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THE TALIBAN 2.0 REGIME AND CHALLENGES TO THE STATE-MAKING IN CONTEMPORARY AFGHANISTAN

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Political instability still continues in Afghanistan and the Taliban movement, which had a failed experience in state-building between 1996 to 2001, is in power once again. The current regime after four years since seizing the power has gained neither domestic legitimacy nor international recognition. They have yet to succeed in bringing about a convergence between the society and the state, and thus their regime. This study examines the challenges to the state-making in Afghanistan under the current Taliban regime. It argues that the Taliban's top-down approach to state-making aims at preservation of their regime, predominated by Pashtuns, and the monopolization and implementation, often by force, of *sharia* and while there is no issue in general in the ruling of a country by a group of elected people from any ethnic group, the ethnic factor has been so prominent in politics in Afghanistan, where no ethnic community is in majority. The contemporary state-making challenges in Afghanistan are influenced by historical events in the past few decades, too. One should not forget the international aspect of state-making in Afghanistan. The relationship between the society and the Taliban, the regime's policy in providing security, the political and armed opposition groups, policies of regional and international powers are discussed in this paper to prove the argument. The paper suggests that the Taliban should consider the public opinion while making and implementing policies to eliminate the gap between the regime and society and get domestic legitimacy and international recognition. For this purpose, efforts are needed at both national and international levels.

Keywords: Afghanistan; Islam; Pashtuns; *sharia*; state-making; Taliban

Introduction

The Taliban Movement is again in power after two decades of war since the toppling of their first regime in 2001. The gap between the society and the state remains similar to their first rule; ethnic and religious groups in the country see the Taliban and their policies unacceptable to the society. The legitimacy of the regime and its international recognition are often questioned by both the Afghanistan society and international society. This, in turn, has challenged the state-making process in the country.

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Rulers and regimes in Afghanistan have often associated the state-making process to the predominance of a particular ethnic community, where no ethnic group makes the majority of population. Afghanistan under Daoud Khan's presidency, the PDPA regime, the Mujahideen government, and the first Taliban regime (1996–2001) are a few examples in this regard. These rulers and regimes resorted to violent methods against opposite movements and people in the state-making process. Since the Taliban came to power once again in August 2021, questions have often been raised about their approach in state-making in Afghanistan. What kind of state does the Taliban 2.0 regime want in the country? Would it be similar to that of their first regime (1996–2001) or would it be different? What methods would they use? Would the gap between regime and state be eliminated or decreased? How a politically (un)stable Afghanistan affects the stability in the region? What kind of relations would the Taliban have with international society?

This paper describes the challenges to the state-making in Afghanistan under the present Taliban regime. The Taliban regime strives for an Islamic state ruled by a Pashtun dominated regime, which has often raised questions in society. The gap between the society and the regime and state is the main objective of nation state-making and needs to be reduced/eliminated through, among other means, referring to the votes of people or elected representatives of people.

1. The Taliban

The Taliban are the remnants of the Cold War and a consequence of regional and international politics that roots in the socio-political situation in Afghanistan. The absolute majority of the group members are Sunni Muslim and Pashtuns that studied Deobandi madrasas in southern Afghanistan and the North West Frontier Province and Balochistan in Pakistan.

Deoband is a city in India from where the Deobandi Movement, entered around the Dar ul-Uloom Deoband madrasa, was started in the 19th century. The Deoband madrasa focused mainly on educating Islamic Law (*sharia*) and Jurisprudence (*fiqh*). Shah Waliullah, an Indian thinker in the 18th century and who was influenced by his contemporary Abdul Wahhab of Saudi Arabia, was the inspiration to the movement. Deobandis declines the independent reasoning in deriving rulings on matters not explicitly discussed in the Quran and Sunnah of the Prophet in response to newly emerging conditions (*ijtihad*) [Rubin 1999, 82].

Pakistani madrasas where the Taliban members studied are controlled by Jamiat Ulama-yi Pakistan (JUI), which was split into two factions, namely JUI-Fazal (JUI-F) headed by Maulana Fazl-ur-Rahman and Jamiat Ulema-e Islam headed by Maulana Sami-ul-Haq (JUI-S). The latter group runs two large madrasas, namely Dar-ul-Uloom Haqqania in Pakistan's NWFP and the Jamia Uloom-ul-Islamia in Karachi. Most of the Taliban members are graduated from madrasas under JUI-F and are different from Haqqani Network, the members of whom are graduated from Dar-ul-Uloom Haqqania run by JUI-S [Rubin 1996, 19]. This differentiation of education background would impact the intra-group relationship that has yet to be overcome.

