




Journal of Arts, Humanities and Social Science (JAHSS)

ISSN: 3006-9491 (Online)

Volume 2 Issue 3, (2025)

 <https://doi.org/10.69739/jahss.v2i3.921>

 <https://journals.stecab.com/jahss>



Published by
Stecab Publishing

Review Article

Opportunities and Challenges for the Recognition of the Islamic Emirate of Afghanistan

*¹Ezatullah Aziz, ¹Jamil U. Rahman Rashid

About Article

Article History

Submission: July 16, 2025

Acceptance : August 24, 2025

Publication : September 15, 2025

Keywords

Government, Islamic Emirate, Obstacles, Opportunities, Recognition

About Author

¹ Department of Law, Faculty of Law and Political Science, Al-Taqwa University, Jalalabad, Afghanistan

Contact @ Ezatullah Aziz
ezatullaaziz@gmail.com

ABSTRACT

As the third year of the Islamic Emirate's rule in Afghanistan has been completed, no country in the world has officially recognized it yet. This lack of recognition has created challenges in various areas, not only for the Islamic Emirate but for all Afghans. In order for the Islamic Emirate to gain recognition from other governments around the world, they must take advantage of existing opportunities and address the obstacles that stand in the way of formal recognition. The significance of this research lies in its ability to identify the opportunities available for gaining formal recognition and to clarify the obstacles that hinder such recognition. Through this research, we can pinpoint both the potential avenues and the challenges that need to be addressed in the pursuit of official recognition. The present study employed a qualitative research approach and was primarily conducted through books, articles, reports, and online sources, making it largely grounded in library-based research. Significant effort was made to utilize credible and authoritative references; however, in cases where such sources were unavailable or insufficient, secondary materials were also employed. Within the broader discourse on state and government recognition, existing literature, both scholarly books and articles has generally addressed the subject in a comprehensive and generalized manner. In contrast, the current study specifically examines the opportunities and challenges related to the recognition of the Islamic Emirate of Afghanistan. The findings of this study indicate that several opportunities exist for the recognition of the Islamic Emirate, including political stability, security, economic development, and international cooperation. The study further concludes that if these opportunities are effectively utilized, and the prevailing challenges, such as human rights concerns, international relations, terrorist activities, and issues related to the legitimacy of the regime are sufficiently addressed, the process of recognition is likely to be facilitated.

Citation Style:

Aziz, E., & Rashid, J. U. R. (2025). Opportunities and Challenges for the Recognition of the Islamic Emirate of Afghanistan. *Journal of Arts, Humanities and Social Science*, 2(3), 36-44. <https://doi.org/10.69739/jahss.v2i3.921>



Copyright: © 2025 by the authors. Licensed Stecab Publishing, Bangladesh. This is an open-access article distributed under the terms and conditions of the [Creative Commons Attribution \(CC BY\)](https://creativecommons.org/licenses/by/4.0/) license.

1. INTRODUCTION

The Islamic Emirate first ruled Afghanistan from 1996 to 2001. Despite having effective territorial control during this period, it was not recognized by the international community, including the United Nations. Only three countries (Pakistan, the United Arab Emirates, and Saudi Arabia) extended formal diplomatic recognition to the regime. This lack of widespread recognition presented significant diplomatic and political challenges for the Islamic Emirate at the time. However, since the Islamic Emirate regained power in Afghanistan in 2021, it has not been recognized by any country. States and governments cannot resolve their issues without broad international relations, they need to engage with other nations, and extensive diplomatic relations are often established through mutual recognition. In the existing body of literature, the recognition of states and governments has been widely discussed, with numerous books and articles addressing the subject in a general sense. However, there has been little to no scholarly attention directed specifically toward the recognition of the Islamic Emirate of Afghanistan, particularly with regard to the opportunities that may enable recognition and the obstacles that impede it. This constitutes the key distinction between the present study and prior contributions.

The absence of international recognition has created substantial political, economic, and social challenges for the Afghan people. Against this backdrop, the present paper raises two guiding questions, what opportunities exist for the recognition of the Islamic Emirate of Afghanistan? and What obstacles stand in the way of such recognition? By identifying these opportunities and challenges, the study seeks to provide a deeper understanding of the dynamics of state recognition and to suggest how overcoming existing barriers may help pave the way toward the formal recognition of the Islamic Emirate of Afghanistan.

2. LITERATURE REVIEW

The question of state and governmental recognition has been widely addressed in the literature on international law. For example, Danish (2011), in *An Introduction to International Law*, provides a general discussion of recognition alongside other subjects of international law. Similarly, Zamani (2015), in his volume *Public International Law*, addresses recognition in a broad and descriptive manner. Safi (2008), in *General International Law*, offers only a brief treatment of the subject. It is important to note that these works engage with recognition largely in a general and theoretical sense, without specific reference to Afghanistan.

