02

To Recognize or Not to Recognize? That is the question. Or is it?

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Synopsis

This chapter is critical for future implications of Afghanistan and the region, providing a guideline for international audiences on the way forward. It will deconstruct the challenges surrounding the international recognition of the Taliban. While recognition is not currently an option any country is ready to entertain, it has begun circulating, particularly as an increasingly worried international community struggles to achieve stability in Afghanistan and prevent mass migration, which is certain to happen should Afghanistan's shattered economy continue to deteriorate, or worse, another civil war ensues.

In this chapter, we will delve into three possible scenarios concerning Afghanistan. Each scenario will be analysed in terms of its potential emergence, and the ensuing ramifications for Afghanistan, its neighbouring countries, and the broader international community. They are: 1) Afghanistan, should the Taliban collapse, due to various internal and external factors 2) Taliban rule without international recognition and 3) Taliban rule achieving international recognition. Having observed and interacted with the Taliban since their emergence, I have an unparalleled understanding of the movement and its key leaders, which uniquely positions me to speak authoritatively on the machinations within the movement and how these machinations can contribute to each of the three scenarios.

This chapter will examine the Taliban's current stance on recognition and engagement, analysing who within the Taliban is

gaining strength due to lack of engagement, the consequences within the movement to ultimatums, as well as which ultimatums might be effective and, which might not. It will also address the rural and urban divide, seeking to gain an understanding of the broader Afghanistan beyond urban centres, which could enhance the quality of engagement with the Taliban. Moreover, it will assess the consequences within the Taliban ranks to recognition, lack of recognition, and what a civil war might entail from within the movement.

The debate around recognition of the Taliban will intensify as the Taliban government looks set to begin its third year in power, and the international community struggles to help achieve a stable Afghanistan without compromising on its singularly significant goal of universal education for girls of all ages and the right of women to work.

Until now and for several reasons, the Taliban have exhibited a firm hold on power, and there is little to no value in aiding anti-Taliban insurgent groups in Afghanistan, even as they continue to press for Western support. Anti-Taliban groups have minimal traction inside the country limited to a small enclave in central Afghanistan. Additionally, most of the significant leaders of the anti-Taliban groups have been discredited by their disturbing past of widespread corruption and human rights abuses, which diminishes their value as an alternative to the Taliban. Their past practices, which include criminality, killing of civilians, human rights abuses and in some cases support for extremists, should inform every discussion the West holds with these leaders.

Any effort that encourages or supports more fighting within Afghanistan will contribute to increased migration and instability. There are no upsides to supporting and propagating the so-called anti-Taliban groups, none of which were able to dent the Taliban's control when they last ruled between 1996-2001. Had 9/11 not happened, it is likely the Taliban would still be in power. A military victory should be taken off the table.

Winning and Losing Narratives and how that Impacts Discussions around Recognition

In the West, there is a widespread belief that the Taliban aspire to gain recognition. While some members of the movement might indeed desire recognition, the more hardline factions, including the movement's leader Haibatullah Akhunzada, actually benefit from prolonged lack of recognition and deeper engagement.

Understanding the upside to isolation for hardliners helps clarify why Taliban leaders keep poking the stick at the international community by consistently restricting women's rights, pulling women out of the workforce, and limiting education for girls beyond the sixth grade.

The more the international community attempts to shame them for their actions, the more it serves to reinforce Taliban's narrative, predominantly directed at rural Afghanistan, that the West's 20-year invasion of Afghanistan was aimed at eroding Afghan culture and imposing a western lifestyle. The degree to which these arguments resonate inside Afghanistan should not be underestimated.

This dynamic could also undermine those within the movement who seek engagement but fear losing the support of thousands of fighters and control over strategically important regions.

It is important to examine why there is not a greater public outcry, especially among men, regarding the Taliban's relentless directives against women while fear of Taliban retaliation partly explains this, it does not clarify why some women are willing to take risks, yet no men have emerged to participate in demonstrations.

One possible explanation, albeit partial and limited, stems from a 2019 survey by Promundo, and the U.N. Women, which found that two of every three men believed women had been given too many rights (Thomson Reuter Foundation, 2019). This sentiment existed even before the Taliban's resurgence and after 19 years of U.S.-led invasion. One in three women also felt the same.

