



The Legitimacy of the Taliban Government after the 2021 Takeover: An International Law Perspective

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Abstract

This study examines the legitimacy of the Taliban government following its takeover of power in Afghanistan from the perspective of international law. The issue arises due to the discrepancy between de facto territorial control and acceptance within the international system. This study aims to analyze the legitimacy of the Taliban government based on the concepts of effective control, the origin of power, the exercise of power, and international recognition. The research method used is normative legal research employing a conceptual approach and a case-based approach through a literature review. The results indicate that the Taliban have met the element of effective control by controlling territory and actually performing governmental functions. However, the process of the power takeover and government policies that impact human rights influence the level of international acceptance. Furthermore, most countries have not yet granted official recognition to the Taliban government, although there are limited cooperative relations. This study concludes that the legitimacy of the Taliban government is in an ambiguous position: on one hand, it functions as a de facto governing authority, and on the other hand, it has not yet gained widespread recognition within the international legal system.

INTRODUCTION

Afghanistan is one of the countries that has experienced political instability, armed conflict, and prolonged humanitarian crises over the past few decades. These conditions have made Afghanistan one of the most complex regions in the dynamics of international politics. Internal conflicts that have persisted since the late 20th century have involved various domestic and international actors and have led to various forms of regime change that often occur outside constitutional mechanisms.¹ This situation not only impacts Afghanistan's political stability but also raises various issues of international law, particularly regarding the legitimacy of the government and international recognition of the ruling regime.

The Taliban first emerged in the mid-1990s as a movement rooted in the Deobandi network of Islamic madrasas in Pakistan and Afghanistan. The group subsequently seized power in Afghanistan in 1996 following a prolonged civil war that erupted after the collapse of the country's communist regime.² The Taliban government during that period was known for its strict interpretation of Islamic law and extensive restrictions on various civil rights and freedoms, particularly regarding women and freedom of expression.³ Although it received limited recognition from several countries such as Pakistan, Saudi Arabia, and the United Arab Emirates, the Taliban government did not gain widespread recognition from the international

¹ Claire Mills, John Curtis, and Philip Loft, *Recent Developments in Afghanistan* (London: UK Parliament Research Briefing, 2025).

² Fayaz Hussain, "Implications of the Enigmatic Rise of the Taliban: A Historical Perspective," *Global Regional Review* 6, no. 1 (2021): pp. 230–236.

³ Tirana Hassan, "Afghanistan: Events of 2022," in *World Report 2023* (New York: Human Rights Watch, 2023).

community.⁴ The regime eventually collapsed following the military intervention by the United States and its allies in 2001 in response to the September 11 terrorist attacks.

After being ousted from power, the Taliban remained active as an insurgent group and continued to resist the Afghan government, which is supported by the international community. The armed conflict between the Taliban and the Afghan government has lasted for nearly two decades and has had a significant impact on the country's political stability, security, and socioeconomic conditions.⁵ This situation reached a critical point in 2021 when the United States and NATO decided to withdraw all their military forces from Afghanistan. The withdrawal was followed by the collapse of the Islamic Republic of Afghanistan and the Taliban's takeover of power on August 15, 2021.⁶

The Taliban's seizure of power has sparked significant debate from an international law perspective, particularly regarding the legitimacy of the government formed through this process. In the practice of international law, changes in government that occur through military force or unconstitutional means often raise issues regarding the recognition and legitimacy of the new regime in the eyes of the international community. Traditionally, the doctrine of *effective control* states that a government can be considered legitimate if it is able to effectively control the territory of the state and actually perform governmental functions.⁷

However, developments in modern international law indicate that the legitimacy of a government is no longer determined solely by the effective control of territory. A number of international law scholars emphasize that the legitimacy of a government is also linked to the principles of democracy, constitutionality, respect for human rights, and acceptance by the international community.⁸ Thus, the existence of a regime is not only assessed based on its ability to control territory, but also on its conformity with the norms and principles evolving in contemporary international law.

