

THE TALIBAN REGIME: CHALLENGES OF GOVERNANCE AND LEGITIMACY

Dr. M. Sheharyar Khan^{*1}, Dr. Hafza Tasmia Tahira², Hafza Ali³

^{*1}Associate Professor, Social Science Department, Iqra University, Islamabad Campus;

²Lecturer Islamia College, Lahore; ³MPhil Scholar in International Relations

^{*1}Sheharyar.khan@iqraisb.edu.pk; ²TasmiaTahira06@gmail.com; ³Hafsaali0904@gmail.com

Corresponding Author: *

Received: 26 January, 2024

Revised: 15 arch 2024

Accepted: 25 March, 2024

Published: 31 March, 2024

ABSTRACT

The Taliban government in Afghanistan, which came to power in August 2021, faces several challenges, including economic, political, human rights, and international recognition. This paper addresses the question of the Taliban's failure to honor the promises made to the international community and fellow Afghans. It is argued that despite the apparent unity of the Taliban regime, there are fissures in the system of governance and internal disagreements over the interpretation of Sharia. Honoring the international commitments regarding inclusivity, human rights, and the presence of foreign terrorists breaches the internal legitimacy of the Taliban regime.

INTRODUCTION

The Taliban have ruled Afghanistan for more than a year. They successfully dislodged the Kabul administration without any bloodshed in August 2021. With the takeover, they announced general amnesty to the melted-down Afghan troops and government officials.¹ Although there were some incidents of reprisals, their government denied it was their policy.² It was rather blamed on individual Taliban commanders who defied their leadership orders. They also made commitments that they would honor the Doha Agreement, which entailed that Afghanistan would not be allowed to be used by any foreign terrorist organizations under Taliban rule. They also expressed their wish to establish good diplomatic relations with the world.

Despite their promises, the Taliban have so far failed to hold good on their promises. Recently, al-Qaeda leader Ayman al-Zawahiri was killed in a US drone strike in Kabul. The TTP leadership is also harbored in Afghanistan, and Pakistan has repeatedly asked the Taliban to reign them in. The international community is also demanding that they ensure women's rights to education and work. While the Taliban do not deny such issues, they have yet to deliver on them. While the Taliban seek recognition from their government, the world would like to see the Taliban change its policies regarding women and human rights. In the past year of rule, the situation for the common Afghans on the ground has been abysmal. The humanitarian crisis has hit the country deeply.³ and the Taliban are desperate for

¹"Taliban News: Taliban Announce 'general Amnesty' for Government Officials | World News - Times of India," retrieved March 21, 2023, <https://timesofindia.indiatimes.com/world/south-asia/taliban-announce-general-amnesty-for-government-officials/articleshow/85392805.cms>.

² "Taliban Vow to Be Accountable, Probe Reports of Afghanistan Reprisals—World," DAWN.COM," retrieved March 21, 2023, <https://www.dawn.com/news/1641820>.

³ "Afghanistan: Economic Roots of the Humanitarian Crisis," *Human Rights Watch*

international aid and recognition. If the status quo remains, the crisis will only deepen and give rise to more discontent and possibly further chaos.

The question arises as to why the Taliban do not or cannot deliver on their promises, knowing full well that they need international recognition and foreign aid. This paper claims that there are deep fissures within the Taliban ruling clique over the issue of the practical application of their Islamic ideology regarding the governance of such issues. The Taliban seem divided on whether to buckle to the pressure of the international community or stick to their strict interpretation of Sharia, where there is little public role for women, and they could not turn their back on Islamist ideological terrorist organizations.

Governance Theory

The concept of governance refers to how a regime or government exercises its power and authority over its citizens. According to the UN, governance is “the process of decision-making and the process by which decisions are implemented (or not implemented).”⁴ The UN model of good governance has eight characteristics: It is participatory, consensus-oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive, and follows the rule of law. This article focuses on the characteristics of legitimacy, participation, equity, and inclusiveness and adds external legitimacy to the issue of legitimacy. These characteristics are explained below:

Legitimacy: This refers to the degree to which a regime or government is seen as having the right to exercise power over its citizens. Legitimacy can be based on a variety of factors, such as democratic elections, historical tradition, or religious authority.