This underscores the importance of gaining a deeper understanding of Afghanistan to navigate a path forward. It is crucial to note that understanding does not equate to acceptance, nor does believing in Western solutions equate to understanding Afghanistan.

Additionally, it is vital to grasp the prevalence and impact of conspiracy theories in this region. Dismissing them as absurd does not serve Western interests nor does it contribute to a deeper understanding of Afghanistan.

Pakistan's polio eradication campaign ground to a near halt and resulted in the death of scores of workers after religious and tribal leaders along the border with Afghanistan convinced the local populations that polio drops were a part of western conspiracy aimed at sterilizing children to reduce the Muslim population. The clerics and elders regarded polio campaigns as a ruse due to a popular belief that polio workers tracked and killed Al Qaeda leader Osama bin Laden.

Understanding the narratives from within Afghanistan held by a majority of Afghanistan's 40 million people particularly in the countryside will be more productive than dismissing them and instead focusing on those voices who reinforce western narratives woven outside Afghanistan. While talking to those who agree with the West might massage western egos, it does not get the West any closer to an understanding. Nor does it bring the West to a possible way forward, that could help keep Afghans inside their country and at the same time make gains for women and girls. Afghanistan is not about to become a western democracy, and after 20 years, many Afghans are ambivalent toward the West, and many more are no longer moved by what the West sells as good intentions.

It is important to remember that, in addition to the insurgency, the Taliban waged a 20-year propaganda campaign against the West. This campaign utilized various mediums such as videos, pamphlets, and most commonly, so-called 'night letters', distributed in rural mosques. These materials depicted U.S. and

NATO soldiers searching women and accused the West of disrespecting Afghan culture, traditions, and Islam as well as perpetrating violence against women, Propaganda has been a valuable tool for the Taliban since their ouster in 2001. The current isolation presents an opportunity to the movement's leadership to further reinforce its propaganda and garner support among the rural population, particularly in its Pashtun strongholds. Moreover, it can weaken factions within the movement advocating for a different path, including greater engagement for the nation.

In his 2018 book, Taliban Narratives: The Use and Power of Stories in the Afghanistan Conflict, Thomas H. Johnson argues that Taliban mastered the art of propaganda over the last two decades, while the U.S. and NATO largely failed to use propaganda effectively to win over the hearts and minds of most Afghans (Johnson, 2017). The failure was primarily due to the West's limited understanding of Afghanistan and its people, not extending beyond the same circle of Kabul elite and Afghan expatriates, with whom it continues to engage almost exclusively. Johnson argues that the U.S. and NATO should have been asking questions of ordinary Afghans, beyond the elite of Kabul and expatriates. This assessment remains relevant today.

The Taliban's ability to appeal to the emotions of Afghans is something the West has not been able to understand or appreciate fully. The impact of the Taliban's strategic use of emotions is evident.

Johnson writes: "People believe that the U.S. has massacred people in numerous Afghan villages... Another interviewee suggested that when U.S. forces come into an Afghan village, they red stamp doors and later carry out raids during nights targeting these houses with killer dogs.' We found this story was very common among students at schools—especially girls' schools in Kandahar. We found it surprising that even Afghan educated women's perceptions were influenced by Taliban propaganda."(Johnson, 2017).

Meanwhile, of the U.S. and NATO propaganda efforts during 20

years of war Johnson wrote: "This lack of understanding, in part, has ultimately doomed Western engagement in Afghanistan and contributed to the West losing the battle of the story in Afghanistan and, therefore, the war." (Johnson, 2017).

Continuing on the current path may further doom Western engagement. It is important to recognize the counterproductive consequences of maintaining the status quo; of dolling out engagement as some kind of reward; using recognition as a carrot, while brandishing a stick; and continuing to see Afghanistan through the prism of the Kabul elite and expatriates. The implications of failure will not be limited to Afghanistan nor to the region but will most likely exacerbate Afghanistan's migration beyond.

In 2015, six years before the Taliban's return to power, Afghans were among the highest number of migrants to flood Europe receiving a record 1.3 million refugees (Pew Research, 2015).

Reflecting on past failures and the arguments presented above, it is time to reassess our understanding, or lack thereof, of Afghanistan, and acknowledge our shortcomings and those of our allies. This introspection could lead to better understanding and alternative strategies both in Afghanistan and our home countries.