A number of previous studies have examined various aspects of the Taliban government and its implications under international law. Roth highlights the issue of the government's legitimacy under international law, emphasizing that international recognition is often influenced by a combination of factors related to the effectiveness of power and normative legitimacy.⁹ Meanwhile, Aspremont and De Brabandere emphasize that legitimacy in international law has two important dimensions, namely the legitimacy of the origin of power and the legitimacy of the exercise of power.¹⁰ Another study conducted by Pavlopoulos also highlights the issue of government recognition in the context of international law as well as the importance of the relationship between the effectiveness of power and international acceptance in determining the status of a regime.¹¹

Nevertheless, most of these studies focus primarily on the theoretical aspects of governmental legitimacy or on historical analyses of the conflict in Afghanistan. Studies that specifically analyze the legitimacy of the Taliban's 2021 takeover from an international law perspective, as well as the international community's response to the regime, remain relatively limited. Therefore, this study aims to fill this gap by analyzing the legitimacy of the Taliban government based on principles of international law and evaluating the dynamics of the international community's response to the regime.

⁴ Michael Rubin, "Who Is Responsible for the Taliban?" Washington Institute, 2002.

⁵ Joseph J. Collins, *Understanding War in Afghanistan* (Washington, D.C.: NDU Press, 2011).

⁶ Al Jazeera, "Afghan President Ghani Flees Country as Taliban Enters Kabul," <https://www.aljazeera.com/news/2021/8/15/afghan-president-ghani-flees-country-as-taliban-surrounds-kabul>. August 15, 2021.

⁷ Brad R. Roth, *Governmental Illegitimacy in International Law* (Oxford: Clarendon Press, 1999).

⁸ Jean d'Aspremont and Eric De Brabandere, "The Complementary Faces of Legitimacy in International Law," *Fordham International Law Journal* 34, no. 2 (2011): pp. 190–235.

⁹ Roth, *Governmental Illegitimacy*.

¹⁰ d'Aspremont and De Brabandere, "Complementary Faces of Legitimacy."

¹¹ Pavlopoulos, "International Legal Criteria."

Against this backdrop, this study focuses on two main issues. First, can the Taliban's seizure of power in 2021 be considered legitimate from the perspective of international law? Second, how has the international community responded to this seizure of power, and to what extent has this response been effective in influencing the behavior of the Taliban government? This study aims to analyze the legitimacy of the Taliban government based on the principles of international law and to evaluate the international community's response to the existence of this regime.

RESEARCH METHOD

This study employs a *doctrinal legal research* method that focuses on the analysis of norms, principles, and doctrines that have evolved in international law. The doctrinal research was conducted through a review of various legal sources and academic literature to understand the concept of government legitimacy as well as the practice of recognizing governments in international relations.¹² This approach allows for an analysis of how principles of international law are used to assess the legitimacy of a government that has come to power through a non-constitutional process.

The approaches used in this study include the conceptual approach and the case approach. The conceptual approach is used to analyze theories and doctrines in international law related to the legitimacy of governments, the principle of effective control, and the doctrine of recognition of governments in the practice of international relations.¹³ Meanwhile, the case approach was used to examine the Taliban's takeover of power in Afghanistan in 2021 as a case study analyzed from the perspective of international law.

The legal materials used in this study consist of primary and secondary legal sources. Primary legal sources include documents from international organizations, United Nations resolutions, and various official reports related to the situation in Afghanistan. Secondary legal sources include academic books and scholarly journal articles discussing the legitimacy of government, international recognition, and contemporary developments in international law. The legal materials were collected through library research, while the analysis was conducted qualitatively using a descriptive-analytical method to examine the relationship between the concept of government legitimacy in international law and the phenomenon of the Taliban's seizure of power in 2021.

RESULTS AND DISCUSSION

The Legitimacy of Government from an International Law Perspective

In international law, the legitimacy of a government is a complex issue because it relates to the relationship between the principle of state sovereignty and the practice of recognition in international relations. In general, international law does not directly regulate how a government should be formed within a state. The principle of state sovereignty grants every state the authority to determine its own political system and governmental structure without interference from external parties.¹⁴ Therefore, changes in government resulting from revolutions, military coups, or armed conflicts are fundamentally viewed as domestic affairs of the state concerned. However, in the practice of international relations, such regime changes often raise issues regarding the legitimacy of the new government and its status within the international system, particularly when the newly formed government must interact with other states and international organizations.

One of the key concepts frequently used in assessing the legitimacy of a government under international law is the doctrine of *effective control*. This doctrine holds that a

¹² Terry Hutchinson, *Researching and Writing in Law*, 4th ed. (Sydney: Thomson Reuters, 2018).