In addition to books, a number of articles have examined the matter more directly in relation to Afghanistan. For instance, Azizi (2021), in *Recognition of the Islamic Emirate of Afghanistan from the Perspective of International Law*, evaluates the question of recognition through the lens of international legal frameworks. Likewise, the Centre for Strategic and Regional Studies (CSRS) has published two notable papers: *The Interaction of the Islamic Emirate of Afghanistan with the International Community and Its Impact on Recognition* (2022), which investigates the effects of international engagement on the recognition process, and *The Recognition of the Islamic*

Emirate of Afghanistan under International Law (2022), which focuses primarily on the legal criteria for recognition.

The present article distinguishes itself from the aforementioned works in two critical ways. First, while earlier studies have generally engaged with recognition in theoretical or legal terms, this study specifically and comprehensively explores the opportunities available for the recognition of the Islamic Emirate of Afghanistan. Second, in contrast to previous works that concentrated almost exclusively on legal considerations, this article also examines the obstacles that currently impede such recognition.

2.1. Meaning and concept of formal recognition

The emergence of a new state signifies the establishment of a new legal system, and the use of its authority can have both positive and negative effects on international entities. International law considers not only the fulfillment of the elements required for statehood but also another crucial legal action: recognition by the international community. This means that other existing international actors will acknowledge the new state and engage with it as a member of the international community (Danish, 2021). Since the 18th century, the process and formalities of recognition have become common in international relations. In the recognition process, established states formally acknowledge the new entity as a legitimate country. Recognition should occur after the state has emerged because the act of recognition essentially involves validating an entity that already exists (Babaei, 1950).

Recognition can be defined as a process through which established states acknowledge the existence of a new political entity, which must meet the requirements of international law, within a defined territory. This process signifies the formal acceptance of the new entity as a member of the international community. The general legal personality of a state is sustained when it has the three essential elements, territory, population, and political power. However, political and historical changes, such as coups or revolutions, may lead to shifts in the governing authority, raising the issue of recognizing a new government. It is important to note that internal changes, such as cabinet reshuffles or the outcomes of free elections that alter executive or parliamentary positions, do not necessitate a new recognition of the state (Safi, 2009). In other words, recognition is a process and set of formal procedures commonly practiced in contemporary international relations. It involves the formal acknowledgment by established states of newly formed states. Legal recognition is established when a specific status or claim is officially accepted by a country. For instance, this recognition can apply to acknowledging a state, a government, an occupation, and other similar entities (Safi, 2009).

In the 1965 meeting of the International Law Association in Brussels, recognition was defined as recognition is the act through which countries acknowledge and validate a new and sovereign political entity that is capable of adhering to international law within a specified territory. As a result, this act signifies the intention to accept the entity as a member of the international community. Recognition is a complex issue that involves various factors beyond legal considerations. In many cases, recognition is carried out by the executive authority of a



state. It is a political matter, and only the recognizing state has the authority to grant recognition. In other words, an entity cannot demand recognition as a right, it must be granted by the state with the relevant authority.

2.2. Difference between recognition of states and governments

The recognition of one state by another is an official acknowledgment, meaning that the recognized state possesses the characteristics of a state, and it will be treated as a state in its interactions with the recognizing entity.

The recognition of a government by a state is an official acknowledgment, meaning that the regime is considered effective and is regarded as a functioning government (Zamani *et al.*, 2009).

2.3. Recognition of a government

Although the recognition of a government is not fundamentally different from the recognition of a state and both are similar, there are some distinctions in international law. For instance, once a state is recognized, it does not need to be recognized again unless its international legal personality is dissolved.

Acceptance of governments does not typically come into question during routine transitions of power, such as when a new government is established according to a country's constitution. However, recognition becomes relevant when a new government takes power through unconstitutional means, like a coup or revolution. In such cases, the international community may need to decide whether to officially recognize the new government (Safi, 2009).

In international law, the principle of recognizing a government is akin to recognizing a new state. Each state has the authority to establish its own government, which serves as its representative in international affairs. Alterations in the structure or makeup of the government do not impact the legal personality of the state. For instance, whether the U.S. is led by the Democratic or Republican party, or the UK by the Conservative or Labour party, does not require acknowledgment from other states. However, in situations involving coups or revolutions, recognition might be essential due to the complexities of assessing legitimacy.

2.4. The process of government recognition

Simultaneous Recognition of State and Government: When a new state emerges and is recognized by other states, this recognition also applies to the government.

- As previously mentioned, in certain cases, such as a coup or revolution, a government can be overthrown, and a new government may replace the old one. In such instances, states can recognize the new government based on their interests and political benefits. However, the new government must possess the necessary authority and power to effectively and sustainably exercise governance and primarily be capable of fulfilling international obligations (Danish, 2021).

2.5. The conditions for the recognition of the government

The recognition of a new government is entirely different from the recognition of a new state because the criteria for

recognizing a new state differ from those for recognizing a new government.

The conditions for acknowledging a state include independence, internal stability, and a defined geography, whereas the conditions for recognizing governments are as follows.

- Sources of Legitimacy for the Emergence of a New Government (Considering the fundamental rights of the country)
 - The method of revolutionary change and transformation.
 - The new government's commitment to international obligations.
 - The effectiveness of the government's power (Qureshi, 2016).