Before its establishment in 1994, the founding members of the group, in separate Mujahideen groups and movements, like Muhammad Nabi Muhammadi and Mawlawi Yunus Khalis groups, had fought against the PDPA regime and the Soviet forces in Afghanistan in the 1980s. Initially the group apparently came with the objective of implementing *sharia* of Islam after seizing power in the country. They rebelled against the then government controlled by Burhanuddin Rabbani and his defence minister, Ahmad Shah Massoud, both of whom were Tajik. It once again recalled the struggle for predominance of Pashtuns in controlling the regime and country. Anyway, the Taliban became dependent on Pakistan and indirectly on the US, too. Both the US and Pakistan instrumented the Taliban for achieving their policy objectives in the region. They wanted to access markets in the newly created Central Asian countries. The Taliban, for instance, agreed to protect,

in return to arms supply, the Turkmenistan-Afghanistan-Pakistan (TAP) Pipeline Project, which had been planned to be built by the Unocal, a USA Company, in the mid-1990s.

The Taliban first seized power in 1996; although they did not have control of the majority of the country. They gained control of the majority of the country after seizing Balkh province and most of other northern provinces in 1997. They used harsh methods in implementing *sharia* throughout their rule between 1996 and 2001; although they were aware and seeing an increasing gap between the regime and the society. The Taliban then believed preservation of their regime, the absolute majority of whom were Pashtuns, as the only way for implementation of Islamic *sharia* in Afghanistan. Lack of opportunity for members of other ethnic groups to get higher official positions highlighted, more than before, the ethnic factor in power relations and triggered the (de)-Pashtunisation of politics in the country [Ahady 1995, 621].

Pakistan, United Arab Emirates (UAE), and Saudi Arabia were the only members of international state society that recognised and had close relations with the then Taliban regime. Nevertheless, the regime's relationship with non-state armed groups, including and especially Al-Qaeda, damaged these relations as well as relations with international society. Giving refuge by the Taliban to Osama bin Laden and thousands of al-Qaeda fighters would affect the security of countries beyond the borders of Afghanistan. It was a clear contradiction to the fundamental policy of the Taliban because they did not seek military objectives beyond Afghanistan borders. The Taliban would think it ethical and their religious duty to give refuge to the al-Qaeda leader and fighters, who were supporting and training the Taliban regime and fighters. This has raised the question why the Taliban preferred a non-Afghani militant armed group to Afghani resistance groups that made them face threat to their regime inside Afghanistan by the resistance groups and at the international society? It indicates that the regime preferred the preservation of their regime at any cost and believed in the sovereignty of their regime and not the nation [Council on Foreign Relations n.d.].

The Taliban's refusal, after the event of September 11, to surrender Osama bin Laden, the founder and the then leader of Al-Qaeda terror group, to the USA was among the reasons for the military intervention of the USA that resulted in the toppling of their regime in 2001. It took the group not more than half a decade to regroup themselves in the mid-2000s. The then Administration under Hamid Karzai was overdependent on the US forces and saw it difficult for the Taliban to regroup themselves. Such a dependency and perception was a big obstacle on the way to engage with the Taliban group and, thus, include them in the administration. The Taliban began their attacks against the Afghan army and international forces in Afghanistan after regrouping themselves. They, furthermore, made their shadow provincial and district governments during their war in the country [Ashley 2018, 7].

The negotiations between the USA and the Taliban started during Obama's Administration in the first half of the 2010s and were criticized and interrupted by the then governments. Nonetheless, a new round of negotiations began during the Trump's Administration in Doha, Qatar in 2018. These rounds of negotiations led in February 2020 to the Doha Agreement, the role of which was significant in facilitating the seizure of power by the group in August 2021. Both the parties have many times claimed each other the violation of the Agreement since then. Based on this Agreement the USA and the allies would withdraw their forces from Afghanistan, no threat from Afghanistan would threaten security of the USA and its allies, and intra-Afghan peace talks would take place between the Taliban group and the then Afghani government [Department of State 2020].