Participation: This refers to the degree to which citizens can participate in the decision-making processes of government. Participation can take many forms, such as voting in elections, engaging

in public debates, or serving on advisory committees.

Equity and inclusiveness: The health of a society depends on making sure that each of its members believes they have a stake in it and does not feel marginalized. This calls for providing chances for all groups, but especially the most vulnerable, such as women, to enhance or preserve their well-being.

Government Structure

The regime structure of the Taliban is based on a strict interpretation of Islamic law, or Sharia, and is characterized by a centralized and authoritarian system of government. The Taliban government is led by a supreme leader, or Amir al-Mu'minin, who has ultimate authority over all aspects of government and society. The current supreme leader of the Taliban is Haibatullah Akhundzada.

Under the supreme leader, the Taliban government is divided into several different bodies and departments, including a political commission, a military commission, and a judicial system. The political commission is responsible for making policy decisions and overseeing government ministries, while the military commission is responsible for the Taliban's military operations and strategy. The judicial system is responsible for enforcing Sharia law and administering justice.⁵

At the local level, the Taliban government is divided into provinces, with each province being overseen by a governor who is appointed by the central government. The governors are responsible for enforcing the Taliban's policies and laws at the local level and are expected to maintain order and stability in their respective provinces.

Overall, the regime structure of the Taliban is highly centralized and authoritarian, with power concentrated in the hands of a small group of leaders who are guided by a strict interpretation of Islamic law. The Taliban's regime structure is also characterized by a lack of democratic institutions and processes, with little or no opportunity for public participation or political dissent.⁶

(March 1, 2022), retrieved January 12, 2023, from <https://www.hrw.org/news/2022/03/01/afghanistan-economic-roots-humanitarian-crisis>.

⁴ UN: What is Good Governance? <https://www.unescap.org/sites/default/files/good-governance.pdf>

⁵ “Who’s Who In The Taliban: The Men Who Run The Extremist Group And How They Operate,” retrieved March 24, 2023, from <https://www.rferl.org/a/taliban-leadership-structure-afghan/31397337.html>.

⁶ Sayed Madadi, “Dysfunctional Centralization and Growing Fragility under Taliban Rule,” *Middle East Institute*, retrieved March 12, 2023, from

Fissures in Regime

The Taliban are not considered a monolithic organization or regime. The movement has at least two main factions. The Haqqani Network (HN) and the Kandahar-based Taliban are the two pillars.⁷HN leader Sirajuddin Haqqani has allegiance to the Taliban leader, yet he runs his own faction with a different command structure under his control. His forces are loyal to him. His main areas of operation were Kabul and central Afghanistan. He is also blamed for ties with Al-Qaeda. After the Taliban takeover, HN dominated the new government. Its chief became the interior minister. HN controls Kabul and its surroundings, so he has quite a bit of influence on the power corridors.

However, the Taliban have so far shown unity in their command and control structure, despite the attempts of the previous government to sow discord in them. Sirajuddin Haqqani, however, has more independence in his operations.⁸He controls the center and southeast of the country. He also seems to be in effective control of the Taliban's military affairs. At the same time, he also maintains links with al-Qaeda.⁹His faction learned suicide attacks from Al-Qaeda, and it was this group that launched suicide attacks within Kabul. Soon after the Taliban took over power, it was reported that there was a rift between the Haqqanis and Biradar factions. Mullah Biradar was the one who led the Afghan delegation into talks with the US. Biradar was considered moderate, and it was believed that he would be given an important position in the government. However, all the leaders in the negotiation team were denied key positions in the new regime. Rather, more hardline Taliban like the Haqqanis came to center stage.¹⁰

Although the regime of the Taliban is not monolithic, there is unity under the command of the Taliban leader, who is considered the legal and Sharia-based leader. The Islamic principle dictates that he should

be obeyed. But the style of Taliban leadership during the insurgency and even after their takeover of Kabul suggests that the leader has delegated most powers to his deputies, like Haqqani, for military affairs. In the case of religious guidance, his own views seem more orthodox than those of many of his deputies and commanders. For instance, Akhundzada is against photography and does not like to be recorded or photographed, but he doesn't object to his cabinet or other members of the rank and file who wish to be recorded and photographed.