A new government must meet a very essential condition, which is the establishment of effective governance. This principle means that the government should exercise real authority and political stability across the entire geography of the country and also be capable of fulfilling international obligations. Accordingly, governments that arise from internal revolutions should not be recognized until their leaders can fully and effectively take control of the country's affairs and suppress other internal powers (Sarwar Danish, International Law).

Despite the aforementioned rule, there are many cases in international relations where it is not followed. For example, in 1936, before Madrid was taken, Germany and Italy acknowledged the legitimacy of General Franco's administration in Spain (Bazarat, 2022). Similarly, North Vietnam recognized the government of South Vietnam before it had an actual state. During the war, the Allies also recognized the delegations that formed the Free Polish State and several other governments in London, even though their territory was under German occupation and these short-term governments did not have sovereignty over their people. However, this was a temporary exception and was influenced by various political reasons, which subsequently led to the immediate establishment of legitimate states after the war (Jawad, 2022).

2.6. Non-recognition of the government

Recognizing a newly established state holds greater significance than recognizing a newly formed government, yet we cannot overlook the government itself. Failing to acknowledge the new government may result in its isolation from international relations. Nonetheless, two viewpoints on this issue are worth considering, as outlined below.

2.6.1. The doctrine of legitimacy or the tobar doctrine

This theory was presented in 1907 by Carlos Tobar, Ecuador's foreign minister. He introduced a concept concerning the recognition of governments, called the Doctrine of Legitimacy. According to this theory, on December 20, 1920, Costa Rica, Guatemala, Honduras, Nicaragua, and El Salvador signed a treaty agreeing that any future government formed through revolution or coup would not be recognized until it assumed a legal form, meaning it should uphold constitutional rights and represent the people. U.S. President Woodrow Wilson also supported and largely implemented this doctrine. Today, the Betancourt Doctrine has replaced this theory (Bazarat, 2022). The Betancourt Doctrine, introduced in 1959, asserts that



governments formed through force or military coups should not be granted recognition (CSRS, 2024).

2.6.2. Strada theory

The Strada Theory was introduced in 1930 by Juanario Strada, who served as the Mexican Minister of Foreign Affairs (CSRS, 2022). During that year, he released an official statement concerning the recognition of revolutionary governments in Argentina, Peru, Chile, Bolivia, and Panama. In this context, Mexico opposed granting recognition, considering it an insulting act that could undermine the sovereignty of nations. Such actions essentially involve one government assessing the internal matters of another country. This statement is known as the Strada Theory (Bazarat, 2022).

According to this theory, when a new government is formed, other nations should not postpone recognizing it based on their own viewpoints, as doing so constitutes a violation of that country's sovereignty and interference in its internal affairs. Instead, two international principles should be considered for recognition: first, the principle of self-determination regarding the government's decision-making, and second, the principle of non-intervention in the internal affairs of other states. This implies that if a government arises in a recognized state that is autonomous in its decisions and refrains from interfering in other countries' internal matters, it should be acknowledged. However, alongside these principles, the internal and external policies of the government are crucial in the recognition process. If a government's foreign policy is seen as a challenge to other nations, they may exercise caution in granting recognition (CSRS, 2022).

2.7. Opportunities and challenges for the recognition of the Islamic emirate

2.7.1. Opportunities for the recognition of the Islamic emirate

i. Regarding political stability: If the Islamic Emirate can establish political stability in Afghanistan, it may send a positive message to other countries regarding their recognition.

As previously mentioned, a new government must meet a crucial requirement: the establishment of effective governance. This principle means that the government should have actual authority and political stability throughout the entire geography of the country and must also be capable of fulfilling international obligations (Danish, 2021). In a classical context, the concept of effective control is defined as a governance structure that is sufficiently established and capable of ensuring its own continuity. This implies that those who are governed must acknowledge the authority's ability to sustain itself while fulfilling its internal duties and external obligations. The basis of this idea lies in the principles of territorial integrity, which restrict states from recognizing authorities that do not have effective control without causing harm to existing powers. While the criteria for effective control can be a matter of debate, it generally necessitates an independent government, a significant portion of the population that typically complies, the sustainability and continuity of power, and control over the capital of the country.

An independent government is essential, enabling it to utilize

its powers without interference from external actors and to make decisions autonomously. If a government only maintains control over territory through the support of another state's armed forces and lacks independence, it cannot be deemed a legitimate authority. Nevertheless, proving regular or permanent obedience can be quite difficult, and international law offers little guidance on how this can be accomplished. To ensure the sustainability and continuity of power, the governing body must manage its authority in a manner that prevents the transfer of power among opposing factions during conflicts. Consequently, effective control should be consistent and stable, rather than temporary. Control over the capital is a crucial element in this regard, as it plays a significant role in effective governance. While the capital may not hold legal significance on its own, it becomes especially important in recognition disputes, with some arguing that effective control is often intertwined with political and legal issues related to the capital's governance. Additionally, recognition has not always been extended only to those governments that exercise the necessary control over their territory. Consequently, it is evident that although effective control is a significant criterion and frequently mentioned, its boundaries remain vague and poorly defined.