Convincing Countries to Rethink Taliban is a Difficult Ask

Recognition is a difficult ask for most countries, particularly in the West, but not exclusively. Where the West failed in its propaganda campaign to win over Afghans in Afghanistan, it succeeded at home. It convinced its domestic audience that the Taliban were monsters, conflating Taliban and al Qaida as one; reinventing their Afghan allies, from the corrupt warlords they were, to champions of democracy.

In his book The Afghanistan Papers: A Secret History of the War, Craig Whitlock presented an accumulation of interviews and reviews of America's longest war. From a variety of sources, the

book not only told of the error of making the Taliban the enemy instead of focusing exclusively on Al Qaeda, which carried out the 9/11 attacks, but it also documented the price the coalition paid for partnering with discredited and corrupt Afghan warlords, many of whom the West continues to engage with (Whitlock, 2021).

Whitlock wrote: "Jeffrey Eggers, a Navy SEAL who served in Afghanistan and worked on the National Security Council staff under Bush and Obama, said . . . Our entire post 9/11 response is all subject to question . . . Why did we make the Taliban the enemy when we were attacked by al-Qaeda? Why did we want to defeat the Taliban? Why did we think it was (that) anybody willing to help the United States fight al-Qaeda and the Taliban qualified as a good guy—morals notwithstanding? Dangling bags of cash as a lure, the CIA recruited war criminals, drug traffickers, smugglers, and ex-communists."

A truer picture of both the Taliban and those Afghans who allied to the West may not mitigate the domestic political fallout of greater and deeper engagement with the Taliban. However, it could well help put to rest the myth that one group of Afghans was better than the other. That alone might be a first step toward making greater engagement more palatable with domestic audiences and aid western efforts to help strengthen those within the Taliban seeking engagement as well as education for girls and greater involvement of women in society. Hopefully, it might also put an end to public statements out of western capitals that inflame sentiments, rather than aid efforts to find a road forward. Statements like those made in April of this year by Washington's Special Inspector General for Afghanistan Reconstruction, John Sopko, to a U.S. Congressional House Oversight Committee, should be avoided.

In that hearing Sopko said he had no evidence, beyond speculation, that U.S. funding was being siphoned off by the Taliban, though he did not rule it out. Instead of simply stating the fact, he chose to instil a worry in the American public that perhaps (without any evidence) their money might be being diverted by the Taliban, whom he said he did not trust "as far as

you could throw them". (Whitlock, 2021).

He then went on to use the same public platform to feed domestic hatred of the Taliban, adding: "I would just say I have not seen a starving Taliban fighter on TV. They all seem to be fat, dumb, and happy. I see a lot of starving Afghan children. So, I am wondering where all this funding is going." (C SPAN, 2023).

Treating your Afghan Taliban interlocutors with disrespect because you oppose their practices will do nothing to aid change. Nor will it aid those among the movement who want to engage. We should keep in mind that those who seek engagement do not necessarily want to be "us" nor should they have to be. However, they do support education for girls and greater rights for women. It would be terribly wrong to underestimate the damage caused by these arrogantly disrespectful statements, but worse it suggests the West might not be up to the challenge of addressing the real complexities that need to be addressed to move forward in Afghanistan.

The Taliban are religious intransigents, whose tribal roots are deeply wedged in Afghanistan's conservative countryside, making progress on rights for women excruciatingly and painfully slow. However, it is not in the interest of the West or Afghanistan to portray the Taliban as either monsters, or "fat, dumb and happy."

Respect goes far in Afghanistan and lack of respect goes equally far in the other, non-productive direction.

The reality is that the Taliban are more closely in tune with most Afghans than with many of the expatriates who returned to Afghanistan after 2001. That does NOT mean most Afghans support the relentless restrictions on girls and women, but it does mean that navigating a way forward requires a deeper understanding, less arrogance and more of an indigenous solution.

The road being travelled by the international community, which is littered with carrots, sticks, doled out concessions, and arrogant disrespect for the people with whom you are talking, risks further strengthening those who see a greater interest in isolation, while

weakening those among the Taliban, who want greater engagement.