¹³ Mike McConville and Wing Hong Chui, eds., *Research Methods for Law* (Edinburgh: Edinburgh University Press, 2017).

¹⁴ Malcolm N. Shaw, *International Law*, 9th ed. (Cambridge: Cambridge University Press, 2021), pp. 361–365.

government may be considered a legitimate authority if it is able to exercise effective control over the territory of the state and actually perform governmental functions.¹⁵ In the practice of international relations, a regime's ability to control a state's territory and population often serves as a key indicator for other states in determining whether to establish diplomatic relations with that government. Thus, the legitimacy of a government under this approach is based more on the reality of effective power than on the constitutional procedures that brought the government into being.¹⁶

The doctrine of effectiveness has long been part of international legal practice in determining the status of a government. In various cases of regime change, other states tend to consider political stability and the new government's ability to effectively carry out the functions of state administration.¹⁷ However, an approach that places too much emphasis on the effectiveness of power is often criticized because it can confer legitimacy on governments that have come to power through undemocratic means or through the use of military force. This criticism suggests that the effectiveness of power alone is not always sufficient to explain the legitimacy of a government within the international system.

In addition to the concept of the effectiveness of power, the legitimacy of a government is also closely linked to the doctrine of *the recognition of governments* in international law. The recognition of a government is an act undertaken by another state to declare that it accepts that government as the legitimate authority to represent a state in international relations.¹⁸ This recognition can take various forms, such as the establishment of diplomatic relations, the acceptance of a government's representatives in international organizations, or bilateral cooperation with the ruling authority. In practice, recognition of a government can be *de facto* or *de jure*, depending on the level of acceptance and legitimacy granted by other states.¹⁹ In modern practice, the recognition of governments often faces a dilemma between the effectiveness of power and international normative standards.²⁰

In the evolution of modern international relations, recognition of a government is not always explicitly stated. Many countries choose not to grant formal recognition to a regime but still maintain pragmatic relations with the ruling authorities for specific purposes, such as regional stability or humanitarian aid. This approach is often referred to as "*engagement without recognition*," meaning diplomatic interaction without granting full political legitimacy to that government.²¹ This phenomenon demonstrates that the relationship between a government's legitimacy and international recognition is often complex and influenced by various political considerations as well as the strategic interests of other nations. In this context, it is important to distinguish between recognition of a state and recognition of a government.²²

In line with developments in contemporary international law, a number of scholars have also emphasized that the legitimacy of a government can no longer be understood solely through the concepts of the effectiveness of power or international recognition alone. Legitimacy is also related to the origin of power (legitimacy of origin) and the manner in which that power is exercised (legitimacy of exercise).²³ This approach emphasizes that a government

¹⁵ Stefan Talmon, *Recognition of Governments in International Law* (Oxford: Oxford University Press, 1998), pp. 18–24.

¹⁶ Niko Pavlopoulos, "The International Legal Criteria for Governmental Status," in *The Identity of Governments in International Law* (Oxford University Press, 2024).

¹⁷ James Crawford, *Brownlie's Principles of Public International Law*, 9th ed. (Oxford: Oxford University Press, 2019), pp. 143–146.

¹⁸ Roth, *Governmental Illegitimacy*, 35–40.

¹⁹ Talmon, *Recognition of Governments*, pp. 91–95.

²⁰ Andreea Vovec, *The Legitimacy Dilemma in Government Recognition* (2024).

²¹ James Ker-Lindsay, "Engagement without Recognition: The Limits of Diplomatic Interaction with Contested States," *International Affairs* 91, no. 2 (2015): pp. 267–285.

²² Mirza Nazim Beg, "Recognition of Governments vs. Recognition of States," *Indian Journal of Law and Legal Research* (2025).

²³ Jean d'Aspremont and Eric De Brabandere, "The Complementary Faces of Legitimacy in International Law," *Fordham International Law Journal* 34, no. 2 (2011): pp. 190–235.

is not only judged by its ability to control the territory of the state, but also by the extent to which it respects the fundamental principles of international law, including the protection of human rights, the rule of law, and public political participation.

This development is linked to the growing attention of the international community to democratic values and human rights within the international system, particularly since the end of the Cold War. A number of studies indicate that the international community is increasingly taking these normative factors into account when determining its stance toward governments that have come to power through non-democratic processes.²⁴ Nevertheless, the application of these principles in the practice of international relations is often inconsistent, as decisions to grant recognition to a government are also influenced by global political dynamics and the strategic interests of other states.