Currently, the Taliban control a significant portion of Afghanistan, including the capital and various provinces. On September 13, 2021, U.S. Secretary of State Antony Blinken referred to the Taliban as an "unofficial or de facto government" during a speech to the House Foreign Affairs Committee. This characterization indicates an increasing acknowledgment of their effective control over the territory, which cannot be dismissed despite some limited resistance (CSRS, 2022). Throughout the three years of the Islamic Emirate's rule, the United States has noted that they maintain total political authority, have ensured security, and possess a central mechanism for exercising power. As a result, the U.S. seeks to avoid completely losing its influence in the region, acknowledging that the Islamic Emirate's political strength requires ongoing engagement to achieve its goals in the area (CSRS, 2024). In its latest resolution, the European Union has recognized that the Taliban constitute Afghanistan's de facto government and that operational engagement with them is essential; however, this does not imply formal recognition (CSRS, 2022). Historically, those systems in Afghanistan with a robust central government have been able to maintain territorial integrity. The Islamic Emirate holds authority across the entire country, with regional officials complying with the central government, which has fostered security and stability (CSRS, 2024).

ii. Regarding security: Establishing security at the national level and combating terrorist groups can reassure international countries regarding the formal recognition of the Islamic Emirate.

Throughout history, powerful regional and global players have exploited smaller or economically weaker nations to achieve their objectives. In such cases, international laws and standards are often ignored, leading to the violation of some countries' neutrality and making them targets of aggression by major powers. Afghanistan is one of the countries that,



due to its strategic geopolitical location, has historically fallen victim to conflict. Over the past four decades, interference from neighboring and global powers, along with the weakness of its central government, has escalated insecurity and instability in Afghanistan, negatively affecting economic development and discouraging foreign investment. However, with the revival of the Islamic Emirate, security and stability have been reestablished, increasing foreign investment interest and creating opportunities for domestic economic growth.

2.7.2. Regarding economic cooperation

Strengthening economic ties with other countries, particularly in trade and investment, can increase opportunities for formal recognition.

The execution of national and regional economic projects within the country will promote economic growth and regional stability. The Qoshtepa Canal stands out as a unique national project that will enable Afghanistan to achieve agricultural self-sufficiency in the near future. Moreover, various small and large initiatives, including the construction of major highways, railways, and dams, have instilled hope among Afghans for progress and prosperity. Additionally, regional projects such as TAPI, CASA-1000, and the One Belt & One Way project demonstrate the Afghan government's readiness to strengthen political and economic ties with neighboring countries, potentially paving the way for formal recognition.

The Islamic Emirate should strive to establish a regional consensus regarding Afghanistan with the assistance of major regional powers like China. This approach will enable Afghanistan to expand its relations with the international community and attract foreign investment, fostering economic and political stability. Isolating Afghanistan could pose various threats to both the country and the region; therefore, the international community should strengthen ties with Afghanistan while expecting the country to accept the legitimate demands of the global community in return.

i. Regarding human rights: Respecting human rights and giving attention to the rights of women and minorities can help portray a positive image of the Islamic Emirate to the international community for its potential recognition.

As you previously mentioned, in addition to diplomacy, the government's domestic and foreign policies play a crucial and vital role in obtaining formal recognition. Fortunately, the foreign policy of the Islamic Emirate is economy-focused and neutral, which has been beneficial to many other countries, creating good opportunities for recognition. On the other hand, a government's domestic policy, which often focuses on human rights and the enforcement of internal laws, requires careful attention. This is because other states may be cautious in granting recognition, presenting a significant challenge to the Islamic Emirate's quest for legitimacy. Policies such as the restriction of women's education, banning women from working in various institutions, limiting freedom of speech, the lack of a formal constitution, and other actions in domestic governance that conflict with international standards are among the key reasons why many countries have yet to recognize the Islamic Emirate (CSRS, 2024).

Women constitute half of Afghan society and have the right to

participate in government institutions. Many Afghan women are the primary providers for their families. In today's world, women's rights are widely recognized, yet the Islamic Emirate has not included women in its cabinet, and its policy on women's presence and work in lower-level positions remains vague. From a global cultural standpoint, denying women their rights could create significant challenges for the Islamic Emirate. The Taliban should reconsider their interpretation of women's roles and at least align their policies with neighboring Islamic countries. Afghan women deserve the right to work in government roles and participate in universities, ministries, parliament, and other sectors (Anadolu, 2021).

Reopening schools and universities for girls, as well as removing restrictions on women's employment in both public and private sectors, is not only a demand of the international community but also a shared aspiration of all Afghans. If the Islamic Emirate of Afghanistan meets these requests, it would be a clear indication of its commitment to effective governance (CSRS, 2024).

2.7.3. Regarding international collaboration

Engaging actively in international organizations, such as securing membership in the United Nations, can enhance the chances of achieving formal recognition.

This is an opportunity for the Islamic Emirate, as the United Nations Security Council has acknowledged the distinction between the Taliban and other terrorist groups, such as Al-Qaeda and ISIS. This recognition stems from the Taliban's pledge to prevent any threats from Afghan territory to neighboring countries and to cut ties with terrorist organizations. The United Nations has welcomed these commitments.