The latter group within the Taliban needs to be seen stronger than the isolationists. That is difficult because after 20 years, there is widespread scepticism in Afghanistan about what the West can and will do.

Recognition versus Greater Engagement

To begin, it is important to note that in the 19th century, Afghanistan was The Emirate of Afghanistan, originally named The Emirate of Kabul. This historical context is relevant to move the discussion beyond the Taliban's name change.

To unpack recognition there are several issues to examine, including whether recognition of a government is even a necessity. After all, everyone recognizes Afghanistan as a state.

According to the U.S. Department of State, Office of the Historian, the United States has recognized the state of Afghanistan since July 26, 1921, when President Warren G. Harding received a mission of the Afghan government at the White House during King Amanullah's rule. The U.S., Europe, and the larger world already recognize the state of Afghanistan. This means recognition of Afghanistan as such is not at issue: we are talking exclusively about the government of Afghanistan.

Regarding government recognition, there are various schools of thought. Additionally, there is debate within international law whether it is permissible, not to recognize a regime as a government, especially if it demonstrates control over the majority, if not all, of its territory.

According to Britannica, recognition of governments is no longer even common practice.

Britannica says: "Recognition of governments is distinguished from recognition of a state. The contemporary trend is in fact to no longer recognize governments formally but to focus instead upon the continuation (or discontinuation) of diplomatic relations. By this change, states seek to avoid the political difficulties involved

in deciding whether or not to 'recognize' new regimes taking power by non-constitutional means." (Encyclopaedia Britannica, inc., 2023).

Highlighting the reality of what recognition means serves multiple purposes, with one of the greatest benefits being its effectiveness in navigating the political complexities surrounding recognition, especially within Western countries. It also helps us understand which international obligations greater engagement might bring to the Taliban's government.

The first step could be to stop using the term recognition and call it what it is, that is, diplomatic relations. Regardless of whether the terms are interchangeable, the term 'diplomatic relations' could be an easier ask at home. In many western countries, recognition has become associated with acceptance of the Taliban, a group that the West portrayed as monsters for nearly three decades. There has to be a better understanding within our countries that engagement, even diplomatic relations, does not equate to acceptance of the Taliban's edicts or even support of their interim government. This is not to say that resuming diplomatic relations is possible in the short term. At least, not while the Taliban government remains resistant to diversification. Rewording the eventual goals might create room for less domestic cry and allow for a quieter increase in in-country engagement. Without sustained engagement within Afghanistan, the prospects of achieving self-sustaining stability are extremely slim.

But it is complicated, and complexity is not something the West has managed well in the past, often preferring to reduce and simplify discussions to "good guys vs bad guys".

On Aug. 27, 2021, in the immediate aftermath of the Taliban takeover, a Congressional Study Group on Foreign Relations and Nation Security convened to discuss the international law governing recognition, particularly concerning the Taliban government.

Again, it is complicated. Still international law seems a good place to start.

Scott R. Anderson, who is a fellow in Governance Studies at the Brookings Institution and a Senior Fellow in the National Security Law Program at Columbia Law School, says international law standards obligates states to treat a regime that controls most, or all its territory, as that country's government.

There is no argument the Taliban have undisputed control over the territory as well as population.

In an Aug. 26, 2021 article for Lawfare, Anderson says: "The international law standard for when a regime should be treated as the government of a state is when it exercises "effective control" over that state, classically defined to mean when the regime is "sufficiently established to give reasonable assurance of its permanence, and of the acquiescence of those who constitute the state in its ability to maintain itself, and discharge its internal duties and its external obligations."

He goes on to say that in fact international law obligates states "to treat a regime that is in effective control of a state as that state's government for certain fundamental purposes under international law. These include accepting that the unrecognized government's actions can create international legal rights and obligations for the state (This is sometimes referred to as de facto recognition.)" (Anderson, 2021).

So, according to international law, the obligation of states to recognize the Taliban as the government of Afghanistan is clear at least if international law is to be complied with.

However, that too is not so simple.

Apparently, while international law requires states to recognize the government that controls the whole territory, because it is a fact, it does not demand 'official' recognition or de jure recognition as it is called. This means that those regimes who do not receive de jure recognition can't claim right to overseas state property. For Afghanistan, that includes more than $10 billion in Afghan assets held overseas also limiting its access to many of the diplomatic missions overseas.