In addition, the discourse on legitimacy in international law has also evolved through studies that highlight the relationship between legitimacy and compliance with international legal norms. Thomas M. Franck argues that legitimacy plays a crucial role in determining the level of compliance by international actors with international law. According to Franck, an international rule or institution is more likely to be complied with if it is perceived as legitimate, that is, when the norm is considered fair, consistent, and possesses authority accepted by the international community.²⁵ In this context, legitimacy is not only related to factual power or political recognition, but also to the international community's perception of the validity and fairness of an authority. This perspective suggests that the legitimacy of a government in international law is determined not only by its ability to control a state's territory, but also by the extent to which that government is considered to align with the values and norms evolving within the international system.

Thus, various approaches in international law demonstrate that the legitimacy of a government cannot be assessed based on a single criterion alone. The doctrine of *effective control* emphasizes the importance of a government's ability to exercise actual authority over a state's territory and population, while the doctrine of *recognition of governments* highlights the role of acceptance by other states in determining the status of a government in international relations. On the other hand, developments in contemporary international law have also introduced a normative dimension that assesses the legitimacy of a government based on the origin of power and the manner in which that power is exercised. This conceptual framework provides an analytical basis for evaluating various cases of regime change at the international level. Therefore, in the context of this study, the concepts of *effective control*, international recognition, as well as *legitimacy of origin* and *legitimacy of exercise* are used as an analytical framework to assess the legitimacy of the Taliban government following its takeover of power in Afghanistan in 2021.

The Taliban's Takeover of Power in Afghanistan in 2021

The protracted conflict in Afghanistan since the late 20th century has shaped a complex political context for the resurgence of the Taliban.²⁶ The Taliban's takeover of power in Afghanistan in 2021 represents one of the most significant regime changes in international political dynamics over the past decade. The resurgence of the Taliban has been influenced by various domestic political and security factors.²⁷ This event cannot be separated from the prolonged conflict that has persisted since the military intervention by the United States and its allies in 2001. That intervention followed the September 11, 2001, terrorist attacks with the

²⁴ Fox and Roth, "Democracy and International Law," 327–352.

²⁵ Thomas M. Franck, "The Power of Legitimacy and the Legitimacy of Power," *American Journal of International Law* 100, no. 1 (1988): pp. 88–106.

²⁶ Mark Urban, *War in Afghanistan*, 2nd ed. (Springer, 2016).

²⁷ Hussain, "Implications of the Enigmatic Rise of the Taliban,"

aim of overthrowing the Taliban regime, which at the time was providing sanctuary to the Al-Qaeda network.²⁸ Following the fall of the Taliban government that same year, Afghanistan came under a new government known as the Islamic Republic of Afghanistan, which received political, military, and financial support from the international community.²⁹ Nevertheless, the country's political stability and security continue to face various challenges, including ongoing armed conflict between the Taliban and the Afghan government.

Significant changes in the dynamics of the Afghan conflict began to emerge when the United States and the Taliban signed the Doha Agreement in February 2020. The agreement served as the primary framework for the phased withdrawal of U.S. and NATO military forces from Afghanistan as part of efforts to end a conflict that had lasted for nearly two decades.³⁰ In the agreement, the Taliban committed to preventing the use of Afghan territory by international terrorist groups and to engaging in a political negotiation process with the Afghan government. However, the implementation of the agreement has not fully succeeded in producing sustainable political stability. Several studies indicate that following the signing of the agreement, the Taliban actually increased its military operations in various regions of Afghanistan.³¹

The security situation in Afghanistan deteriorated as the withdrawal of international forces began in 2021. The Taliban gradually expanded its military control across various provinces at a pace that surprised many international observers. In a relatively short period of time, the group succeeded in taking over a number of strategic areas that had previously been under the control of the Afghan government. According to reports from various international organizations, the Afghan government's weak military capacity, reliance on foreign military support, and poor political coordination at the national level were factors that accelerated the collapse of the existing government structure.³² These conditions led to government forces losing control of many areas without significant resistance.

