghanistan during their ruling (1996-2001) and thereby which factors contributed to the rise of the Taliban in the midst of the crises in Afghanistan after the Russians left and during the US invasion of the country. Lastly, I will discuss the insurgency of the Taliban after the toppling of their

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[48] Ahmed Rashid, *Taliban: The Power of Militant Islam in Afghanistan and Beyond*, (London: I.B. Tauris, 2010), 29.

[49] Nojumi, *The Rise of the Taliban,* 83-85.

[50] Nojumi, *The Rise of the Taliban,* 216.

[51] Rashid, *Taliban: The Power of Militant Islam*, 2.

government by the US-led coalition. This chapter serves as the examination of the Taliban's insurgent governance institutions described in the next chapter.

3.1 Rise of the Taliban in the 1990s

Scholars specialized in political science, history, and international relations, such as Rashid (2001)[52] and Maas (1999)[53] have difficulties explaining the fast takeover by the Taliban of 90% of Afghanistan, alongside the great base support for the Taliban, while other warring parties failed to do so. The large number of potential explanatory variables make answering this issue very challenging and it is difficult to point to any one particular case that strengthened the Taliban movement in the early nineties. Indeed, the story of the Taliban's ascent represents a veritable treasure trove for those researching the onset of insurrection. Theories vary from the need of a distinct nature of the movement's worldview to self-interested motives, which were fueled by external actors seeking to dominate Afghanistan for geopolitical ends, thereby supporting the Taliban. According to certain interpretations, the collapse of the government paved the way for the movement. Others refer to Pakistan as the primary reason for the rise of the Taliban. I will put forward the most frequently mentioned, and interrelated, causes that underly and form a plausible explanation for the Taliban's ascent: namely the emergence of a distinct worldview and external assistance.

3.2 The Ideology of the Taliban in the 1990's

A noteworthy feature that explains the emergence of the Taliban was the youthfulness of its members, students who were educated in Pakistani madrassas, hardly any of them born before 1960. Mullah Umar was no exception; he was just 35-years old when he founded a small madrassa in Kandahar and became the leader of the Taliban movement. These educated students were brought up in a time of war, separated from their families, resulting in strong

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[52] Ahmed Rashid, *Taliban: Militant Islam, Oil and Fundamentalism in Central Asia*, [New ed. enl. with a prologue], (New Haven, CT [etc.]: Yale University Press, 2001).

[53] Citha D. Maass, "The Afghanistan Conflict: External Involvement," *Central Asian Survey* 18, no. 1 (1999): 65–78.

bonding between the students, who relied heavily on brotherhood glued by a religious ideology. The majority of the founding insurgent military core of the Taliban, and a sizable proportion of its later members, were quite young, ranging in age from fourteen to twenty-four years old. These future members of the Taliban were too young to play a role in the fight against the Soviet Union. The students had never known tranquility, and their perspectives on life and death were distorted by their generational reality of internal wars in Afghanistan and their educational background in Pakistan.[54]

The Islamic madrassas in Pakistan centered their programs on teaching and preaching a fundamental version of Islam, moving the focus of their students away from secular education or liberal ideas injected in the Islamic faith and ideology on politics, economics, sociology and justice. The thousands of madrassas in Pakistan which all delivered a curriculum, consisting of Islamic law and Islamic jurisprudence, furthermore played a role in training the students in warfare. By 1988, the number of madrassas grew up to more than 30.000 schools. The shared experience of education, displacement, non-exposure to the other gender, and the generational memory of warfare perpetuated by the Soviets gave the students a strong discipline and a purpose in life. The students were prepared to return to Afghanistan and fight against the 'enemies' of Islam, to fight non-Islamic ideas, and to initiate a mass mobilization in their former country.[55]

The author Rashid was startled by the contrast in ideas and knowledge between the Taliban and the other warring mujahideen parties. Unlike their predecessors, the adolescent Taliban fighters lacked expertise and knowledge about the recollection of tribal ancestors, tales, or the ethnic diversity of their country, due to the lack of presence of the young Taliban fighters in Afghanistan. These recruits had little knowledge of Afghanistan and were not motivated by nationalistic sentiments, but by a constructed remembrance of a country handed down via elders of the *mujahideen* factions. Their memory was filled with ideal Islamic principles of an Islamic state laid out by the prophet Mohammed from the 7th century, which the Taliban aspired to be like. The religious ideological framework of Islam adopted by the Taliban, which is comprised of a number of beliefs such as justice and social, political, and economic affairs, mixed the local Pashtun-traditional beliefs with a strict Islamic

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[54] Rashid, *Taliban: Militant Islam,* 2001, 23.

[55] Rashid, *Taliban: Militant Islam,* 2001, 88-89.

interpretation of Hanafi Islamic law. Being nurtured by these ideological ideas, the Taliban initiated a mass mobilization in Afghanistan.[56]

The Pakistani madrassas proceeded to deliver a constant influx of proponents to help the movement grow, while capturing the country of Afghanistan and fighting opposition. The fresh factor sparking the movement's mobilization and the evolution of a doctrine that inspired and drove a large group of disgruntled young men to engage in warfare was made possible due to the political vacuum caused by the civil war. According to Davies, tension in general emerges when expectancies grow initially as a result of improved circumstances, but then keep going up at a rate that is too fast for things to improve or deteriorate. As a consequence of the insurgent groups' dissatisfaction, organizations may resort to violence. The absence of a strong government in Afghanistan nurtures an increase or decrease of aspirations and possibilities, enabling insurgencies to take advantage of the unstable situation of a country. One of the signs of the failed state of Afghanistan was the worsening of socioeconomic circumstances under the reign of Najibullah, and the corruption and injustices that eventually led to the overthrow of his regime in the year 1992.[57]

At first, other warring parties besides the Taliban tried to fill the political vacuum during the failed state of the communist leader Najibullah. These *mujahideen* factions were participants of the alliances used as proxies by Iran and Pakistan serving as the iconic movements of Afghan opposition, who promoted the sponsor's agenda of the forces on a global scale. The sponsor nations like Iran and Pakistan established madrassas and training centers based on their own parties' philosophy, who recruited combatants as well as younger incomers and succeeded in gradually spreading its influence over Afghanistan. Despite the difference of religions, races, and language that were spoken, these multiple *mujahideen* factions became friends via their urban schooling.[58]

However, the decision-making branch was comprised of haphazardly organized armed formations, which were headed by community leaders who were often oblivious of the political objective of the parties.[59] While these forces were united in their desire to overthrow the communist rule, they lacked a shared goal, political doctrine, or central organization.[60]

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[56] Rashid, *Taliban: Militant Islam,* 2001, 23.

[57] Daniel P. Sullivan, "Tinder, Spark, Oxygen, and Fuel: The Mysterious Rise of the Taliban," *Journal of Peace Research* 44, no. 1 (2007): 96.

[58] Nojumi, *The Rise of the Taliban,* 85.

[59] Nojumi, *The Rise of the Taliban,* 88-89.

[60] Nojumi, *The Rise of the Taliban,* 83.