A lengthy examination of recognition, makes it clear that the

Taliban are the 'de facto" government of Afghanistan under international law. Beyond that it is a grey area leaving it to individual countries whether or not to interact with the Taliban government. The more powerful countries are aligned against an in-country engagement, the more they weaken those who seek engagement. Currently every country has agreed to withhold de jure recognition but there are other options, which several nations are exploring taking them beyond the current and ineffective option of many western countries, which is to locate their diplomatic missions in Doha, Qatar.

It is critical to understand that there is an enormous room to manoeuvre, allowing for a deeper, in-country engagement, returning to Afghanistan, without immediately having to establish diplomatic ties.

Right now, several embassies are operating in Afghanistan and many diplomats routinely engage with the de facto Taliban government, making inroads, taking stock of the ground realities to inform their policies and strategies. They regularly interact with Afghans every day, unlike brief meetings every few weeks or months. This gives them the chance to connect with ordinary Afghans not only in the city but also in the rural areas.

If progress is to be made, Western countries must engage more deeply inside Afghanistan. The current "from a distance" strategy adopted by the West is not new and it was not successful before. It is out of the same playbook used when the Taliban were last in power. It did not work out well for the West then, denying it a deeper understanding of Afghanistan's ground realities hindering the 9/11 planning as al Qaeda grew stronger. When the Taliban first took power in 1996 in Afghanistan, they were not aligned to al Qaeda, whose leadership and fighters had longstanding relations with some of the warlords, such as Abdur Rasul Sayyaf, who would align with the West against the Taliban.

It is important to note that the determined isolation of the Taliban during their last rule left their leadership increasingly in need of Al Qaeda's financial support, increasing its influence over the Taliban.

This not only weakened those who had another vision for their

country but undermined actors who sought engagement. The depth of the West's ignorance is laid out in excruciating detail in Craig Whitlock's Afghanistan Papers.

Here is a closer examination of the ineffective "isolationist" approach during the Taliban's previous rule. Sanctions were imposed, and Afghanistan was treated as a pariah state. Still in 2001, before 9/11, the Taliban faced no imminent threat of being removed by the opposition northern alliance, confined to a small enclave in norther Takhar province. Rather than weakening the Taliban's grip on power, harsh sanctions pushed their leadership closer to al Qaida. Had 9/11 not happened and the U.S.-led coalition not invaded Afghanistan, the Taliban very likely would still be in power.

Here is a story that exemplifies the missed opportunity for change with devastating consequences, when the Taliban were last in power. Without the knowledge or understanding of how to capitalize on opportunity, the West lost it due to the lack of engagement. I thoroughly investigated this story, which I am using to reinforce the point of devastating impact of isolation as a strategy.

A year before the 9/11 attacks, a member of the Taliban ruling council and deputy interior minister of the Taliban, Mohammad Khaksar, clandestinely contacted the CIA. As Khaksar explained, he contacted the Americans not to ask for help waging a war, but to seek assistance for those inside the movement, who were worried about the increasing number of foreigners in their country and wanted to engage with the West to find a peaceful way to reclaim their country from the few, who sought to impose their will on the majority.

Khaksar was not certain about the form that assistance should take, but those resisting the external interference recognized the importance of projecting strength. They understood that they needed to demonstrate strength, at least to a degree that would persuade others to join them, in order to attract more followers away from those loyal to the leader Mullah Muhammad Omar. Khaksar had hoped that with America on their side, they would be able to bolster their ranks.

However, the CIA refused not because, as the CIA agent I spoke to tells it, they did not want a change, but they just did not know enough to understand who was a Khaksar, and what actions might work.

I spoke directly to the CIA agent whom Khaksar had contacted, He recalled the meeting. The account given by Khaksar was matched by the CIA agent, including the story Khaksar told of giving the CIA agent a 5 Afghani note, which he ripped in half, giving half to the CIA agent, warning him to talk to only him and only if he produced the other half of the note.

But they never spoke again because the CIA agent said they knew very little about the inner sanctums of the Taliban and as a result, had no idea whether Khaksar was even credible or where to even begin to put together a workable strategy.