During the first rule of the Islamic Emirate, the United Nations recognized the Northern Alliance, even though it had ineffective control over the country. Over the past two decades, the Security Council has consistently emphasized not supporting the Islamic Emirate of Afghanistan and has refused to recognize it. However, when the Islamic Emirate regained power, the Security Council's resolution 2593 on August 30, 2021, acknowledged the current situation in Afghanistan and the Taliban's effective control. This time, the Security Council did not mention the non-recognition of the Islamic Emirate but has not overlooked the importance of democratic legitimacy regarding the potential recognition of the Islamic Emirate. This implies that the Taliban must fulfill these two requirements.

i. Ending the ties between the Taliban and terrorist groups, including Al-Qaeda and ISIS, and cooperating with the international community in combating these groups.

ii. Establishing an inclusive government composed of all nations and groups, ensuring the respect of at least women's rights and human rights standards.

The second condition is the establishment of a democratic government. Major states, along with neighboring countries of the Taliban, want to use non-recognition as a tool to influence the Taliban's behavior. During the Taliban's first rule, there was a government known as the Northern Alliance, which was recognized by many countries as representatives of the Afghan people. However, this time there is no talk of recognizing a rival government to the Taliban; rather, many countries have



declared that they will wait to see the actions of the Taliban before making decisions regarding the recognition of the Islamic Emirate of Afghanistan (ISJ, 2021).

Recently, the United Nations Security Council has removed the term (Taliban) from its statements regarding terrorist groups in Afghanistan. On August 16, 2021, the council released a statement asserting that (neither the Taliban nor any other Afghan group or individual should support terrorists operating in another country). This paragraph was reiterated on August 27, but this time it stated that (no Afghan group or individual should provide support to terrorists operating in the territory of any country). These minor revisions concerning the Taliban suggest that small steps are being taken toward recognizing them as the sole governing authority. However, this raises another question: is this authority legitimate? (CSRS, 2024)

2.7.4. Obstacles to the recognition of the Islamic emirate

i. Regarding terrorist activities: If the Islamic Emirate is associated with or provides shelter to terrorist groups, other nations will be cautious about granting official recognition.

The latest report from the UN Security Council's Sanctions Monitoring Committee notes that while al-Qaeda is currently cautious in maintaining its relationship with the Taliban, avoiding actions that could threaten the Taliban's international standing, evidence of secret ties between the two groups still exists. The report also asserts that al-Qaeda has a presence in 15 provinces of Afghanistan, especially in the east, south, and southeastern regions. With the Taliban's return to power, fundamentalist ideologies in religious madrasas are expected to expand, fostering an environment that promotes extremist beliefs. In any case, it appears that many countries, particularly Western nations, are unlikely to make a quick decision regarding the recognition of the Islamic Emirate of Afghanistan. Instead, they will wait to see how the Taliban acts in this regard. Furthermore, they are likely to use economic sanctions, recognition, and the provision of economic assistance as leverage. It should also be noted that many high-ranking Taliban officials are currently subject to United Nations sanctions, and lifting these sanctions requires the agreement of the permanent members of the Security Council. If the Taliban fail to gain the approval of the permanent members of the Security Council, especially Western countries, their reliance on the support of China and Russia alone will not be sufficient to lift these sanctions. The Taliban have consistently insisted in negotiations that international sanctions imposed on them and their leaders should be lifted; however, the removal of these sanctions and recognition is contingent upon two conditions previously mentioned (Azizi, 2021).

The government of Tajikistan claims that groups, especially the Ansarullah group, are located in Afghanistan and carry out destructive activities against Tajikistan from that location. While the Tajikistan government has not directly stated that Ansarullah has ties to the Islamic Emirate, the officials' positions indicate their belief in the group's presence in Afghanistan. Furthermore, the Tajikistan government maintains that a substantial volume of narcotics is regularly trafficked from Afghanistan into Tajikistan, resulting in significant harm to the country (CSRS, 2024). While the Taliban have managed to

suppress ISIS fighters in eastern Afghanistan, these militants have retreated to other parts of the country and could potentially gain strength from foreign backing. Can the Islamic Emirate effectively tackle ISIS and prevent Afghanistan from becoming a stronghold for extremists once more? Only time will reveal the answer, but confronting this issue poses a major and potential challenge for the Islamic Emirate (Anadolu, 2021).

2.7.5. Regarding human rights

If the government of the Islamic Emirate demonstrates weakness in upholding human rights, it will hinder its chances for international recognition.

After the establishment of the Islamic Emirate in Afghanistan and the severing of its ties with the world, the international community implemented mechanisms to strengthen interactions and relations with Afghanistan. One of these mechanisms is the series of conferences known as the Doha talks, held in the capital of Qatar, which include representatives from various countries under the leadership of the United Nations. The first phase of the Doha talks took place on May 1 and 2, 2023, with participation from representatives of the United States, Russia, China, Iran, Pakistan, Tajikistan, Uzbekistan, Kazakhstan, Kyrgyzstan, Turkmenistan, Turkey, Japan, India, the United Kingdom, France, Germany, Norway, Saudi Arabia, Qatar, Indonesia, the United Arab Emirates, the European Union, and the Organization of Islamic Cooperation.