The author Brian William shares the same opinion, stating that the foundations of the *mujahideen* groups are rooted in a clear-cut conception of individual honor and self-esteem for selfhood, as well as for the significance and zest for life according to one's own local customs and Islamic faith. The *mujahideen's* high level of domestic disintegration finally hindered them from forming a unified front against the regime of Najibullah (1947-1996).[61]

During the Russian invasion, the non-coexistence between the internal and external factions prolonged the Soviet Union war and the existence of the DPDA government (People's Democratic Party of Afghanistan, pro-communist), which increased the high numbers of killed and wounded people and resulted in the destruction of the country. The main reason, as I have highlighted before, was the difference of opinion on how to rule the country within the *mujahideen* political parties. Due to the absence of a central organization, several important internal *mujahideen* factions began instigating their own military movement, collaborating with local community leaders, against the official Afghan administration. These efforts culminated in the seizure of power of Kabul by *mujahideen* troops during spring in the year 1992.[62]

Six out of the seven external factions from Pakistan had reached an agreement on a transitional administration in Afghanistan, while toppling the government of Najibullah and creating the Afghan Islamic State. Gulbuddin Hekmatyar (1949 -present)[63] refused to recognize the transitory administration and, in particular, opposed the selection of Ahmad Shah Massoud (1953-2001)[64] as Minister of defense, while his opponents were quickly fusing with the Shia movement Hezb-e-Wahdat, resulting in huge warfare over racial lines in Kabul. The interstate war raged on, with troops establishing and dissolving partnerships, trying peace accords and talks, all of which ended in failure. As a consequence of the ongoing conflict, the *mujahideen* leadership, who sought to form a new Afghan national government, lost confidence about forming a coalition after the apparent triumph of the Soviet departure where there was no clear direction for mobilization.[65]

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[61] Brian Glyn Williams, *Afghanistan Declassified*, (Philadelphia: University of Pennsylvania Press, Inc, 2011), 130-132.

[62] Nojumi, *The Rise of the Taliban,* 90, 96.

[63] A former Afghan Mujahideen leader and founder of Hizb-i-Islami during the Soviet invasion.

[64] a strong Afghan ethnic Tajiki Mujahideen rebel commander who resisted the Soviets and later the Taliban and started the Northern Alliance in the north of Afghanistan.

[65] Nojumi, *The Rise of the Taliban,* 113.

It was during the fighting between the *mujahideen* parties and the disagreements within the *mujahideen* parties in Kabul and other regions of Afghanistan that the Taliban began to play a major role. According to Dessler, fractures with regards to political, social, economic, or legality fault lines explain the rationale that causes people to join organizations as well as to what kind of particular types of collective action it can lead. The pathways that are crucial in understanding the Taliban's growth are ethnicity and religious identity, which were taught in Pakistani madrasas. Ethnicity had a minimal and confusing role. The religious ideology, on the other hand, attracted a large number of disgruntled young men, which helps to clarify why so many people chose to participate and assist in the Taliban's mass mobilization. However, one of the most significant catalysts can be discerned by understanding the Taliban's early growth and the way it distinguished itself from other organizations from the first moment it manifested itself in public. A big cadre of disillusioned men, a mobilized religious doctrine, and subsequently foreign help were all important factors in the rise of the Taliban.[66]

3.3 External support

Another important factor for the rise of the Taliban that cannot be overlooked is the external support the Taliban received. The role of external parties in the rise of the Taliban, who were fighting over control over Afghanistan because of geopolitical interests, is almost as important as the puritan religious ideology of the Taliban. The outcome of the proxy wars waged by external actors like Pakistan and Iran would determine the ferocity and brutality of Afghanistan after the Russians left the country in 1988. It was Pakistan that came out on top in winning the minds and souls of Afghan people. The amount of Pakistani sponsorship causes some academics to make extensive assumptions about the fundamental role of foreign backing in the Taliban's emergence. In other words, the external actor Pakistan, through educational, military, and financial means, was responsible for the creation and sustenance of the Taliban, while the external actor Saudi-Arabia played a secondary role by solely the transfer of petrodollars that happens with the agreement of the US, according to Goodson.[67]

Maley, however, refrains from suggesting that foreign assistance was to blame for the early growth of the Taliban. However, it does appear that Pakistani and Saudi funding helped the Taliban to convert itself into a structured political organization with national goals. Others

[66] Sullivan, "Tinder, Spark, 100.

[67] Maass, "The Afghanistan Conflict, 69.

caution that, although foreign help, notably from Pakistan and Iran, was critical, their unique importance in the broader battle should not be exaggerated (Maas). No nation was directly engaged, nor did any nation have total, or even relative control over the proxies it sponsored in Afghanistan. Similarly, no funded organization gained an easy victory as a result of foreign help. Such disparities in findings may be understood by dividing the Taliban's emergence into two phases. A hypothetical case can be made by investigating the Pakistani involvement throughout these two stages in order to determine whether external support was crucial for the rise of the Taliban.[68]

When the Taliban ascended to power, Pakistani involvement was based to a large extent on the desire for power in Afghanistan. It was furthermore driven by commercial interests. External support was not the most important factor for the military mass mobilization of the Taliban. The puritan religious ideology of the Taliban and its distinct attraction and communal engagement through education distinguished the Taliban from groups with other ideologies. A good example is the Hezb-e Islami[69] ,who also received a significant amount of money and military arsenal, but failed to organize a mass military mobilization.[70]

Pakistan's involvement in the Taliban's rapid control over large parts of Afghanistan (which should not be conflated with the emergence of the movement) was more significant. The first stage of Taliban take-over commenced in early September 1994, when the armed movement of religious students known as the Taliban stood up and responded to the demand for justice from the local communities. The Taliban, led by Mullah Umar, aided local conflicts and conducted military operations against the violence and brutality of local armed organizations. In October 1994, 200 Taliban members gathered on the Pakistani side of the border. As a result, they were able to navigate the demarcation line and seize Spin Buldak from Hekmatyar's soldiers. The Taliban secured a substantial cache of weaponry at Spin Buldak, enabling their military need to march forward against Qandahar. The Taliban paved the path to Qandahar, freeing a Pakistani business caravan from the grip of the local militant groups who dominated the road. The huge support of the local community and commercial

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[68] William Maley, *Fundamentalism Reborn? Afghanistan and the Taliban*, (London: Hurst, 1998), 16.

[69] An Afghan political organization founded by Gulbuddin Hekmatyar with the aim for installing an Islamic State, in contrary to the tribe nationalistic organization of the Taliban.