These developments reached their climax on August 15, 2021, when the Taliban successfully entered the capital, Kabul, after the then-President of Afghanistan, Ashraf Ghani, fled the country. This event effectively marked the end of the Islamic Republic of Afghanistan, which had been in power since 2004. The Taliban subsequently took control of various government institutions and declared the formation of a new government in Afghanistan.³³ The fall of Kabul also had far-reaching international implications, including the mass evacuation of foreign nationals and Afghans who had previously collaborated with international forces. The event became one of the largest evacuation operations in the history of modern diplomacy.³⁴

After successfully seizing power, the Taliban announced the formation of a new government structure known as the Islamic Emirate of Afghanistan, a term previously used by the Taliban when they ruled Afghanistan from 1996 to 2001. The interim government formed by the Taliban is dominated by senior figures within the group's leadership structure and does not involve many other political actors in Afghanistan.³⁵ This situation drew criticism from various quarters as it was seen as failing to reflect an inclusive or representative government for the Afghan people, who are ethnically and politically diverse.

In addition to issues of political inclusivity, the Taliban government has also faced international criticism regarding domestic policies deemed to violate various norms of

²⁸ William Maley, *The Afghanistan Wars*, 3rd ed. (London: Palgrave Macmillan, 2021), pp. 289–295.

²⁹ Barnett R. Rubin, *Afghanistan from the Cold War through the War on Terror* (Oxford: Oxford University Press, 2013), pp. 310–315.

³⁰ U.S. Department of State, *Agreement for Bringing Peace to Afghanistan (Doha Agreement)*, February 29, 2020.

³¹ Ashley Jackson, "The Taliban's Winning Strategy in Afghanistan," *International Affairs* 98, no. 1 (2022): pp. 29–47.

³² International Crisis Group, *Afghanistan's Taliban Takeover* (Brussels: International Crisis Group, 2021).

³³ Antonio Giustozzi, "The Taliban at War: 2001–2021," *Small Wars & Insurgencies* 33, no. 5 (2022): pp. 735–742.

³⁴ Craig Whitlock, "The Collapse of the Afghan Government," *The Washington Post*, 2021.

³⁵ United Nations Assistance Mission in Afghanistan (UNAMA), *Human Rights in Afghanistan: 2022 Report* (United Nations, 2022).

international law, particularly those related to the protection of human rights. Reports from international organizations indicate that following its takeover of power, the Taliban has implemented various policies restricting women's participation in education, employment, and public life.³⁶ These policies have raised concerns within the international community regarding the Taliban government's commitment to internationally recognized human rights principles.

Nevertheless, the Taliban has effectively taken control of nearly the entire territory of Afghanistan and is exercising de facto governmental functions. In this context, the Taliban can be said to have effective control over Afghanistan's territory and population, a factor traditionally used in international law to assess the existence of a government. However, to date, most countries in the world have not officially recognized the Taliban government as the legitimate government of Afghanistan. Some countries have chosen to maintain limited diplomatic relations or engage in pragmatic interactions with the Taliban authorities, particularly regarding issues of humanitarian aid and regional stability.³⁷ This situation indicates that while the Taliban exercise effective control over Afghan territory, the legitimacy of their government from an international legal perspective remains a subject of global debate.

Analysis of the Legitimacy of the Taliban Government from an International Law Perspective

The Taliban's seizure of power in Afghanistan in 2021 sparked widespread debate regarding the legitimacy of the government from an international law perspective.³⁸ In international law, the legitimacy of a government is determined not only by a political group's success in seizing power, but also by various other factors such as the ability to govern effectively, the origin of power, and acceptance by the international community.³⁹ Therefore, an analysis of the Taliban government's legitimacy must comprehensively consider these various dimensions.

In traditional international law, one of the primary indicators of the existence of a government is its ability to exercise effective control over the territory and population of a state. Following their takeover in August 2021, the Taliban effectively gained control over nearly the entire territory of Afghanistan and took over various government institutions that were previously under the control of the Islamic Republic of Afghanistan.⁴⁰ Furthermore, the Taliban also performs various governmental functions, such as managing state administration, maintaining domestic security, and interacting with various international organizations regarding humanitarian aid. These conditions indicate that, from the perspective of the doctrine of *effective control*, the Taliban can be categorized as a governing authority holding de facto power in Afghanistan.