The Taliban leader, during their insurgency, gave much liberty to their field commanders to decide day-to-day affairs. They kept the movement decentralized in its operations, which suited the peculiar circumstances. The field commanders were also allowed to do '*ijtihad*'.¹¹ That is why different field commanders performed *ijtihad* differently from each other. This style of command and hierarchy was carried on during the first days of their rule in Kabul. The liberty that the field commander had enjoyed made it hard for them to leave and come under a strict command and control structure. This explains why some commanders defied the general amnesty given to opposition forces and government functionaries, as we saw different incidents of reprisals. The regime struggled at first to rein in these elements, but it seems that they have been brought under control now.

The decentralized style of leadership of the Taliban leader gives much power to those in the government or key positions. Since the deputies have a greater say in military affairs and Sharia matters, the power of the leader is diluted, and we can see different power centers in the regime. These different power centers may govern differently in their respective areas of influence. They may not see eye-to-eye on some issues, especially those of international concern. That is why some Taliban leaders have

<https://www.mei.edu/publications/dysfunctional-centralization-and-growing-fragility-under-taliban-rule>.

⁷"Haqqani Network: Mapping Militant Organizations," retrieved March 11, 2023, from

https://web.stanford.edu/group/mappingmilitants/cgi-bin/groups/print_view/363.

⁸"Haqqani Network: Mapping Militant Organizations."

⁹"Haqqani Network: Mapping Militant Organizations."

¹⁰Rustam Shah Mohmand, "The Irrelevance of Mullah Biradar," *The Hindu*, retrieved March 24, 2023, from

<https://www.thehindu.com/opinion/op-ed/the-irrelevance-of-mullah-biradar/article5157377.ece>.

¹¹According to Encyclopaedia Britannica, "ijtihād, (Arabic: "effort") in Islamic law is the independent or original interpretation of problems not precisely covered by the Qur'ān, Hadith (traditions concerning the Prophet Muhammad's life and utterances), and ijmā' (scholarly consensus)." <https://www.britannica.com/topic/ijtihad>

allowed women to get access to higher education¹². While others have not yet.

Internal Legitimacy

There are two main sources of internal legitimacy for the Taliban government: the political and military power that they established in Kabul and their appeal to Islamic Sharia. The military takeover of Kabul and the establishment of writ almost all over Afghanistan have made them the de facto rulers of the country. The Taliban has shown so far unanimity of leadership in their military and political strategies by consolidating their hold under the leadership of Mullah Haibatullah Akhundzada. The takeover and almost no resistance from the previous government's troops made them the sole power in the country. Their absolute rule is, however, challenged by ISIS-K time and again by carrying out bomb blasts from time to time, especially in Kabul.¹³ But overall, the Taliban have ensured forced peace in the country and established some kind of order in a country that has witnessed over four decades of mayhem.

The second source of legitimacy comes from their Islamic ideology. The Taliban is a religious movement. Their first stint in government from 1994 to 2001 was marked by a strict interpretation of Islam. Their claim to political power stemmed from the practical implementation of the Islamic system in Afghanistan. The appeal of Islam had attracted the masses, especially from rural Pashtun areas. Afghanistan was already a Muslim-orthodox country. The war against the USSR was also Islamic and was dubbed Jihad against the infidels. The fighters were called Mujahideen. The legacy of Islam, Jihad, and Sharia has historical roots in Afghan polity, and thus for the Taliban to bank upon them was no alien ideology. The appeal of a Sharia-based government was further strengthened by the utter failure of the previous Afghan regime, which was mired in corruption. The people had lost trust in them, and the Taliban seemed the best alternative to at least those who were either disenfranchised or did

not benefit from the services and governance of the previous administration. Alternatively, the Taliban were quick to deliver justice through their mobile courts in the areas they controlled.