I am not suggesting that a similar situation exists in Afghanistan now. For starters, America's and the West's reputation, as a strong and trusted ally, has been tarnished. However, the road the West is currently travelling, which mimics the past, makes it almost certain the West would not be in a position to recognize, let alone capitalize on opportunities that might arise along.

Without a presence inside Afghanistan and a diplomatic agenda that seeks to understand Afghanistan outside the capital Kabul, the West will be navigating a complicated and treacherous road in the dark.

One Last Thought (To Dispel Misperception that Taliban took Kabul by Force)

Before I conclude the discussion on recognition and what does that might mean, I would like to clarify that the Taliban did not enter Kabul by force.

I mention this because the U.S. said there would be no recognition if the Taliban staged a military takeover of Kabul, and in any discussion of recognition or engagement, I believe it is important to at least address this warning and clarify that the Taliban did not defy it.

According to former President Hamid Karzai and senior U.S. officials, the Taliban did not enter Kabul on Aug. 15, 2021, by military force. They were indeed on Kabul's threshold but entered only when being invited after President Ashraf Ghani and the Afghan security officials fled and the U.S. said it would only protect Kabul International Airport and not the city.

Even the Taliban's quick sweep through Afghanistan occurred after National Defence Forces refused to fight, seemingly un-invested in the Afghan government, so much so that they were unwilling to fight and die to protect it.

In the weeks leading up to the Taliban's return, a major ally of the West and prominent northern Afghanistan commander, Mohammad Atta Noor, publicly wondered at why the Afghan army was deserting its posts, even though they outnumbered and outgunned Taliban rivals.

In an Associated Press interview in Afghanistan's northern Mazar-e-Sharif in July 2001, Noor said he had not expected the Taliban's rapid victories, particularly in nearby Badakhshan province in the country's northeast corner. Badakhshan province had been the only province in Afghanistan the Taliban had been unable to take when they first ruled from 1996-2001.

This time around, however, the province fell to the Taliban without a single bullet fired, said Noor. "It was surprising for me that in 24 hours, 19 districts of Badakhshan surrendered without fight," said Noor (Gannon, 2021a).

The Taliban's march into Kabul also came without using force or waging a fight. I spoke with former President Karzai at length about the events of Aug. 15, 2001. Not only he, but American officials saw the need for the Taliban to enter Kabul to ensure there was at least some law and order following the sudden and secret departure of Ghani. Among those who fled with Ghani was the Defence Minister and Kabul police chief (Gannon, 2021b).

Karzai said he attempted to reach all of them but failed. The Defence Minister, Bismillah Khan, even urged Karzai to join him and the fleeing entourage. Karzai declined the offer.

Even when the government's police and security officials were in control, Kabul's security was sketchy and in the one to two years prior to Aug. 15, 2021, it had deteriorated further.

As Karzai and other officials said, the Taliban were waiting on the doorstep for a deal to enter and Ghani's departure scuttled the making of a deal.

In an Associated Press interview Karzai said: "Absolutely. Absolutely. That is what we were preparing for, what we were hoping (along) with the chairman of the peace council to go to Doha that evening, or the next morning, and to finalize the agreement. And I believe the Taliban leaders were also waiting for us in Doha for the same ... objective, for the same purpose."

The very allies on whom the U.S. and NATO relied on deserted the country, scuttling a possible peace deal, at least that is the way those involved in final hours relate it.

There is much to be learned from the past. The choice today seems clearer: Repeat the past or learn from the past and move forward.

Kathy Gannon is a veteran Canadian journalist and author with nearly 50 years of experience. She has covered Afghanistan's many wars and invasions, first by the former Soviet Union in the 1980s, and later by the U.S.-led coalition in 2001. Her coverage of Afghanistan and Pakistan stretches over 35 years. She also has covered the war in Iraq, as well as Yemen's descent into chaos and in 2006 was in south Lebanon as war raged between Israel and Hezbollah. She covered each Central Asian nation as they emerged as independent states, reporting on their political machinations, and the emergence of Islamic extremism.

She authored "I is for Infidel" and has received numerous awards, including The Committee to Protect Journalists' Burton Benjamin Memorial Award for lifetime achievement in the cause of press freedom and the Columbia School of Journalism lifetime achievement award "for singular journalistic performance in the public interest."

Her website is www.kathy-gannon.com