At the present, Mullah Haibatullah Akhundzada is the Supreme leader of the Taliban and leads the current regime. Three deputies (formerly two deputies) and the Supreme Leadership Council, which consists of thirty members and functions like the government cabinet, aid him. The Supreme Leader is the highest decision-making authority in the

Taliban group and regime. Furthermore, besides the Leadership Council, there are eighteen commissions who work as ministries and their heads are members of the Leadership Council. Other members of the Leadership Council are from among several other military commanders and religious scholars [Jackson & Weigand 2019, 144; Sayed 2021].

2. State-Making in Afghanistan

Nation-state making, as stated by Cohen et al., is “a historical process characterised by the creation of political order at a new spatial and institutional level... involves redistribution of control of political power resources away from subnational collectivities and policies toward the central state apparatus” [Cohen et al. 1997, 902]. In this definition, the *nation* and its sovereignty are the focal points in the state-making process. The sovereignty of a nation is more preferred to the sovereignty of other entities, such as the sovereignty of a person or a group of people in the country.

State-making, state-formation, state-building, and peace-building are interrelated concepts that have many commonalities among each other. Peace-building is the main objective of all the first three concepts – state-making, state-formation and state-building; however, in reality the total removal of violence and peace-building is rarely achieved. Similarly, approaches to these processes differ from region to region; approaches to the state-making processes in Europe and American countries have been different from those in Asia. While European (nation)-states are the result of centuries of domestic and trans-boundary struggles and conflicts, in Asian countries the states are the result of geopolitical competition between major power politics and domestic conditions i.e. the quality of leadership [Sørensen 2001, 347; Bizhan 2018, 973]. Anyway, using violence in state-making and creating a political order has often had critical and rickety results; it would cause a sudden domination of a group and transformation of pre-existing structures of rights and obligations which, in turn, makes it difficult to differentiate between justice and injustice. A worse condition would be ruling the country by fear – *fear governance* [Ylönen 2022, 91; Grotenhuis 2016]. In countries where state-making and state-building is conducted by member(s) of international society after intervention is another issue in this regard. In this case, the level of commitment, prior conditions in the target states, aid and incentives and ideational factors play critical roles in state-building success [Monten 2014, 184].

Afghanistan was named after the unification of tribes in 1747; it was at the end of 19th century that Amir Abdurrahman Khan strived forcefully for further unification and making a stable political order. He began creating by foreign aid a regular force, military system, and an arsenal. He made military service compulsory for people between 20–40 ages. His son, Amir Habibullah Khan inherited the power in 1901 and reigned the country till 1918. He followed his father’s path in advancing the military sector and striving for development of the education system. The Habibia School and Royal Military College was established during his reign. In 1923, the first written constitution of Afghanistan was enacted in 1923 under King Amanullah.

King Amanullah strived for bringing reforms; he was inspired by Mustafa Kemal Atatürk. Establishment of constitutional monarchy and banning veil for women were among these reforms that were not accepted by the society and resulted in the revolts against the King; Amanullah Khan was exiled from the country. Nadir Shah became the King in 1930 after Habibullah, from Parwan, was in power for nine months.

Nadir Shah introduced a new constitution that would centralise the power to him and his administration – autarchic monarchy. He focused on infrastructure building i.e. irrigation and communication systems and, for this purpose, he brought expertise and machinery from Europe and Japan. He was assassinated in Kabul in 1933 and his son, Mohamad Zahir *Shah* (meaning king) succeeded him.

The King reigned for forty years in the country. In 1964, the third Afghan Constitution observed a constitutional monarchy with a legislature. The power was bestowed on the

King. In 1965, elections were held and led to the establishment of the Lower House of parliament or the *Wolesi Jirga*, where anti-royalists, including the Khalq and Parcham Parties, held four seats total. The time between 1964 and 1973 was called the “Decade of Democracy”. This era brought about more religious and ideological movements in the country than before and would impact the society. Mohammad Daoud Khan, the King’s cousin, with the support of the PDPA party, which was a leftist party and included Khalq and Parcham together, seized power in a coup in 1973. He faced continual challenges from inside the country as well as from international state society due to his transformation of political regime – from monarchy to presidential – and introduction of new reforms in the country.

After coming to power, Daoud Khan (1973–1978), began removing leftists from his administration and lessened relations with the Soviets. President Daoud developed relations with India, Egypt, Iran and Pakistan during his presidency. The Soviets saw the situation in Afghanistan against their interests and, thus, strived for regime change in Afghanistan and supported the PDPA for this purpose.