However, the regime desperately needs international legitimacy to be recognized as a legitimate international actor. Survival in diplomatic isolation would be hard. They had de facto legitimacy over most parts of Afghanistan even before they got power in Kabul. They established diplomatic ties with the US, Russia, China, Pakistan, Turkey, Qatar, and other regional countries. They were able to sit across the table from the US in Doha and make the famous Doha agreement. But to be properly recognized, the international community contended that the government should be inclusive and ensure human rights, especially women's rights. However, the term inclusivity has a different definition when it comes to the Taliban. While the international definition of inclusive government means that people from different political spectrums and ethnicities who held offices in the previous regime should be part of the administration, the Taliban are in no way willing to include stakeholders from the previous administration. The Taliban will not include anyone in the government who is of a different political shade.¹⁴ Only those who are part of the movement but have ethnicities other than Pashtuns, like Uzbeks, Tajiks, Turkmen, and Hazara, are given official status. The Taliban believes this should satisfy the international community's demand.

On the issue of women's rights, the official position is that once they have enough resources, they will give this right to women. In theory, they say they do not oppose women in education and the workforce, yet the circumstances do not allow them to do so. Yet, it is seen that in some parts of the country, especially in the north, higher education has been allowed. This split in policy indicates that there are disagreements over the issue within the leadership of the Taliban. This is also an issue of governance that stems from their ideological orientation, where there

¹²Tooba Neda Safi, "Girls Return to High School in Some Regions of Afghanistan," *Geneva Solutions*, retrieved March 2, 2023, from <https://genevasolutions.news/explorations/dispatches-from-women-in-afghanistan/girls-return-to-high-school-in-some-regions-of-afghanistan>.

¹³ "Afghanistan: ISIS Group Targets Religious Minorities," *Human Rights Watch* (September 6, 2022), retrieved

December 21, 2022, from <https://www.hrw.org/news/2022/09/06/afghanistan-isis-group-targets-religious-minorities>.

¹⁴Fawad Poya, "Under Taliban Rule, Afghanistan Will Never Have an Inclusive Government," retrieved February 24, 2023, from <https://thediplomat.com/2022/08/under-taliban-rule-afghanistan-will-never-have-an-inclusive-government/>.

seems to be a difference of opinion as regards the interpretation of Sharia and the practical realities of the world.

The third issue of legitimacy is the Taliban's commitment not to allow international terrorist organizations like Al-Qaeda to operate on Afghan soil. The Taliban have repeatedly committed that they will stick to their word and not allow foreign terrorists on their soil. But the UN report suggested otherwise. The report claimed that Al-Qaeda is regrouping in Afghanistan and that the Taliban has not cut ties with them. Then, in August 2022, its leader, Ayman Al Zawahiri, was killed in a US drone strike in the Afghan capital Kabul, in a posh area that is under the control of the Taliban. It is said that that area is controlled by the Haqqani faction within the Taliban, and the house in which the Al-Qaeda leader was living was owned by none other than the Taliban's interior minister, Sirajuddin Haqqani, who is also the leader of the Haqqani Network. The Haqqani Network has long been blamed by the US for having deep ties with Al-Qaeda. Soon after the attacks, it was reported that Sirajuddin Haqqani left Kabul and went into hiding, fearing that he may also be the target of the US drone strike. He already carries a \$10 million bounty on his head.¹⁵

This gives rise to questions as to whether the Taliban are true to their words or if different factions within the Taliban have different objectives. This also puts the question of international legitimacy into question. The world community may not trust the words of the Taliban. Verbal assurances may not be enough to satisfy the international community. The US and its allies may demand scrutiny and monitoring of the commitments made to them to recognize the regime. There is also speculation that there might be a split in the Taliban regime when it comes to core international concerns. The split of the regime may verify their half-hearted commitment to their promises. Subsequently, it is argued here that the Taliban ruling regime is not a monolith and that

there is a difference of opinion and objectives at the highest level, which affects the governance over the issues of concern.