[70] Sullivan, "Tinder, Spark, 100.

groups enabled the Taliban to take over large parts of Afghanistan within a short period of time.[71]

These successes cannot be attributed to external support from Pakistan. It was actually due to the restoration of order, security, and peace in some parts of Afghanistan under the leadership of Mullah Umar, who helped Afghan people fight communal warlords who kidnapped, raped, and killed young girls and boys. These heroic stories soon spread and were appreciated by the local population. Tens of thousands of Afghanis joined the ranks of the Taliban. In spite of the warlords' atrocities in the country and the mass killings, the Taliban would continue to respond to demands for justice, without expecting any money in return for using *sharia* courts.[72]

The first stage lasted approximately from mid-1994 to the months leading up to Kabul's liberation in September 1996. With each win, the Taliban's allure and apparent strength intensified, bolstering its legitimacy and popularity. The Taliban seemed to have built strong sympathy in the Pashtun rural province (since most Taliban members were Pashtun), where the moral framework was identical to that of the locals. The Taliban would lose this leverage as soon as they started their expansion outside typical Pashtun regions, where ideologies clashed with other local and traditional values. However, the Taliban were still able to deliver some order and legitimacy.[73]

Ethnicity was both a source of strength and a form of difficulty for the Taliban movement. It helped, at first, assist in attracting like-minded Pashtuns. Rather than just starting another mobilization plan, ethnicization was an unintentional and harmful outcome of diversification. The problem was exacerbated when the Taliban expanded over and above demographically Pashtun-dominated zones. This is where the external involvement from Pakistan became crucial in the second stage of the rise of the Taliban. Nonetheless, even in later phases, the Taliban's largely Pashtun identification would remain an important component of Pakistani backing, and was critical in helping the Taliban to take control over non-Pashtun parts of the country. Ethnicity could be seen as a confusingly supportive and problematic component in the Taliban's growth, but not as a decisive reason for the rise of the Taliban. The second stage lasted from 1996 until the Taliban were defeated by an US-led army in September 2001, and was a period when external support from Pakistan was

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[71] Nojumi, *The Rise of the Taliban,* 118.

[72] Sullivan, "Tinder, Spark, 105.

[73] Sullivan, "Tinder, Spark, 101.

important to gain control over more than 90% over the lands of Afghanistan. In this subsequent stage, the movement was unable to find a suitable support base in the non-Sunni and non-Pashtun regions and relied more on making guarantees that it would bring law and order in the country, which was weighed down by military conflict or relied on presenting a picture of impending doom, whereby the support and the help of Pakistan made the Taliban look weak.[74]

Alongside the ongoing victories of the Taliban came political aspirations; the main priority was the formation of a Muslim government (Islamic Emirate of Afghanistan (IEA)) in the conquered territories. These political aspirations for the formation of an Islamic Emirate started in 1996, when disputes among the Taliban leaders arose about whether Islamic law should be strictly implemented or allowed to be compromised by foreign ideals in order to please the parties that had supported the Taliban from the start. In the end, the application through strict Islamic law triumphed, and the Taliban's essential ideas were preserved in a stern edict issued following Kabul's seizure. Any form of compromise or compliance of the Taliban's ideals with international law were thrown out of the window because of two reasons; the achievement of control over Afghanistan and the validation it represented would be at jeopardy if the Taliban would betray their religious ideology and its supporters. The rise of the Taliban can hereby, be explained by two important factors; one of which was definitely religious in nature and the latter of which was expanded outside its initial support base, while preserving its basic religious ideology and support base.[75]

The principle of not allowing Islamic ideals to be compromised by international law for the purpose of recognition led to a disastrous outcry from especially the West. The deliberate killing of hundreds of non-Pashtun civilians by the Taliban in Herat in 1997, led the international community to strongly condemn the actions of the IEA, while the NGOs also strongly condemned the violations against women's rights in Afghanistan during their rule between 1996 and 2001. For example, the Taliban denied women their right to education, to work and at the same time women were not allowed to walk on the streets without a male relative. This caught the attention of many feminist organizations, who put enormous pressure on the Clinton administration to take action. On the other side, Mullah Umar accused the UN and the Western powers of conspiring against Islam and the implementation of Islamic law. Furthermore, Mullah Umar and his administration promised the world that its movement

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[74] Sullivan, "Tinder, Spark, 105.

[75] Maass, "The Afghanistan Conflict, 69.

would not compromise its Islamic beliefs in favor of the 'utopian' worldview of the UN. In the end, a boycott was organized by the international community on the IEA of the Taliban, this to the annoyance of the Taliban, who no longer received donations from abroad, which in turn resulted in the starvation of hundreds of thousands of Afghan children as well as in an economic collapse. Therefore, the Taliban decided to destroy the Buddha statues in Afghanistan as a retaliation against the boycott of the Afghan country.[76]

3.4 Fall of the Taliban and Its Insurgency Strategy

The attack on Afghanistan by the West against the Taliban and Al-Qaeda began on October 7, 2001 in revenge for the attacks and the Taliban's failure to cooperate with the United States, as well as the destruction of the military assets of its enemies. In this operation, Operation Enduring Freedom, NATO collaborated with the NA, resulting in many Taliban fighters fleeing to neighboring Pakistan. Thus, the Taliban's control of Afghanistan proved to be short-lived as a result of this international invasion. After the fall of the Taliban, NATO began working with the NA to create an interim government headed by Hamid Karzai with a new constitution in place.[77]

After the inauguration of Hamid Karzai as president and the implementation of a new constitution, the foreign occupiers started building a strong police, military, and security apparatus in Afghanistan. After ousting the Taliban, mostly into Pakistan, and after Hamid Karzai's final appointment as president of Afghanistan until 2014, the Taliban attempted to renegotiate with Pakistan to get a stake in Karzai's government. But it soon became clear that the United States would not allow this, because of George Bush's well-known rhetoric: "We don't negotiate with terrorists." As a result, the Taliban tried to regain control of Afghanistan via a side road and began to function as a guerrilla network between the borders of Afghanistan and Pakistan.[78]

After the United States and Britain initiated their illegal invasion of Iraq in 2003, a new chapter began for Afghanistan. The Taliban started a resurgence in 2003 and was gradually re-emerging in most districts of Afghanistan, which was a huge blow for the country's security situation, especially in the north and south. In line with the advancement of

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[76] Rashid, *Taliban: The Power of Militant Islam*, 112-113.

[77] Rashid, *Taliban: The Power of Militant Islam*, 281-290.

[78] Thomas H. Johnson, "On the Edge of the Big Muddy: The Taliban Resurgence in Afghanistan," (2007), 96.

the Taliban in Afghanistan after the NATO invasion of the country, the Afghan people starting losing their trust in the current regime. The Taliban, in turn, called on the people to revolt against the international military occupation and the Karzai regime. From Pakistan, the Taliban initiated a plan to divide the country into parts. In each part of the country, the Taliban would appoint its Shura members. Cases would therefore be brought to sharia courts. From 2006 onwards the Taliban were welcomed with open arms by the people, and the villagers often preferred the Taliban's sharia courts over the government courts. This created the abridgement of the gap between the Afghan communities and the Taliban. For example, a tribe's leader tells Malik Hazratullah that there is no longer corruption, theft, and murder in his village thanks to the Islamic law of the Taliban.[79]

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[79] Griff Witte, "Taliban Shadow Officials Offer Concrete Alternative: Many Afghans Prefer Decisive Rule to Disarray of Karzai Government," *The Washington Post*, 2009.