The PDPA party seized power after a military coup in 1978 and initiated reforms in agriculture, land and education systems and in political aspects; all of these reforms were resisted by the society. The PDPA could not get the support of the majority throughout their rule from 1978 to 1992 and found it difficult to address the resistances. In late 1979, the Soviets invaded Afghanistan to preserve their puppet government therein. The regime became extremely dependent on the Soviets and faced increasing challenges from different parts of the society and resistance groups, especially after the Soviets withdrawal in 1989. Eventually, the Mujahideens, after many years of fighting, overthrew the PDPA regime and seized power in 1992. Nevertheless, the Mujahideen groups did not agree on the division of power among them; this resulted in the initiation of civil wars in the country in the last decade of the 20th century. The Taliban group emerged in Kandahar in 1994 and toppled the Mujahideen government in 1996 with the support of the then government of Pakistan.

The Taliban ruled till 2001 and was toppled by the USA forces and armed opposition groups. Their utilisation of harsh methods in implementing *sharia* further enlarged the gap between the regime and the society. They gave refuge to foreign non-state armed groups, including especially the Al-Qaeda group; Osama bin Laden, the then leader of the Al-Qaeda group, was sheltered by the Taliban regime in Afghanistan.

The post-Taliban political regimes were over dependent on the USA. The USA military forces were in Afghanistan with the objectives of state-building and countering the terrorism in the country till the Taliban seized power in August 2021. This state-building would mainly comprise military, political, and security sector reform; countering terrorism, to bring democracy in the country and to build a national armed forces and police were parts of this state-building. Government and military positions were given to the factions that had fought against the Taliban. The Taliban were neither invited to the Bonn Conference in 2001 nor were they given any official position in the government offices. The reason for this was both the US reluctance to engage with the Taliban and the perception by the then government that the Taliban were incapable of regrouping themselves [Edwards 2010, 975]. However, the group is now in power after two decades of war in the country.

3. The Taliban 2.0 and the Society

Since its establishment, the Taliban movement has often been detached from the majority of Afghanistan society. Many reasons can be counted for this detachment. Since its inception, activities and policies of the group could be counted as an important element in this regard. The group has utilised violent methods in seizing and preservation of the power and the implementation of *sharia*. Their toppling of the Mujahideen regime in the second half of 1990s, harsh punishment against civil people during their first regime,

suicide bombings, banning girls and women from going to schools – after the Grade six – and universities without providing any alternative in their current rule, Taliban 2.0, are some of these reasons.

The absolute majority of the Taliban are Pashtuns and only a few members of their cabinet include Uzbeks and Tajiks, among the other ethnic groups; there is no Hazara among the cabinet members. This has created a perception among the population that Pashtun domination policy is being pursued by the regime while implementing *sharia* law; it is due to the separation of other ethnic groups from being involved in political decision-making processes. Ignoring this issue, despite being aware of ethnic sensitivities and the people's dissatisfaction, has further intensified this perception towards the regime. It needs to be mentioned here that ethnic predominance in the political regime by Pashtun citizens is not a problem in itself at all, provided that the regime's policies reflect the public opinion in society and the pre-existing laws [Ibrahimi 2023, 32].

The monopolisation of *sharia* law, its interpretation and implementation by the Taliban have led to the group to experience pros and cons in their relations with Islamic scholars, Sufis, Salafis and Shia community in Afghanistan. Hundreds of Hazaras, who are Shia, have lost their lives in detonations in mosques and educational centers in Kabul, Balkh, Kunduz and Kandahar provinces, for instance. The regime has often been criticized for being less careful in providing them security and considering their concerns. The voice of criticism and demonstrations against the Taliban 2.0 are suppressed and doers have often been tortured and arrested. This has led to the increasing divergence between the regime and these sects of the society [Ibrahimi 2023, 31].

The Taliban has restricted education and employment of girls and women. Girls are not allowed to continue their education after class six. Similarly, many restrictions have been imposed on women's employment. This is not new by the Taliban as they had been strict in their policies towards women during their first regime. Hundreds of thousands of women are forbidden to work in governmental and non-governmental organizations. The regime relates it to the culture of society; although they have often claimed reopening of schools for girls. It is almost over four years since they came to power that no alternative regarding their education and employment is stated [Hassan 2024].

The Taliban regime has brought changes in the education system, too. They have increased the number of religious subjects in the universities curricula and removed some subjects from it. The number of madrasahs increased and a madrasa system for the spread of Islam religion in society. Moreover, Taliban's policy towards Dari language has provoked many critics. Elimination of some of the nameplates and hoardings, on roads and some official places that had been written in Dari language, is an instance in this regard [Afghanistan Dispatches... 2021].