External Legitimacy

The Taliban are facing an acute economic and financial crisis. Before the takeover of the Taliban government, the Afghan economy mostly depended on foreign aid. The sources of foreign aid have now dried up. Internal revenue generation is not enough to meet the needs of the nation. They desperately need aid and trade. This all depends on the recognition of their government. But the international community has some conditions. Regarding these conditions, the Taliban seem divided when it comes to their implantation. This has divided them into puritans, traditionalists, and pragmatists.¹⁶ The traditionalists are the ones who want to continue as they did in their first rule. They believe they would lose legitimacy in the eyes of their rank and file if they bent under international pressure. They are also ideological Puritans and strongly believe in their understanding of Sharia, where they do not see much of a role for women in public life. Regarding Al-Qaeda and other Islamist organizations, they have a soft corner. It could be seen from the fact that, despite pressure from Pakistan, they have not taken any action against TTP.¹⁷ TTP seems to enjoy its protection. In order to relieve some Pakistani pressure, they have arranged peace talks between the Pakistani government and the TTP.

The pragmatists, like those who were in the Doha negotiations, believe that they need to change their orthodox views since they are now in power. The United States has to honor its international commitments and get its government recognized. But pragmatics has no solid power within the Taliban movement. It is thus unlikely that the Taliban will succumb to international pressure.

¹⁵Camilla Schick, "Taliban Denies Knowledge of Al-Zawahiri's Presence in Kabul, with Some Members Blaming Its Haqqani Faction," *CBS News* (August 4, 2022), retrieved December 18, 2022, from <https://www.cbsnews.com/news/ayman-al-zawahiri-killed-taliban-say-they-didnt-know-al-Qaeda-leader-was-in-kabul/>.

¹⁶Umar Karim, "Pragmatism Drives Taliban-UAE Engagement," *Arab Gulf States Institute in Washington*

(blog), (January 31, 2023), retrieved February 10, 2023, from <https://agsiw.org/pragmatism-drives-taliban-uae-engagement/>.

¹⁷ Vinay Kaura, "Pakistan-Afghan Taliban Relations Face Mounting Challenges," *Middle East Institute*, retrieved March 24, 2023, <https://www.mei.edu/publications/pakistan-afghan-taliban-relations-face-mounting-challenges>.

On Foreign Terrorists:

As regards the presence of international terrorist organizations, HN seems to have a different view. They have long been accused of having ties with Al-Qaeda. The killing of Ayman al-Zawahiri in Kabul indicates that HN may not have broken ties with the group. The area where he was killed was under the direct control of HN, while Sirajuddin Haqqani was also the minister of the interior at the time. The Taliban repeatedly promised the US that they would not harbor Al-Qaeda, but such promises have been made by the Biradar group in Doha. It is possible that HN may not agree with the terms in reality and would love to keep its ties intact with Al-Qaeda. It is not easy to break ties with Al-Qaeda when they have enjoyed brotherly relations and supported each other. The Islamic principles that they believe would not let them turn their backs on their brothers in Al-Qaeda. The main Taliban group may also sympathize with Al-Qaeda, but there are pragmatists among them who believe that their own country is their priority and they should abide by the integration commitments. This difference could create a schism in governance as regards the reign of Al-Qaeda and the Tehrik-e-Taliban Pakistan (TTP). This also means that the central leadership is not willing or capable of enforcing its will on HN. Pragmatists fear that the international community cannot lift sanctions and will punish Afghanistan for not following through with their agreement.

Equity and Inclusiveness: Women's Education

The Taliban have always reiterated that they are not against the role of women in the public sector. That they would give all the rights to women given in Islam.¹⁸ But so far, their performance has been mixed on this issue. In most cases, girls are not allowed to go to school. Taliban officials cite logistical issues. They will not allow coeducation, so they need separate schools or schedules for girls. This means they need time to settle all the logistical issues. However, one can easily point out that if men can go to school, why discriminate against women?