Conclusion

In this chapter I first outlined a historical timeline from the year 1979, when the Russian invasion began in Afghanistan. It was from this period on that countries like Pakistan, Iran, Saudi Arabia, and the United States also started to get involved in the so-called Great Game of Central Asia. Afghanistan was an important geopolitical asset. The United States considered it important to end communism by funding Afghan Mujahideen and arming these Muslims with weapons ranging from simple rifles to stinger missiles that could bring down helicopters. Several outside factions from Pakistan and Iran also began to interfere with national interests and support the Afghan Mujahideen of Afghanistan. Each faction had its own political agenda. Due to the conflicting interests before and after Najibullah's fall in 1992, the internal factions within Afghanistan began to fight each other after installing their own government. Also, the people of Afghanistan were not safe from local warlords, who preyed on women and children, increasing fear and insecurity in the country. Afghan Mujahideen's confidence in the Afghan national government declined.

In the midst of these crises, a movement called the Taliban arose under the leadership of Mullah Umar in 1994. Unlike its predecessors, the Taliban managed to establish a central government, unite the fragmented country into one country, disarm the people, stop opium production, and improve women's rights, although the latter point can be interpreted in several ways. Although the Taliban had made great strides in forming a government and representing the will of the people, its political ideology and national policies fell short of the UN Charter's standards. The Taliban violated women's rights and did not have full control over the country; the Taliban administration consisted mainly of Pashtun Afghans and was said to be a breeding ground for terrorist organizations such as Al-Qaeda and figures such as Osama bin Laden.

The attacks on September 11, 2001 are said to have ended the Taliban's legitimacy over the country and initiated the invasion of Afghanistan by America and its allies. After the NATO incursion into Afghanistan, the Taliban from Pakistan began to regroup and started to regain control of this country. The Taliban was extremely successful at this, inflicting great damage on America and her allies through guerrilla warfare from the mountains, establishing a shadow government in the country, and regaining the people's trust. Due to the fierce battle and the failed nation-building project of the US in Afghanistan, in which the building of a strong Afghan security, military, and political apparatus was the objective, the Taliban managed to recapture the country in just a few weeks after the departure of NATO in Afghanistan in summer 2021.

Chapter 4: The legitimacy of the Taliban of pre-2001 and Taliban 2.0?

Introduction

In this work, I will theorize the functional and institutional aspects of the Taliban since their takeover in 1996, the declaration of an Islamic Emirate of Afghanistan (IEA) by the movement and discuss the possible legitimacy of its administration. I will compare the theoretical model of rebel governance of the pre-2001 Taliban with that of the Taliban 2.0 of 2021 until present. The IEA ruled Afghanistan for only five years until the year 2001, after the US and its allies decided to invade Afghanistan under the pretext of the Taliban having ties to Al-Qaeda and not cooperating in handing over the mastermind behind the attacks on the Twin Towers. The Taliban of pre-2001 only maintained a two-track system of governance. I will test the statehood of the Taliban of pre-2001 and the Taliban 2.0 on the basis of governance, legitimacy, and capacity.[80] Thereby it is first necessary to find out whether the Taliban (IEA) has succeeded in making a transition from a war-making state into a state-making one. A legitimate state is only possible when there is a government, territory, population and sovereignty. If any of these pillars are missing, there can be no state. Creating a legitimate state by the Taliban under the leadership of Mullah Umar was a huge task to achieve in the midst of a political vacuum. Mullah Umar portrayed his Islamic movement of the Taliban as representing an all-inclusive movement for all ethnic groups and thereby representing the country's faithful nation. Mullah Umar furthermore, made it clear that he did not intend to extend the power of this movement beyond the borders of Afghanistan. I will also try to determine to what extent its administration and control over the country can be labeled as a state according to the model of Mampilly.[81] Thereby, I will examine the Taliban 2.0 intention of establishing a state and to what extent it can count on the approval of the population and the international community.

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[80] Yaqub S. Ibrahimi, "The Taliban's Islamic Emirate of Afghanistan (1996-2001): 'War-Making and State-Making' as an Insurgency Strategy," *Small Wars & Insurgencies* 28, no. 6 (2017): 948.

[81] Lombardi, "*Afghan Taliban Views on Legitimate Islamic Governance*, 1-44.

4.1 The Islamic Emirate of Afghanistan and Its Legitimacy

The lives of the Afghan people began to change dramatically after the Taliban started to rule over most territories of Afghanistan in the year 1996, for reasons related to the way that the ideology of the Taliban is centered on completely different ideas and principles, contrast to our very enlightened developed lifestyle and culture in the West. Furthermore, the state-making decisions of the Taliban were severely challenged by globalization. Globalization can result in the erosion of state sovereignty, whereas any executive action by any of the actors of the international community is viewed with trepidation. National interest is gradually becoming obsolete at the expense of global interest. This raises the question: When an entity is striving for international recognition, but decides to define the norms of interaction with its peers based on its own unique viewpoint, should this attitude, too, be seen as illiberal, and should the 'state' or rebel governance be chastised? When the Taliban took over the country and established their power, the movement decided to construct its country to its own liking. The imposition of a rigid and forced reading of Islamic law was how the IEA decided to fashion the state apparatuses, as well as through the functional enforcement of the law through its councils of ministers.[82]

In the middle of Afghanistan's civil conflict, the Taliban formed a largely insurgent organization as well as a political movement in Kandahar. The movement, like all previous armed parties in Afghanistan, sprang from both internal and international factors. Internally, former-*mujahideen* and rebel factions battled one another in Afghanistan. The rise of the Taliban organization was the result of a civil conflict between former-*mujahideen* and rebel factions. Due to the collapse of Najibullah's administration in the year 1992, Afghanistan's official government became severely weakened, and the country devolved into an autarchic condition of 'warfare of all against everyone,' with no agency capable of upholding its half of the 'social treaty.' The nation experienced a power void as a result of the country's chaotic climate, as well as the absence of a central administration, which an organization like the Taliban were eager to fill.[83]

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[82] Amalendu Misra, "The Taliban, Radical Islam and Afghanistan," *Third World Quarterly* 23, no. 3 (2002): 578.

[83] Shahzad Bashir, and Robert D. Crews, *Under the Drones Modern Lives in the Afghanistan-Pakistan Borderlands*, (Cambridge, Massachusetts: Harvard University Press, 2012), 113-114.

Externally, the Taliban movement arose as a result of geopolitics, thanks to the financial, educational, and military training of Afghan's neighbor Pakistan. Pakistan's primary goal in funding the Taliban was to establish a government in Afghanistan that would be beneficial for their foreign political as well as economical goals.[84] This chapter discusses the various stages of rebel governance institutions of the Taliban's inception from 1996 onwards. I will examine how the rebel governance of the Taliban 2.0 after the withdrawal of the US-led military campaign in 2021 has progressed in comparison to that of the Taliban in the 1990s in terms of setting up (rebel) governance structures and the application of the movement's internal and external policies in receiving legitimacy.