Members of the previous armed forces, the absolute majority of whom are not able to serve under the Taliban regime and scattered after the Taliban took control of power, make another part of the society. Hundreds of former Afghan troops have been killed or tortured under the current regime despite the announcement of general amnesty and lack of a direct command by Haibatullah Akhundzada, the Taliban's supreme leader. These extrajudicial torturing and killings are mostly because of the previous personal hostilities and fighting between two sides in the past [Afghanistan's Taliban Responsible... 2023].

Another aspect is the continuing opposition and dissension between the Taliban and the opposition groups and the previous government officials, absolute majority of whom are outside the country. This opposition goes back to many decades since the Taliban movement was established in the mid 1990s. However, the geopolitical interests of regional and international powers have been a significant element in this dissension. Both the US and Pakistan, sometimes in coordination with each other, impacted the intra-Afghani negotiations since the emergence of the Taliban group in the 1990s. The Taliban's overdependency on Pakistan and the Afghani governments' dependency on the US would

be the main factor in the failure of peace between the Taliban and the then governments and political groups in Afghanistan. Pakistan arrested Mullah Obaidullah, deputy of Mullah Omar, in 2007 and Mullah Abdul-Ghani Baradar in 2010 while there were reportedly secret peace negotiations taking place between them and the then government in Afghanistan. Similarly, the US' military intervention and its failed counter-terrorism strategy for two decades in Afghanistan, although with regional objectives especially in South-west Asia [Fathi et al. 2022], often hindered the joining of the Taliban group, if not all of them, in the Afghan society. The US killed Mullah Akhtar Mansoor, the leader of Taliban after the death of Mullah Muhammad Omar, in an airstrike in Balochistan province of Pakistan. This incident happened during the negotiations between China, Pakistan, Afghanistan and the US, called the Quadrilateral Coordination Group (QCG) [AlJazeera 2016]. In addition, the US, before and during its negotiations with the Taliban, strived to undermine the Moscow Format for Peace negotiations on Afghanistan, which had been begun in 2017.

Thousands of families have been displaced as a result of conflicts, calamities, and the regime's policies. Hundreds of families in Bamiyan and Panjshir, among the others, have forcefully been expelled due to, among the others, the claims of their relations with armed opposition resistance forces and their ethnic relations [Ibrahimi 2023, 29]. Millions of people, among whom were scholars and politicians, have immigrated from the country and another million would flee also if the Taliban do not bring changes in their policies towards the society [Afghanistan Refugee Crisis Explained 2024].

4. Political and Armed Opposition Groups

The absolute majority of the political elites and heads of political parties fled the country after the Taliban seized power in August 2021. The distrust between the Taliban and these opposition groups goes back to the civil wars in the last decades of the 20th century. New political parties and coalitions have been created abroad since then. Some of these groups have been active in both politics and armed conflicts. Their main objective has been to bring a decentralised political system in which the nation is the source of power in the country; the nation directly or indirectly through their representatives elect the head of state and government, among the others. To achieve this they would prefer peaceful means, like negotiations with the Taliban 2.0, or begin armed fighting against the Taliban regime. National Resistance Council for the Salvation of Afghanistan (NRCSA), National Resistance Front (NRF), and Afghanistan Freedom Front (AFF) are some of the prominent opposition groups. Many countries, such as Tajikistan and Turkey, have permitted them to continue their political activities for achieving their goals in Afghanistan.

That the Taliban do not accept to negotiate and to share power with these groups or to allow their political activities may have several reasons. Differences in the both sides' perception of sovereignty; while the Taliban believe in God's sovereignty and themselves as the only eligible group to represent and implement *sharia* in Afghanistan, the opposition groups believe in the nation as the entity to represent the sovereignty of God through electing and investigating the activities of the government. In the Taliban's political thinking members of the group can only be eligible to take over high official positions and other members of the society would rarely get those positions. However, according to the opposition, people would have more opportunities to get high official positions. Moreover, the Taliban's policy, both during their first and current regime, shows that the head of the state should necessarily be a Pashtun, while opposition think that the head of state is necessarily not a Pashtun. It needs to be mentioned that the absolute majority of opposition groups and political parties in Afghanistan are of the view that being the head of state from other ethnic groups is less possible in a centralised Afghanistan. It is so that they suggest a decentralised and a federal political system in Afghanistan [The Charter... 2023].