¹⁸Belquis Ahmadi and Asma Ebadi, "Taliban's Ban on Girls' Education in Afghanistan," *United States Institute of Peace*, retrieved August 25, 2022, from <https://www.usip.org/publications/2022/04/talibans-ban-girls-education-afghanistan>.

¹⁹ Belquis Ahmadi and Asma Ebadi.

²⁰ Belquis Ahmadi and Asma Ebadi.

However, when it comes to the education of women, the enrollment rate was already low even before the Taliban. The reasons are more cultural and social. In the conservative Afghan society, the education of women is not considered important by many. They are already restricted to household chores. So, the view of some Taliban leaders reflects this cultural admixture with the Islamic view on education. The Taliban would never say that Islam does not allow the education of women, yet in practice, they may not encourage them.

An example of the division over whether to open schools for women could be seen in the fact that some have allowed women to get an education.¹⁹ Higher education is off-limits in most places. The question is how long it will take for them to resume higher education since a lot of schoolgirls are in the middle of their education and it is a huge loss of their studies. The messages regarding women's education are also mixed. Some Taliban leaders have suggested that there is no need for higher education. It is not good these days.²⁰

Some women have been allowed to work as nurses, doctors, or teachers:²¹ yet there is no inclusion of women in other government departments or sectors of the economy. It seems they have restricted the role of women in the public sphere. Even if the leadership allows the public role of women under some conditions, like a strict Sharia dress code, some commanders may have a different understanding of Sharia and would limit their role. It can be seen in several examples. The restriction on education also means that women will not be eligible to assume any role in the government or other sectors since they lack the required skills.

Participation: Political Opposition and Women

The inclusion of women in the government sector is not visible. Although the Taliban do promise to give women their due rights according to Sharia, their interpretation of Islam is different from other Islamic countries where women can do jobs in the government sector. This is a cultural projection of

²¹"Under Years of Taliban Rule, Women Nurses Work alongside Men," *France 24*, (October 13, 2021), retrieved January 23, 2022, from <https://www.france24.com/en/live-news/20211013-under-years-of-taliban-rule-women-nurses-work-alongside-men>.

Afghanistan into its Islamic ideology. One may not expect any change as regards women's role in the government. The Taliban will not accept women as part of their shura or in any leading position in the government.

One of the conditions set by the international community for the recognition of the Taliban government is that it includes all people of different political views in its government. On this issue, all the Taliban segments are not showing any flexibility. This means sharing power, which they would not do since their understanding of Sharia only entitles them to rule. And since they have earned it by winning the war, one cannot expect them to share power with the vanquished. There seems to be complete unanimity among the Taliban leadership on this issue.

Conclusion

The study identified that the structure and make-up of the Taliban as a movement and government are not quite monolithic. There is no fear of rebellion within the leadership, yet there are differences in the interpretation of Sharia among different commanders who wield enough power in areas under their jurisdiction. This independence has resulted in different outcomes on key issues of international concern, like inclusive government, women's rights, and the denial of space to foreign terrorists. The pragmatist and puritanical divide is also there, which cuts across the very debate of whether the Taliban will honor their commitments or not. The Puritans want international recognition, but they are not willing to give up those rights if it means sacrificing their core belief system. And they are in the majority and hold sway over the country. We may see some glimpses of hope under different commanders due to their independent operational power, but we may not see them become part of the nationalist policy. The mixed performance on the issues of concern sends both hope and despair to the international audience. It remains to be seen how long Afghanistan remains isolated and handles the humanitarian crisis. One can hope that pragmatism may find some traction if things go out of control.

The regime of the Taliban fails to honor its commitment because they fear they will lose legitimacy in the eyes of their rank and file and the public. The goal of external legitimacy contradicts internal legitimacy. They derive their legitimacy from the Islamic ideology of Sharia-based government and their strict interpretation. The

regime shows the centrality of command, yet there are two main factions with some differences from each other. There are also Puritans and pragmatists whose opinions differ on the governance of these issues, yet the pragmatists do not have enough power to win over the others. Thus, the regime fails on counts of legitimacy, political participation, women's empowerment, and reining in foreign terrorists.