Nevertheless, in contemporary international law, the legitimacy of a government is no longer understood solely through the existence of effective control. A number of scholars emphasize the importance of considering the legitimacy of origin when assessing the legitimacy of a government. This dimension relates to how a government acquires power and whether that process is considered consistent with political principles widely accepted by the international community.⁴¹ In the context of Afghanistan, the Taliban seized power through a military process that culminated in the collapse of the Afghan Republic following the withdrawal of international forces. Regime change through military force is not a new

³⁶ Human Rights Watch, *Afghanistan: Taliban Restrict Women's Rights* (New York: Human Rights Watch, 2022).

³⁷ Ker-Lindsay, "Engagement without Recognition."

³⁸ Federica Paddeu and Niko Pavlopoulos, "Between Legitimacy and Control: The Taliban's Pursuit of Governmental Status," *Just Security* (2021).

³⁹ Jean d'Aspremont, "Legitimacy in International Law Revisited," *Netherlands Yearbook of International Law* 49 (2018): pp. 3–25.

⁴⁰ Giustozzi, "The Taliban at War," pp. 735–757.

⁴¹ Allen Buchanan, "The Legitimacy of International Law," *Philosophy & Public Affairs* 45, no. 2 (2017): pp. 83–116.

phenomenon in international relations, but in contemporary practice, such circumstances often raise questions regarding the political legitimacy of the government formed through that process.

In addition to the origins of power, the legitimacy of a government can also be assessed by how that power is exercised (legitimacy of exercise). This dimension relates to the extent to which a government exercises power effectively while respecting the fundamental principles of international law, including the protection of human rights and the rule of law.⁴² In the context of the Taliban government, a number of reports from international organizations indicate that following the takeover, various policies implemented by the Taliban have raised concerns regarding the protection of human rights, particularly those related to women's rights, freedom of expression, and access to education.⁴³ This situation has become one of the factors influencing the stance of many countries in determining their diplomatic relations with the Taliban government.

Another crucial dimension in determining the legitimacy of a government within the international system is recognition by other states (recognition of governments). In the practice of international law, recognition of a government has significant implications for that government's ability to represent the state in international relations, including within international organizations and in bilateral diplomatic relations.⁴⁴ In classical international law theory, recognition of a government is often influenced by political realities and the interests of other states.⁴⁵ To date, the majority of countries in the world have not granted official recognition to the Taliban government as the legitimate government of Afghanistan. Although some countries continue to engage in limited communication or cooperation with Taliban authorities, such interactions are generally conducted within a pragmatic framework without formal recognition. This phenomenon is often referred to as "engagement without recognition," meaning practical relations with a governing authority without officially granting political legitimacy.⁴⁶

These conditions indicate that the Taliban government's status within the international system is relatively ambiguous. On the one hand, the Taliban exercises effective control over Afghan territory and performs governmental functions *de facto*. On the other hand, however, the government has not yet gained widespread recognition from the international community and continues to face criticism regarding its domestic policies. A number of studies on Afghan politics also indicate that the international community's stance toward the Taliban government is heavily influenced by concerns regarding regional stability, human rights, and the potential resurgence of international terrorist groups within Afghanistan.⁴⁷

Thus, from an international law perspective, the Taliban government can be said to meet the element of *effective control*, but its international legitimacy remains a matter of debate. This status reflects the tension between the traditional approach in international law, which emphasizes the effectiveness of power, and the normative approach, which increasingly emphasizes the importance of democracy, the protection of human rights, and international acceptance. Therefore, the legitimacy of the Taliban government cannot be assessed solely based on their success in controlling Afghan territory, but must also take into account various normative factors that influence the international community's acceptance of the government.

⁴² Fox and Roth, "Democracy and International Law," 327–352.

⁴³ UNAMA, *Human Rights in Afghanistan Annual Report 2022*.

⁴⁴ Crawford, *Brownlie's Principles*, pp. 143–150.

⁴⁵ Hersch Lauterpacht, "Recognition of States in International Law," *Yale Law Journal* (1944).

⁴⁶ Ker-Lindsay, "Engagement without Recognition Revisited," pp. 579–597.

⁴⁷ Jackson, "The Taliban's Winning Strategy," pp. 29–47.

The International Community's Response to the Taliban Government

The Taliban's takeover of power in August 2021 not only brought about political changes at the domestic level in Afghanistan but also elicited various responses from the international community. In international relations, the stance of other nations toward the new government is a crucial factor that can influence a regime's legitimacy within the international system.⁴⁸ Therefore, the international community's response to the Taliban government serves as a key indicator in assessing the government's standing under international law.