4.2 Rebel Governance: Overview of Two Phases of the Taliban's Rebel Governance

The United States, among other Western nations, also had a major impact on Afghan suffering through the consequences of financing and providing military weapons through Pakistan. The cooperation of the US with the Mujahideen against the Soviet Union has ensured, among other things, that every Afghan had a weapon after the fall of communism. This contributed to the civil war in Afghanistan after the withdrawal of the Russians from the country. The diplomatic relations Washington maintained with the Taliban between 1994 and 1996 also represent an important moment in the history of the movement's quest for international legitimacy. From the moment the Taliban gained most control over the country, it started to become more involved in governing the affairs of the Afghans.[85]

From the moment the Taliban established the IEA administration, according to scholars like Terpstra, they stopped being a rebel government. However, the IEA was challenged by warring parties that weakened the Taliban regime and their relationships with external parties. The Taliban of the 1990s showed weaknesses in its structural organization and the nature of its institutional functions and struggled to maintain the monopoly of violence over the country, although intimidations and violence were the main methods the movement used to control the territory.[86] Lastly, the IEA was unable to provide the Afghans with basic needs, peace, and security. From an international community's perspective, the

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[84] Ibrahimi, "The Taliban's Islamic Emirate, 951.

[85] Rashid, *Taliban: The Power of Militant,* 182.

[86] Niels Terpstra, "Rebel Governance, Rebel Legitimacy, and External Intervention: Assessing Three Phases of Taliban Rule in Afghanistan," *Small Wars & Insurgencies* 31, no. 6 (2020): 1153.

sheltering and maintaining of ties with al-Qaeda, however, put an end to any serious recognition, leaving only Pakistan to support the Taliban.[87]

After reorganizing in Pakistan and conducting an insurgency against the US-backed government in Afghanistan, the Taliban reclaimed control over Afghanistan in 2021. Almost two decades after the United States military launched a war operation against the shadow government of the Taliban in Afghanistan, the current president of the US Joe Biden declared on April 14, 2021 an end to the protracted war in the country. The departure accompanied an agreement reached between the Taliban and the Trump government in early 2020, which made the withdrawal contingent on the Taliban agreeing not to house terrorists who strike the US and its allied forces. The Taliban seized control over the majority of Afghanistan's major towns and provinces in just a couple of weeks, indicating less resistance and more popular support from the Afghans. The official government, which was installed by the US and its allies, collapsed and president Ashraf Ghani fled the country.[88]

The Biden administration announced through media reports that it had accomplished its goal, namely, destroying the roots of evil, referring to the organization of Al-Qaeda, and the prevention of further attacks against the US and its allies. The West organized talks with the Taliban to ensure peace and security in Doha, Qatar through diplomatic negotiations, signaling a potential partnership with the movement and international recognition. Possible recognition of the Taliban 2.0 administration by its nearby neighbors awaits. Former enemies of the Taliban from the period 1996-2001, among whom China, Russia, Turkey, Iran, Pakistan, and possibly Qatar now appear to be partnering with this administration. However, these parties do make demands, such as more inclusiveness within the government, breaking-off relations with terrorist organizations, and, to a lesser degree, granting humanitarian rights to women in the country from a liberal point of view. This pressures the Taliban 2.0 to adopt a more pragmatic methodology and policy compared to the former Taliban in order to gain both internal and external legitimacy as a government and to carry out its authority through popular support, not through coercion and intimidation.[89]

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[87] Jessica Stern, "Pakistan's Jihad Culture," *Foreign Affairs* 79, no. 6 (2000): 124-26.

[88] Richard J. Chasdi, "Implications of the New Taliban Government for the Biden Administration," *The International Journal of Intelligence, Security, and Public Affairs* 23, no. 3 (2021): 425–38.

[89] "U.S Withdraws from Afghanistan as the Taliban Take Control," *The American Journal of International Law* 115, no. 4 (2021): 750-51.

4.3 The Taliban's First Rebel Governance (1996-2001)

On October 13, 1997, the Islamic Emirate of Afghanistan was officially created by the Taliban with the Sharia as the source of law. Ibrahimi discusses the Taliban's first experiences and transformations as a movement in government, which developed from a "war-making" to a "state-making" entity wherein the Taliban was able to establish a two-way track system of governance before being an insurgency movement. The author at the same time questions whether the IEA qualifies as a legitimate government and whether it fulfils the criteria of the essentials of a state. He quotes influential theorists like Weber and Tilly regarding the conceptualization of a state and Mann to discuss the functional and institutional aspects of governance and applies this to IEA's functional aspects of governance of the IEA.[90] The Taliban, which arose from a political vacuum due to the Afghan civil war, had no intention to install a central government in Afghanistan for the Afghan people. However, when this insurgency movement gained control over large parts of Afghanistan and was able to maintain relative peace and security in the country, the movement became tempted to govern the country by a strict interpretation of Islamic law. The presented version of Islamic law was a loose, but extreme Sunni Hanafi interpretation of the Deobandi school of thought, backed by the Pakistan's secret services and armed forces. Most of the established 'governance' officials of the IEA were no experts in fields which are required to rule a country. The IEA administration, was mostly comprised of Mullah's who were brought up in Pakistani madrassa's or were former Afghan Mujahideen, like their leader, Mullah Umar, the so-called Amir al-Mu'mineen (political leader with a religious authority over Muslims who are obliged to pledge allegiance to the leadership).[91]

Taliban refused to call Afghanistan a state, since the term 'state' can refer to Islamic states as well as non-Islamic states. Instead, the term 'emirate' was called into life. The IEA installed a two-way track system of governance, which included the councils of ministers in Kabul and the Supreme council under the leader Mullah Umar, which was based in Kandahar, because of the Taliban's origins in that particular region. The Councils of Ministers were under the direct control of the Supreme Council. The Council of Minsters system was to represent the movement's efforts to establish a state structure, and its aim was to execute Sharia policies. The tasks of the council of ministers included governing the internal and

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[90] Ibrahimi, "The Taliban's Islamic Emirate, 947-50.