The second round of Doha talks took place in February 2024, followed by the third round on June 30 and July 1 of the same year. The agenda for the first meeting focused on key issues such as the education and employment rights of women and girls, as well as the strategies for engaging with the Islamic Emirate. In the second meeting, discussions centered around increasing international involvement in coordination and structure, appointing a special UN representative for Afghanistan, identifying the foundational aspects for constructive engagement, and addressing the concerns of the international community regarding the policies of the Islamic Emirate.

In the third round of talks in Doha, the discussions were initially expected to cover topics such as the appointment of a UN special representative for Afghanistan, the formation of an inclusive government, and human rights issues, particularly the education and employment rights of women. However, due to differing opinions from the Islamic Emirate, after extensive deliberations and consultations, the meeting's main agenda shifted to reviewing economic and banking sanctions, addressing economic restrictions on the private sector, releasing Afghanistan's foreign currency reserves, and outlining strategies for combating drug trafficking (CSRS En, 2024). The international community has consistently brought up human rights issues in each meeting, which has become a barrier to the recognition of the Islamic Emirate.

i. Regarding international relations: Having poor relations with other countries, such as disputes with neighboring nations, can create obstacles to gaining formal recognition.

The Islamic Emirate has designed its foreign policy for engaging with countries globally and regionally based on neutrality, balance, and non-interference in the internal affairs of other nations. It has consistently reassured neighboring countries



and the international community that its territory will not be utilized against them. The Islamic Emirate maintains both political and economic ties with countries worldwide and in the region. However, three primary challenges and requests from these nations explain why the Islamic Emirate has not yet achieved formal recognition.

First, there are ongoing security concerns, leading many countries to remain uncertain. Second, there is a demand for an inclusive government or a process that allows the public to elect their own leaders. Third, certain countries, particularly the United States, have ideological issues, insisting that the governance system should be democratic rather than Islamic. Moreover, China expresses security concerns about the potential for Afghanistan's territory to serve as a refuge for Uyghur Muslims and other groups opposing the Chinese government. The Islamic Emirate has assured China that its land will never be used against it.

In the initial stages of the Islamic Emirate's establishment, there were notable concerns among Central Asian countries, especially regarding the Qush Teppe Canal, which diverts 20% of the Amu Darya River's waters into Afghanistan. These concerns have not been fully addressed, as General Anatoly Sidirov, head of the Central Asia Collective Security Organization, reported in 2023 that the number of ISIS members in Afghanistan has reached 6,500, with a significant presence in Badakhshan, Kunduz, and Takhar provinces near Tajikistan.

To build closer relationships with Central Asia and gain formal recognition from these nations, the Islamic Emirate must give considerable attention to security matters. Pakistan has asserted that the Islamic Emirate supports the Tehrik-i-Taliban Pakistan (TTP) and offers them safe havens within Afghanistan, although the Taliban have denied these claims. The forced expulsion of Afghan refugees from Pakistan, along with clashes between the forces of Pakistan and the Islamic Emirate at Torkham, Spin Boldak, and other border points, has negatively impacted relations between the two countries. If these security concerns are not resolved, the formal recognition of the Islamic Emirate and the enhancement of bilateral relations will encounter significant obstacles.

There have also been discussions between the Islamic Emirate and Iran regarding border disputes, refugees, and water issues. Additionally, India does not wish to be entirely excluded from the Afghanistan issue, so it occasionally provides humanitarian assistance and seeks to engage with the Islamic Emirate through multilateral diplomacy at regional and international gatherings. Following this strategy, India participated in the fifth multilateral security meeting on Afghanistan, held in Russia in 2023. During this meeting, the Indian representative expressed that India is in favor of a secure, stable, and peaceful Afghanistan and aims to foster security and intelligence cooperation against emerging terrorist groups in the region, such as ISIS, al-Qaeda, and others (CSRS, 2024).

2.7.6. Regarding international sanctions

The presence of pressures and sanctions from other countries can create obstacles to gaining recognition.

Following the takeover of the Islamic Emirate, the United States froze the assets of Afghanistan's central bank and has yet to

release them. Additionally, it has imposed travel bans on the leaders of the Islamic Emirate and has not granted them a seat in the United Nations. Through these forms of pressure, the United States aims to compel the Islamic Emirate to accept certain demands, most of which pertain to security (CSRS En, 2024).