Leaders of these opposition groups have a prominent position among their ethnic groups and population in Afghanistan. Mohammad Mohaqeq and Ahmad Massoud, for

instance, are so popular among the Hazara and Tajik people, respectively. The harsher the Taliban become in implementing *sharia* the more support the oppositions get from the people and more hopeful they become for regime change. Similarly, the dissension between the Taliban factions; especially between the Haqqani Network and Kandahar group under Haibatullah, has further encouraged the oppositions to think of returning to power. Since August 2021, thousands of the Taliban members have either been killed in interne-cine fighting, or left or fired from the group, or joined the opposition armed groups; the dissension between and the policies followed by their regime.

In 2022, the Taliban killed its rebel commander Mahdi Mujahid, from the Hazara Shia community [Gul 2022]. Similarly, Salahuddin Ayubi, a prominent commander of the Taliban from the Uzbek community, experienced ups and downs in its relations with the regime. This resulted in his resignation from the regime in 2024; he is now designated as the governor of Logar province in Afghanistan [Taliban's Leader... 2024]. Added to this, the assassination of Khalilullah Haqqani, a senior member of the Haqaani Network, in December 2024 led once again to the increasing dissensions among the Taliban factions. Furthermore, several Taliban members have either joined the resistance groups or other non-state armed groups like ISKP. These resistance and non-state armed groups have claimed the killing of hundreds of the Taliban members in their guerrilla attacks inside Afghanistan. Although all these facts reveal an existing discord among the Taliban, the regime has maintained its group integrity [Kumar 2024].

5. Security in Afghanistan under the Taliban Regime

The Taliban are originally more an armed group than a political one. They believe in military dominance as the main factor in seizing and preserving power in the country. Their decades of fighting against previous armed forces and the international forces claimed the lives of hundreds of thousands of people, including over forty thousand civilians; the Taliban claim that civilians have never been their direct targets. Assassination, guerilla attack, suicide bombings, and direct armed conflict were their tactics in their fighting. The Taliban regime has reported that their armed forces are between 150, 000 and 200, 000, similar to their police officers. The combined total number of military and police forces are roughly 375, 000, more than the number of forces in the previous government [Quarterly Report... 2024]. The absolute majority of these forces are those who had fought for decades in the country, which in itself indicates the monopolisation of military forces; the army is loyal to the Taliban regime and its Leadership more than the country.

The regime has had a close relationship with armed groups in the region. Tehrik-e-Taliban-e Pakistan (TTP), Jamaat Ansarulah of Tajikistan (JA), and Al-Qaeda are reportedly among the prominent of these groups. There are reportedly various other non-state armed groups that threaten the Taliban regime and security in Afghanistan. Islamic State-Khorasan Province (ISKP), Islamic Movement of Uzbekistan (IMU), and the Eastern Turkistan Islamic Movement (ETIM) are other armed groups in the country; not to mention the armed opposition groups like NRF and AFF. Except the NRF and AFF, who are armed opposition groups and comprise mainly of armed forces of the previous government, all other armed groups, including the Haqqani Network, are designated by many countries as terror groups.

The Taliban regime denies the existence of these groups and they are a threat to the security of Afghanistan; However, the facts disprove their claims. The US targeted Ayman al-Zawahiri, the leader of Al-Qaeda, in an air attack in Kabul in July 2022. It reported its air attack on ISKP members in Afghanistan during the current Taliban regime. Similarly, Pakistan claims the presence of the TTP in Afghanistan and targeted many of the TTP senior members and its fighters inside Afghanistan. These are the facts that show the existence of these groups in the country [Mir 2023]. The mutual common interests between the Taliban and these armed groups make them continue this relation; although

it can be an obstacle in the recognition of the Taliban regime by the international society. While the armed non-state allies have benefited from staying in Afghanistan, their presence gave the Taliban regime the bargaining capability in their relations with other states. Al-Qaeda, TTP and JA, for instance, make a prominent factor in the regime's relation with the US, Pakistan, and Tajikistan, respectively. Moreover, these armed non-state allies of the Taliban would support the regime against an existential threat and a possible war with armed opposition groups in the future [Fourteenth Report... 2023].