[91] Bashir, *Under the Drones,* 114-15.

external policies of the emirate, applying Sharia in the country, managing the defensive and military interests as well as monitoring and securing the cultural, political, and social affairs of the people. In theory, the Supreme Body, which comprised the political-military leadership of the Taliban movement, had a more symbolic nature in the country and showed the Taliban's roots as an insurgency. However, in practice, the Supreme council had full authority and responsibilities.[92]

The state's functional abilities uphold three important pillars, namely legitimacy, authority, and capacity.[93] The IEA was internally as well as externally seen as a brutal, but necessary evil. The Taliban were internally weak in the eyes of the Afghans due to their ethnic-religious nature. Evidence shows that the Taliban were discriminatory towards non-Pashtuns, while a great portion of Afghan population consisted of various ethnicities, like the Uzbeks, Tajiks and the Turkmen. The IEA's two-way track system of governance, where non-Pashtuns were mostly excluded from both bodies, reflects this. The harsh and strict form of Sharia also formed an obstacle towards unity and popular support.[94] Externally, the IEA were not officially recognized by the international community. It was even former president Rabbani who held the UN seat of Afghanistan, instead of one of the delegates of the IEA.[95]

When the US and other western nations became aware of the connections between the Taliban and Al-Qaeda, the IEA were thrown out of the negotiable table of diplomacy. The international community imposed sanctions on the country and isolated the IEA from the rest of the world. Financial and economic aid were cut-off from the country.[96] Other reasons for the boycott of the country were the violation of women rights in public and private spaces and the violation of other minority rights. Angry feminist groups in the US pressured the Clinton administration to speak out against the IEA's treatment of women in Afghanistan, which was an important factor in the decision to put the IEA in an isolated position. This also abruptly put an end to US plans to build a pipeline through Afghanistan. Furthermore, the relationships with the neighboring countries were weak.[97] Iran, China, and Russia all cut ties with the IEA on account of its extremist Islamic views and financial support of several other terroristic

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[92] Terpstra, "Rebel Governance, 1153.

[93] Ibrahimi, "The Taliban's Islamic Emirate, 948.

[94] Ibrahimi, "The Taliban's Islamic Emirate, 954.

[95] Rashid, *Taliban: The Power of Militant,* 279-81.

[96] Rashid, *Taliban: The Power of Militant Islam*, 281-290.

[97] Rashid, *Taliban: The Power of Militant,* 114.

organizations. In the later phase of the IEA rulings, even Saudi-Arabia and the Emirates stopped maintaining international relations with the IEA.[98]

4.4 Legitimacy and Capacity During IEA Rule (1996-2001)

The nature as well as the structures of the IEA administration were quite different from those of other Muslim countries with an authoritarian regime. It was unable to gain full control of the country. Internal and external political-military factions were still fighting the IEA, which by definition meant that the IEA of the Taliban had neither the monopoly of violence over Afghanistan, nor the ability to provide the necessary peace and security. The lack of financial resources and experience of the Taliban in government made the defenders of the country look like militia forces, rather than a regular army. The IEA itself proclaimed the need to reorganize their military capacity to transform it into an Islamic army. The army was the soul of the nation and rebuilding an army was key to defending the Afghan territories.

As evidence provides, The Afghan military force, which consisted of 25.000 to 30.000 soldiers, was poorly trained and lacked equipment. The IEA army and the former Taliban movement were heavily dependent on external military support and security equipment. Pakistan delivered 80.000 army and security men, consisting of ISI officers, Pakistani-armed soldiers, commanders and madrassa students. Furthermore the 055 Al-Qaeda brigade, which supplied around 2000-3000 trained soldiers of Arab origin. Bin Laden's brigade helped the IEA armed forces by training them, but at the time led the ranks of the Afghan IEA's forces into battles. The Taliban used these forces to take territory under control through coercion, rather than by popular support. Surprisingly, the Taliban used nationalism as a means of uniting all Afghans to fight off foreign enemies and interventions. The use of a white flag with Islamic symbols on it was further proof of the use of pragmatic legitimacy.[99]

According to Terpstra's studies and fieldwork, the focus of the Taliban's governance was shifting between moral and pragmatic legitimacy. During the Taliban's rule (1996-2001), the movement were losing popular support among the general public. The de-modernization of cities and the policies implemented by the Taliban in cities like Herat and Mazār e- Sharif were met with severe resistance. However, when the Soviet Union and the NATO invaded

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[98] Ibrahimi, "The Taliban's Islamic Emirate, 956.

[99] Ibrahimi, "The Taliban's Islamic Emirate, 947, 961

Afghanistan, the Taliban as an insurgency used moral legitimacy as a tool to rally all Afghans of the cities and rural villages to fight against Afghan nationalist forces and foreign enemies. Fighting on religious and nationalistic grounds was very effective in granting the Taliban a moral legitimacy.[100]

Due to the decades of war which destroyed Afghanistan's infrastructure, the IEA had to start from scratch in building a strong economy, maintaining its military authority of the country, and providing the people with basic needs, like food and medicine. The Taliban relied on Pakistan, Osama Bin Laden, and income deriving from production of opium.[101] Because of the IEA's involvement in sheltering a terrorist, having ties with the organization Al-Qaeda, and the violation of women's rights, the country was being officially and unofficially thrown out from the world arena. An economic boycott was imposed on the country. This boycott even worsened the legitimacy of the Taliban, because the country was basically bankrupt and isolated from the rest of the world due to the leverage made by the international community.[102]

4.5 Taliban's 2.0 Second Rebel Governance (2021-present)

Following the overthrow of the Taliban in 2001, the movement acknowledged having made "mistakes" when they governed Afghanistan; however, they never stated how their governance model might alter if they were to reclaim power. Because the Taliban refuses to recognize the legality of the 2004 constitutional system, the movement clearly does not plan to rule in accordance with the contents of that charter. However, it is unclear what kind of new constitutional framework they plan to construct. Despite the fact that they have said again that they do not want to rule in the same manner as before and that, unlike in the past, the Taliban 2.0 do believe in forming a state. They have also stated that, like in the past, they would wield authority in accordance with Sharia. Such pronouncements, however, offer nothing to clarify the Taliban's objectives for ruling their nation. Important factions inside Afghanistan, such as religious minorities and civil society organizations, have already called on the Taliban to explain the structure of the state that they currently want to enforce and are

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[100] Terpstra, "Rebel Governance, 1159.

[101] Bashir, *Under the Drones,* 130-31.

[102] Ibrahimi, "The Taliban's Islamic Emirate, 962–63.

demanding assurances that at least part of the preceding constitutional government's democratic and liberal aspects will be preserved. In addition, the international world is attempting to comprehend the Taliban's legislative agenda. Many people are asking the Taliban for assurances that democratic and liberal principles will be respected in exchange for receiving international recognition.[103]

The Taliban's refusal to reveal specifics regarding their intentions regarding their modes of governance (as of February 2022) may indicate uncertainty for Afghanistan's future. In order to get international recognition, however, the Taliban have to abandon their old system of governing and embrace some democratic and liberal ideas from the 2004 Afghan constitution. The Taliban is being put under severe pressure by the UN to compromise their old ideas of governing in exchange for more reform and, of course, the much-needed donor aid. The international community has put forward recommendations for the Taliban on how to govern and how it can reconcile Islamic ideals with liberal ideas.[104] The United States Institute of Peace in particular has provided some examples of other Muslim countries who were able to compromise indigenous ideals with liberal ideals. For example, many authoritarian Islamic states that uphold the same core Islamic beliefs, such as Egypt (1882), Tunisia (1861) and the Ottoman Empire (1876) were put under similar pressure to radically change the constitution of their countries due to European Imperial pressure and because of the effectiveness of the centralization through the lens of liberalism. These empires and nations together professed that the reforms that were put in place did not contradict the sacred rules of Islam. Another example is Iran, which adopted the constitution in 1907. Despite the rejection of the first version of this constitution by clerical Muslims, the experimental project of 1907 did impact the postrevolutionary constitution of Islamic Republic of Iran in 1979 in some ways. Many other Muslim states have followed.[105]

However, in the case of the Taliban, this scenario is highly unlikely to occur. The Taliban has provided two fundamental statements. Firstly, foreign forces are no longer allowed to enter Afghanistan. Secondly, the aim of the Taliban is to implement a pure Islamic

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[103] Lombardi, and March, "*Afghan Taliban Views*," 3-4.