Since 2012, sanctions against the Taliban have been implemented because the Islamic Emirate forcibly dismantled a democratic government and established a regime that lacks both legal and popular legitimacy. The United States' first step in this series of sanctions involved freezing \$9.4 billion in Afghan assets. Additionally, restrictions were placed on Afghanistan's banking system and various other economic sectors. However, unlike previous instances, these recent sanctions against the Islamic Emirate presented unique challenges, as the Emirate is now operating a governmental framework, meaning that any international sanctions would directly impact the population. This indeed transpired, resulting in a severe economic crisis in Afghanistan due to the stringent initial sanctions. The international community, especially China and Russia, attributed responsibility for this crisis to the United States, which allowed them to capitalize on the situation for propaganda purposes. Consequently, the U.S. was forced to ease its sanctions. In its first move, it facilitated the delivery of humanitarian aid and, in a subsequent step, lifted some restrictions on the banking system and trade, allowing MoneyGram and Western Union to operate and granting certain American contractors permission to assist with humanitarian aid delivery in Afghanistan.

The United States' current policy regarding the Islamic Emirate is to seek guarantees for human rights, the formation of an inclusive government, the prevention of drug trafficking, and the resolution of specific security concerns in return for recognition and the removal of sanctions. Consequently, individual sanctions are occasionally imposed on certain leaders of the Islamic Emirate due to human rights violations (CSRS, 2023).

2.7.7. Regarding the legitimacy of the political and legal system

The political system is closely tied to the structure and operation of the government, as well as the process for selecting government officials. This process can only be established through the constitution. When the constitution defines a system and a mechanism for appointing officials, it grants legitimacy to both the governmental system and the selection process. It is important to note that in Islamic systems, lawmaking authority is derived exclusively from divine guidance. The principle of Allah's sovereignty in Islamic governance means that any law created or decisions made by a president or leader must align with the Quran and Sunnah before being enacted. In an Islamic system, political authority and the selection of officials are matters entrusted to the people, and this right is granted to them by Islamic Sharia. As a result, laws derived through *ijtihad* (independent reasoning) are approved by the people after ensuring they align with Islamic law. Around the world, constitutions are either ratified through referendums or approved by parliaments. In Afghanistan, this process has traditionally been carried out through the Loya Jirga (Grand Assembly). The people make decisions about the selection



of officials, and these decisions are incorporated into the constitution. Once a political system is established based on the constitution, we can say that the people have given legitimacy to that system. This legitimacy represents the consent of the people, not the absolute sovereignty that belongs to Allah. Additionally, political systems derive their legal legitimacy from the constitution. If a government lacks a constitution, it has neither popular nor legal legitimacy. Therefore, to gain both popular and legal legitimacy, a government must establish a constitution.

The creation of ordinary laws in the country, such as the Penal Code, Civil Code, Commercial Law, and regulations for the functioning of various ministries, together form the legal system. The legitimacy of this legal framework stems from the constitution, as it both authorizes the creation of ordinary laws and clarifies the process for doing so. Without a constitution, all ordinary laws are rendered invalid because, when the foundation is removed, everything built upon it collapses. If the Islamic Emirate aims to present its political system and governmental structure to the public, and to clarify the future of its governance, it must establish a constitution. This constitution should introduce a political system that allows people to participate in its formation in various ways. Doing so would also facilitate the path towards international recognition for the Islamic Emirate (CSRS, 2022)

To achieve recognition for the Islamic Emirate, it will be essential to take advantage of these opportunities and actively work to eliminate any barriers.

3. METHODOLOGY

This study adopts a qualitative, documentary research approach that is both descriptive and explanatory in nature. The central aim is to provide a logical analysis of the opportunities and challenges associated with the recognition of the Islamic Emirate of Afghanistan. The inquiry relies primarily on secondary data obtained from books, scholarly articles, reports, and credible online sources, with the research design grounded in systematic library-based investigation.

The methodology was implemented in several stages. First, relevant information was collected in accordance with established research principles and subsequently organized into two major sections, each subdivided into thematic subheadings for analytical clarity. Second, priority was given to the use of primary and authoritative sources in international law; however, where gaps were identified, supplementary secondary materials were also consulted. Special emphasis was placed on selecting sources directly addressing the recognition of governments and states within the framework of international law.

Third, every theme was presented in a manner that ensures clarity and accessibility for readers, allowing for a comprehensive understanding of the issues under consideration. Fourth, the analysis was conducted with strict adherence to neutrality, aiming to present all perspectives objectively and without bias. Finally, the material was organized hierarchically: issues of foundational importance were addressed first, followed by those of secondary relevance. This sequencing not only ensures coherence in the structure of the paper but also enhances the logical flow and comprehensibility of the discussion.

4. RESULTS AND DISCUSSION

Recognition of new states or governments by existing states is essentially a discretionary matter. Newly established states or governments cannot claim it as a right. Every state or government needs recognition by other states, because such recognition leads to broad relations between states, and through these relations, states can resolve their issues. Although the Islamic Emirate of Afghanistan has now completed its third year in power for the second time, no country in the world has yet recognized it. If the Islamic Emirate takes advantage of existing opportunities, such as political stability, security, and economic cooperation and addresses the existing obstacles, such as human rights, international relations, terrorist activities, and issues related to the legitimacy of the regime, it is possible that it may be recognized by other states.