The Taliban regime, soon after coming to power, released from the jails of Afghanistan in the name of general amnesty thousands of prisoners, among whom were members of the TTP [Khan, Ahmed 2025, 37] and ISKP group, which has threatened the regime and the security in Afghanistan. The ISKP has claimed the assassination of the governor of Balkh Province and Khalil-ur-Rahman Haqqani, a senior member of the Haqqani faction of the Taliban, not to mention the ISKP group's attacks on Hazara and Shia community in Afghanistan under the Taliban. Why the Taliban released thousands of people who would highly potentially threaten their regime and security in Afghanistan, is still a question that the Taliban might feel discontented from. Furthermore, the release of these people indicates the underestimation of the fighters of other non-state actors as it was less likely that the Taliban was not aware of the presence of them in jails.

Repealing of the Constitution, statutes, and other legal documents by the Taliban after taking over the control of power has brought about many challenges in the recognition of rights and duties in the country [Rahimi 2022]. This, for instance, makes neither the citizens nor the government to be aware properly of their rights, privileges and obligations. Lack of constitution and statutes have been significant factors in the extrajudicial treatments, like torturing and killing civilians and previous army officers, by the regime forces.

The dissension between the Taliban factions has made the group not to have a centralized weapons management system. Armed forces are loyal to the faction they belong to, the Taliban Leadership and the regime more than the country [Ginn 2025]. Thus, there is no stable trust by people in the armed forces and the regime which in turn makes them not feel safe psychologically and physically. The dissension between the leadership jeopardizes the unity between armed forces, too.

6. International Recognition

Recognition of a government by the international society of states displays the tendency of the recognizers to have relations in different aspects, like political, economic and cultural. It also makes the recognized government to be entitled to have rights and accept obligations under international laws [Kiani et al. 2024, 99]. To be a member of international society, states need to be able to maintain security of the country, rule of law, institutions of public services, and to provide the conditions for economic development. Furthermore, this encompasses the idea of the state to be eligible to become a member of the international community; not to intrinsically threaten international security. Afghanistan and the Taliban regime is not an exception in this regard. Apart from Russia no other members of international society of states have officially recognised the Taliban regime; although, there are many countries that have maintained their relations with the Taliban regime and have even submitted Afghanistan embassies to the regime.

Creation of a broadly based government, observation of universal human rights, and interception of relations with non-state armed groups have been the main conditions for recognition of the Taliban regime by the international community. However, the Taliban do not agree with the broadly based government suggested by the international community, according to whom a broadly based government includes representatives of ethnic groups, political groups and others that displays diverse ideas in the decision making process. In this sense, a broadly based government is the result of election of the rulers by the citizens or by their elected representatives. Nevertheless, the Taliban are of the

view that there are other means for a regime to gain domestic legitimacy and international recognition.

The Taliban see their regime as a legitimate regime and feel no need to share the power with other parts of the society, especially the opposition groups through election. They conducted *Loya Jirga* (Grand Assembly), a traditional assembly of the elders community to discuss national issues, to get domestic legitimacy or show the existence of national consensus and to address the national issues. Members of this Loya Jirga included scholars, local leaders, tribal elders, and representatives from Shiite community. Nonetheless, the Taliban have not been able to provide satisfactory services to increase the legitimacy of their regime in Afghanistan. The dependency of the previous regimes on the US support and destruction of infrastructures during the first two decades of war in Afghanistan can be counted as the main reason in this regard.

Banning girls from continuing their studies after the Grade six in school and making restrictions on women employment by the Taliban regime have often been criticised by the international community. The worse side is that the regime does not provide any alternative to girls and women despite being aware of the literacy and poverty condition in the country. Protests and demonstrations by women have often been suppressed and many of them are put in jail and treated violently. It needs to be mentioned here that many among the Taliban leadership have expressed their concern about this issue; it roots again from the differences among the Taliban. The supreme leader of the Taliban, Haibatullah Akhundzada, has not changed his position in this regard yet [UN Releases Report... 2022].

Countries in the region and international community in general have expressed their concerns about the infiltration of extremism and terrorism into their countries from Afghanistan. The TTP, IMU, JA, and TIM are among the groups that Pakistan, Uzbekistan, Tajikistan, and China, respectively, claim their presence in Afghanistan. The Collective Security Treaty Organisation (CSTO), Shanghai Cooperation Organisation (SCO), the European Union (EU), among the other members of the international community, have also stated their concern about the spread of extremism and terrorism from Afghanistan and its threat to the security and stability in the region [Thirtieth Report... 2022].