[104] Lombardi, and March, "*Afghan Taliban Views*," 4.

[105] Lombardi, and March, "*Afghan Taliban Views*," 27-28.

belief system. The Taliban has stated that it will not adopt any feature or aspect of the 2004 constitution, because it was a foreign imposition, and furthermore, that the 2004 constitution is not a representation of Islamic law and is therefore invalid.[106] These statements reflect the position of the Taliban and some other modern Islamist thinkers, like Sayyid Qutb (1906-1966), who are making a distinction between the sovereignty of man and the sovereignty of God, where the former is deemed to be *Jahiliyya* (state of ignorance and unbelief).[107] The current leader of the Taliban, Hibatullah Akhundzada, has written a book in 2017, where the leader emphasizes a true Islamic belief system with a male Muslim Hanafi leader, who is highly trained in classical Islamic jurisprudence and state-hood.[108]

In 2020, a statement of the Taliban spokesperson Zabih Ullah Mujahid was republished from his commentaries regarding the selection of a ruler and his rejection of the electoral system of democracy. The spokesperson's message stated in detail that a layman of a country is not fit to hold a consultation to elect or vote for a representative (*khalifa*). It is the role of a small group of elites to make and choose a ruler in the *Shura.[109]*

When it comes to the rights of minorities and women in Afghanistan, it remains to be seen whether Taliban 2.0 will change its position, but this too does not seem to change. A woman is required in most public situations to be accompanied by a *mahram* (related male family member). In addition, the Taliban has promised that women have the right to own property and the right to education and to work. But these statements are not new. The Taliban made these promises to women in before 2001 as well.[110]

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[106] Lombardi, and March, "*Afghan Taliban Views*," 7.

[107] Misra, "The Taliban, Radical," 583.

[108] Lombardi, and March, "*Afghan Taliban Views*," 9-10.

[109] Lombardi, and March, "*Afghan Taliban Views*," 10-11.

[110] Interview: "Abdul Qahar Balkhis, Talib Spokesperson for the Ministry of Foreign Affairs", March 11th, 2022, 00:00-51:48, https://www.youtube.com/watch?v=Aj-6J-a3Wz4.

4.6 Legitimacy and Capacity of Taliban 2.0

The Taliban has been working after the US-led invasion of 2001 to regain the trust of the people and the trust of the international community. Growing support for and trust in the Taliban's legal, political and, social provision for the people and declining confidence in the Afghan national government of Hamid Karzai and Ashraf Ghani has forced the international community to accept and reconsider the Taliban's role in global politics. The US theoretically legitimized the Taliban in February 2020 in Doha by negotiating directly with the Taliban. The United States' well-known credo, "we don't negotiate with terrorists," has passed into disuse as a result of these negotiations. This has brought about a more positive image of the Taliban in the eyes of the world, as these negotiations indicate that the world no longer considers the Taliban as a terrorist organization, for the time being.[111]

Based on his studies of the Taliban's governance from the 1990s until the 2010s, Ruttig argues that, contrary to what authors such as Amalendu claim, the movement's organizational structure has proven to have become quite dynamic. The Taliban's governance during that period consisted of leadership and political vision, and its program has to a large extent remained consistent. Linschoten and Kuehn both agree with Ruttig's point. These academics caution their colleagues against underestimating the effectiveness of Taliban's governance and its policies. The Taliban has shown over its historical trajectory that their governance is everything but static. Rather, it shows the conceptual change and development of the movement's approach towards governance internally as well as externally. This change of attitude of the Taliban could attract more supporters within its own community as well as within the international community.[112]

The most significant physical difference in the Taliban prior to late 2001 is that they functioned as a quasi-government with a state-like organization, ministries, provincial and district authority, and a security. They were compelled to reconstitute as an insurgent or guerrilla organization after 2001. More recently, the Taliban has been able to gain control over the whole of Afghanistan within a short period of time. Unlike the heavy resistance of warring parties in Afghanistan during Taliban pre-2001 governance, the Taliban 2.0 was able to take over Afghanistan on August 2021 within several weeks, without using extreme violent methods and intimidation. For the first time in the history of the Taliban, it was able to

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[111] "U.S. Withdraws from Afghanistan as the Taliban Take Control," *The American Journal of International Law* 115, no. 4 (2021): 748–49.

[112] Bashir, *Under the Drones,* 127-128.

conquer the Panjshir valley of Afghanistan. Most of the armed military forces from the national government of Afghanistan surrendered and there was little resistance from the population. One of the reasons why the population did not resist was due to the historicity of the Taliban judiciary system, which had provided relative peace and security during the US-led invasion and had been less involved in corruption than the national Afghan government. This has given the Taliban 2.0 moral legitimacy as well as pragmatic legitimacy within Afghanistan and the international community.[113]

According to Human Rights Watch, security officials and commanders in powerful positions within the national Afghan government (installed by the US and its allies) were involved in abusing, kidnapping, enslaving and sexually exploiting young Afghan children, also called Bacha bazi. These kinds of activities occurred mostly in northern Afghanistan. Based on the interviews Terpstra conducted with the aggrieved parents and victims of the Bacha Bazi, the perpetrators of these practices were protected by people in high positions in the government. It was the Taliban who fought against these illegal activities. For example, a villager in Chahar Dara said that is the reason why the Taliban was loved and supported was because they put an end to this. The Taliban is also said to have acted harshly against robbery and gambling through its shadow government.[114]

In terms of terrorism, the Taliban have officially stated that it no longer maintains ties with Al-Qaeda or other Islamist organizations. In order to prevent isolation, it has distanced itself from global jihadism and organizations who have ties with global jihadists. As Giustozzi states: "They seem to have absorbed from their foreign jihadist allies a more flexible and less orthodox attitude towards imported technologies and techniques."[115]

Due to new strategic goals established by nearby countries and the more tolerant attitude of the Taliban 2.0 towards various ethnicities and religious sects as well as the severing of contacts with global jihadist organizations, countries such as Turkey, Iran, Russia, Pakistan, Qatar and China are preparing to sit down with the Taliban.[116] This could be a

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[113] Sami Dogan, "Review - the Resurgence of Taliban," Radboud Reflects, September 9, 2021.
    https://www.ru.nl/radboudreflects/terugblik/terugblik-2021/terugblik-2021/21-09-09-afghanistan-
    resurgence-the-taliban/info/review-the-resurgence-taliban/.

[114] Terpstra, "Rebel Governance, 1161.

[115] Chasdi, "Implications of the New Taliban," 427.