The findings of this study suggest that the Islamic Emirate of Afghanistan has several opportunities to achieve international recognition. Key facilitating factors include political stability, security, and prospects for economic cooperation, all of which create favorable conditions for recognition. However, significant challenges persist, including inadequate attention to human rights, weak diplomatic relations with other states, associations with terrorist groups, and questions regarding the legitimacy of the governing system. Addressing these obstacles is essential for enhancing the likelihood of recognition. While this study highlights the main opportunities and constraints, further comprehensive research is required to provide deeper insights and actionable recommendations for the Islamic Emirate's path toward international acceptance.

5. CONCLUSION

The recognition of new states or governments remains, in practice, a discretionary prerogative of existing states. Although the Islamic Emirate of Afghanistan has now completed its third year of governance since its return to power, it has not yet been formally recognized by any member of the international community. Recognition is a complex and contested subject, widely debated in the literature on international law.

This study has contributed to the debate by moving beyond general theoretical discussions and situating the issue within the specific context of Afghanistan. In doing so, it has highlighted both the opportunities and the obstacles surrounding the recognition of the Islamic Emirate. On the one hand, notable opportunities include the consolidation of political authority, the establishment of security, and the centralization of power. These developments have created conditions that could potentially support human rights protections, stimulate economic engagement, and enable pathways for international cooperation.

On the other hand, substantial challenges persist. Key concerns include weak diplomatic relations with other states and international organizations, the absence of formal mechanisms for securing domestic and external legitimacy, alleged associations with terrorist groups, and, most critically, shortcomings in the protection of human rights, particularly women's rights. These factors continue to constitute significant barriers to formal recognition.

Taken together, the findings suggest that while the Islamic Emirate has demonstrated progress in consolidating state



authority and fostering a degree of political and security stability, the prospects for recognition will remain contingent upon its ability to address international concerns especially those related to legitimacy, human rights, and constructive engagement with the global community.

Considering the critical importance of international recognition for both the Islamic Emirate and the people of Afghanistan, several key recommendations are proposed.

First, the Islamic Emirate should prioritize the issue of recognition by effectively leveraging the opportunities identified in this study. Simultaneously, it should actively address and mitigate the existing obstacles, such as concerns related to human rights, international relations, terrorist activities, and regime legitimacy, to facilitate timely formal recognition. Failure to address these challenges continues to create difficulties not only for the government but also for the Afghan population.

Second, given the significance of this issue, it is recommended that scholars, researchers, and subject-matter experts conduct further studies and publish additional research to provide deeper insights and a clearer understanding of the factors influencing the recognition of the Islamic Emirate.

REFERENCES

- Akhundzadeh, U. (2019/1398 H.S.). *General international law* [Pashto]. Kabul: Aksos Bookstore.
- Azizi, S. (2021). The recognition of the Islamic Emirate of Afghanistan (Taliban) from the perspective of international law. *International Studies Journal (ISJ)*, 18(2), 7–22. <https://doi.org/10.22034/isj.2021.301775.1571>
- Babaei, G. (1950). *Farhang e Syasee*.
- CSRS. (2022). *Legitimacy of Afghanistan's current system: The need for a constitution*. <https://csrskabul.com/en/?p=4969>
- CSRS. (2023). *Continuing sanctions on the Islamic Emirate: A legal assessment*. https://csrskabul.com.translate.google/?p=8184&_x_tr_sl=ps&_x_tr_tl=en&_x_tr_hl=en&_x_tr_pto=sc
- CSRS. (2024a). *A look at the Islamic Emirate of Afghanistan relationship with Tajikistan*. <https://csrskabul.com/en/?p=5220>
- CSRS. (2024b). *A look at the third Doha meeting on Afghanistan*. <https://csrskabul.com/en/?p=5279>
- CSRS. (2024c). *Evaluation of Afghanistan's political, economic and cultural situation*. <https://csrskabul.com/en/?p=5266>
- CSRS. (2024d). *U.S. foreign policy towards the Islamic Emirate*. <https://csrskabul.com/en/?p=5248>
- Danesh, S. (2014/1393 H.S.). *Introduction to international public law* [Dari]. Kabul: Ibn Sina Institute of Higher Education.
- Danish, S. (2021). *International Law*. <https://shorturl.at/3IIBy>
- Jawad, S. (2022). *Diplomatic and consular rights*. <https://shorturl.at/JRIIBp>
- Nabi, B. (2017/1396 H.S.). *Diplomatic and consular law* [Pashto]. Jalalabad: Salam Publishing Society.
- Qureshi, Z., & Waziri, A. (2017/1396 H.S.). *International public law* [Pashto]. Kabul: Mustaqbal Publications.
- Sadr, J. (2010/1389 H.S.). *Diplomatic and consular law* [Pashto] (H. Ekhter, Trans.). Jalalabad: Godar Publishing Society.
- Safi, W. (2008/1387 H.S.). *International public law* [Pashto]. Kabul: Maiwand Publishing Society.
- Safi, W. (2009). *International public law*. <https://archive.af/bib/6402>
- Zamani, S. Q. (2013/1392 H.S.). *International law* [Dari]. Tehran: Institute for Legal Studies and Research, Shaher Danesh.