The presence of these groups have provoked some states to accuse their competitor counterparts for utilisation of these groups to achieve their interests. Iran and Russia, for instance, claimed that the ISKP is exploited by the US against the interests of both the states to achieve its policy objectives in the region. These accusations came after the occurrence of terror attacks and blasts, that claimed lives of hundreds of people, in Moscow Concert and in Iran [Crocus City Hall Terror Attack... 2024]. It is worth mentioning that presence of these groups have led to the securitization of Afghanistan and violation of its sovereignty by foreign powers. Because it gives an excuse to the powers to attack their targets in Afghanistan; Pakistan's attack on TTP members and the US airstrike of IS-KP and Al-Qaeda members are examples in this regard.

Islamic scholars, Organisation of Islamic Cooperation (OIC), and countries around the world have often criticised the Taliban's policy, especially their policy towards girls and women. The Chief of the Organization of Islamic Cooperation (OIC) has denounced the Taliban's policy and expressed that their policies are not justifiable with Islam. Member states of the Organization stated the inter-relationship between extremism and Islamophobia. The facts till now show that such dissensions between these international actors and the Taliban regime might not affect the latter's policy much; many governments of members of these organisations continue their relations with the Taliban and even a few have submitted Afghanistan embassies to the Taliban delegations. It seems that for the Taliban it does not matter which country recognizes them; they strive for gaining this recognition at any cost [Kossaiy 2023].

Conclusion

The Taliban's approach to state-making is a top-down approach and aims at preservation of their regime, led and predominated by Pashtuns, to implement of *sharia*. Monopolisation of *sharia* and striving for the domination of a particular ethnic group provokes many sensitivities among other sections of the society, where the literacy rate is below fifty percent and no ethnic group is in majority. Despite having a common religion, the people have not been able to succeed in gathering around a national idea. The dissension among the Taliban group itself, their regime's relationship with terror groups, their policy towards the different parts of the society, as women, Hazara, Shi'a and the inhabitants of Panjshir, and in different sectors like, education and employment, the military are the deteriorating the state-making process. This approach has further increased the gap between the society and the state. Nonetheless, one may not ignore the impacts of the historical events and half a century conflicts in the country and the politics of regional and international powers such as, Pakistan and the US on the current gap between the society and the state, and thus the Taliban regime. In addition, the political and armed oppositions' approach to state-making also has its faults and cannot be completely justified. To examine their approach to state-making necessitates another study. This paper suggests that the Taliban need to consider the public opinion in decision making and bring about convergence between the society and the regime and state. Stability in Afghanistan affects the stability and security of the region, too. For this purpose, a comprehensive effort at the domestic and international levels is needed.

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A. M. Koxi, A. K. Tewari

Режим Талібану 2.0 і виклики державотворення в сучасному Афганістані

В Афганістані все ще триває політична нестабільність, і рух Талібан, який мав невдалий досвід державотворення з 1996-го до 2001 року, знову прийшов до влади. Нинішній режим, через чотири роки після захоплення влади, не здобув ні внутрішньої легітимності, ні міжнародного визнання. Їм ще належить досягти зближення між суспільством і державою, а отже, і їхнім режимом. Це дослідження розглядає виклики державотворення в Афганістані за чинного режиму Талібану. У ньому стверджується, що підхід Талібану до державотворення "зверху вниз" спрямований на збереження їхнього режиму, у якому переважають пуштуни, а також на монополізацію та впровадження, часто силою, шариату. Тоді як загалом керування країною групою обраних людей з будь-якої етнічної групи не є проблемою, етнічний фактор був дуже помітний у політиці в Афганістані, де жодна етнічна спільнота не становить більшість.

Не слід забувати і про міжнародний аспект, оскільки історичні події останніх кількох десятиліть також впливають на сучасні виклики державотворення в Афганістані. Для підтвердження цього аргументу у статті розглядаються відносини між суспільством і Талібаном, політика режиму щодо забезпечення безпеки, політичні та збройні опозиційні групи, політика регіональних та міжнародних сил. У статті рекомендується, щоб задля усунення розриву між режимом і суспільством та здобуття внутрішньої легітимності й міжнародного визнання Талібан враховував громадську думку під час розробки та впровадження політики. Для цього потрібні зусилля як на національному, так і на міжнародному рівні.

Ключові слова: Афганістан; державотворення; іслам; пуштуни; Талібан; шариат

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