[116] Chasdi, "Implications of the New Taliban," 433-35.

breakthrough in the history of the Taliban, and this movement or administration could therefore be partly recognized by the international community.[117]

The pre-2001 Taliban was isolated from the rest of the world on the basis of three points: the production of drugs, the maintenance of links with terrorist organizations and the violation of the rights of minorities and women. The Taliban 2.0, which is desperately seeking recognition from the international community, has pragmatically stopped dealing in drugs and has severed ties with terrorist organizations.[118] In addition, it has made promises to install a more inclusive government and promises to allow girls and women to participate in education and work in the future.[119] Despite this change in attitude of the Taliban 2.0, the West, in particular, is still skeptical about the legitimacy of the Taliban and its promises. With heavy pressure on the new Taliban administration, the imposition of economic sanctions on Afghanistan, and the freezing of Afghan money in US banks, Afghanistan will face a massive humanitarian crisis.[120]

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[117] Elaine Pasquini, "Iran Looks for Stable Relations with Taliban," *The Washington Report on Middle East Affairs* 40, no. 7 (2021): 55–56.

[118] Misra, "The Taliban, Radical," 584.

[119] Lombardi, and March, "*Afghan Taliban Views*," 32.

[120] Interview: "Abdul Qahar Balkhis, Talib Spokesperson for the Ministry of Foreign Affairs", March 11th, 2022, 00:00-51:48, https://www.youtube.com/watch?v=Aj-6J-a3Wz4.

Conclusion

The Taliban 2.0 seems to embrace an Islamic government that is reminiscent of the method they used throughout their tenure of rule, which ended in 2001 and which was similar in fundamental ways. This is a model in which a leadership chosen by Hanafi scholars is obligated to follow Islamic law. Following public statements made by the spokespersons of the Taliban, it seems the administration is unwilling to compromise its Islamist ideals in exchange for international recognition.

Scholars like van Linschoten and Ruttig are debating whether the Taliban 2.0 has shown some flexibility in implementing Islamic policies and whether the old traditionalist Deobandi Taliban has transformed over the past two decades into an Islamist organization with nationalistic tendencies. Furthermore, the question remains as to whether the policies of the Taliban towards women and other minority groups will improve over time, while the new Taliban administration is undergoing economic sanctions and to a certain extent exclusion from the rest of the world. This has caused a huge humanitarian crisis in the country.

Conclusion

This thesis has demonstrated that rebel governance has become an intrinsic part of the Afghan societal fabric, since the official state struggled fundamentally to develop a robust government system capable of providing security and providing basic needs to its people. The fight for control over Afghanistan has been vigorous and divided throughout the last 43 years in political history, generating a power vacuum during which the Taliban finally emerged as the fiercest and most united party. The legality of the Taliban rebel governance has been contested and has obviously continued to evolve throughout the various stages of its rule. The intent of this conclusion is to bring to a close the research on rebel governance frameworks and legitimacy procedures as executed by the Taliban organization. I will use the two phases of the Taliban rebel governance discussed in chapter four to address and answer the thesis research question: **"To what extent can we consider the Taliban 2.0 as a legitimate governance in comparison to the Taliban's governance of 1996?"**

It may be stated that the Taliban from the period 1996-2001 started off as a rebel governance, ruling by a strict interpretation of Islamic law with a minimalistic pragmatic approach and living in isolation from the rest of the world. The Taliban 2.0 on the other hand may have evolved into an official Afghan government, recognized by the Afghan people and several neighboring countries, such as Russia, China, Iran, Turkey, and Pakistan. The Taliban 2.0 has shown a more pragmatic approach in their foreign policy, refraining from the dogmatic stigma and animosity towards the religions of other nations, promising to install a more inclusive government in Afghanistan, as demanded by Russia, and agreeing in not to use its country as a safe haven for terrorist organizations nor sponsoring *jihad*ist organizations in other parts of the world.

However, when it comes down to the structure of the Taliban 2.0 government, the Taliban appear to advocate an approach to Islamic administration that is similar to the one they used during their era of authority, which ended in 2001. This system of Islamic governance, implementing a strict interpretation of Hanafi Islamic jurisprudence, is massively supported by the Afghan public. Pew Research Center has already shown in its study that 99% of the Afghan men and women are favoring *sharia* over a man-made system, thereby denouncing democracy, liberalism or communism. Despite the fact that Afghan people would rather be governed by Islamic law than by liberalism, democracy or the western version of

human rights, the western world seems to ignore the results of the statistics and to neglect the will of the Afghan people by applying a bipolar simplistic policy response. While the Taliban 2.0 have reached a high level of legitimacy through its people to govern the affairs of the Afghans, and to a certain extent the international community, the West has so far pressured the Taliban to implement some elements of democracy and liberalism and to a certain extent to respect the 2004 Afghan constitution. Thus far, the West is eager to isolate the Taliban 2.0 government from the rest of the world, unless it will compromise its Islamic ideals with western principles on women's rights, minority rights, freedom of speech and the separation between state and religion.

The intention of this comparative study of the differences between the two phases of Taliban rule of Afghanistan, the Taliban pre-2001 and Taliban 2.0, is to compare the state structures, legitimacy, and capacity over its two reigns in accordance with the rebel governance theory. It seems that at least the Taliban 2.0 fits in the rebel governance theory and has become an official Afghan government. Taliban 2.0 has taken on a more progressive role. In Afghanistan, there is more room for religious freedom, the Taliban is guaranteeing women access to work and education in the future, has banned the trafficking in, and the producing or selling of drugs, and has embraced the global free market. This comparative study has shown that the lack of external support for Taliban 2.0 has more to do with Islam as an ideology than with the wishes and demands of the Afghan people.

The subsection on policy response applied by the West as shown in chapter two, where former Islamist governments won through democratic elections, like the FIS in 1992 and Hamas in 2006 shows animosity and subjectivity in judgement towards Muslim or Islamic traditions and ideologies, rather than with justice. Non-westerners seem to have their own standards and yardsticks for dichotomies such as decent-indecent, appropriate-inappropriate, beauty-ugliness and normal-abnormal. This shows us yet again the prevalence of double standards related to women's suffering; where women's rights organizations use liberal standpoints to determine how a women should dress; mainstream media outlets are spreading false rumors about women being denied access to schools and work. Last point that I would like to highlight is the impatience of the West towards the rebuilding of Afghanistan and its social fabric by the Taliban. Afghanistan has been targeted for more than 43 years due to war and geopolitical games. Giving the Taliban a more reasonable time to rebuild Afghanistan, seems more appropriate.

While no country has directly acknowledged this interim administration, the international world, particularly Afghanistan's neighboring countries, must work with the

Taliban 2.0 to avoid an economic and humanitarian disaster. My suggestion for foreign policy advisers would be to adopt a moderate stance towards nations or emirates having different worldviews and to acknowledge the Taliban as an official Afghan national government, while keeping the Taliban 2.0 in check if their promises towards giving women access to schools and work are nullified, as Scott Ritter has already suggested.[121]

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[121] "Foreign Aid Required for Afghanistan," Energy Intelligence, October 19, 2021.
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