In general, most countries around the world have adopted a cautious stance toward the Taliban government following its takeover of power in Afghanistan. To date, the majority of countries have not officially recognized the Taliban as the legitimate government of Afghanistan. Some countries have even explicitly stated that recognition of the Taliban government will depend heavily on the group's political behavior, particularly regarding respect for human rights, the formation of an inclusive government, and a commitment to regional stability and security.⁴⁹ This stance reflects a trend in modern international relations that increasingly considers normative factors in determining recognition of a government.

At the international level, the United Nations (UN) has also adopted a relatively cautious approach toward the Taliban government. To date, Afghanistan's seat at the UN is still held by representatives of the government of the Republic of Afghanistan that was in power before the Taliban took control.⁵⁰ This decision indicates that the international community has not yet fully accepted the Taliban as the official representative of the Afghan state in international organizations. In addition, various UN agencies continue to monitor the human rights situation in Afghanistan, particularly regarding women's rights, civil liberties, and humanitarian conditions in the country.⁵¹ Afghanistan is also facing a serious humanitarian crisis following the regime change in 2021.⁵²

Although most countries have not yet officially recognized the Taliban government, some countries continue to maintain pragmatic relations with the Taliban authorities. Countries such as China, Russia, Pakistan, Iran, and several countries in Central Asia have maintained diplomatic communication with the Taliban following their takeover in 2021.⁵³ These relations generally focus on practical issues such as regional stability, border security, and the delivery of humanitarian aid to the Afghan people. In this context, the interactions between these countries and the Taliban reflect a pragmatic approach rather than formal political recognition of the Taliban government.

A similar approach is also evident in the policies of Western countries, including the United States and European Union member states. Although these countries have not yet granted official recognition to the Taliban government, they continue to engage in limited communication with Taliban authorities regarding humanitarian and security issues.⁵⁴ This approach demonstrates that in the practice of modern international relations, diplomatic interaction with a regime is not always synonymous with the granting of formal recognition of that government's legitimacy. As noted in the literature on international relations, this phenomenon is often described as "engagement without recognition", that is, practical engagement with a political authority without formally granting it legal legitimacy.⁵⁵

⁴⁸ Shaw, *International Law*, pp. 361–370.

⁴⁹ Thomas Ruttig, "Taliban 2.0: The New Political Order in Afghanistan," *Central Asian Survey* 41, no. 3 (2022): pp. 456–472.

⁵⁰ United Nations General Assembly, *Credentials of Representatives to the Seventy-Sixth Session of the General Assembly*, 2021.

⁵¹ UNAMA, *Human Rights in Afghanistan Annual Report 2022*.

⁵² Amnesty International, *Three Years of Taliban Rule and International Inaction* (2024).

⁵³ Abubakar Siddique, "Which Countries Have Relations with the Taliban's Unrecognized Government?" *Radio Free Europe* (2024).

⁵⁴ Barnett R. Rubin, "Afghanistan and the Limits of Statebuilding," *International Affairs* 98, no. 2 (2022): pp. 435–451.

⁵⁵ Ker-Lindsay, "Engagement without Recognition," pp. 579–597.

In addition to political and diplomatic factors, the international community's response to the Taliban government is also heavily influenced by the humanitarian situation in Afghanistan. Following the Taliban's takeover, Afghanistan has faced a serious economic and humanitarian crisis due to various factors, including the suspension of some international aid and the freezing of Afghan state assets abroad.⁵⁶ These conditions have prompted various international organizations and humanitarian agencies to continue engaging with the Taliban authorities to ensure the distribution of humanitarian aid to the Afghan people. Thus, although the political legitimacy of the Taliban government remains a subject of debate, humanitarian needs often compel the international community to continue practical cooperation with the ruling authorities in Afghanistan.

The international community's response to the Taliban government demonstrates that a government's legitimacy within the international system is determined not only by its effective control over a country's territory, but also by political acceptance from other nations and compliance with prevailing international norms. In the case of Afghanistan, the cautious stance adopted by many countries indicates that the international community is still weighing various factors before granting official recognition to the Taliban government. Therefore, although the Taliban has succeeded in taking control of Afghanistan and exercising de facto governmental functions, the government's position within the international system remains in a state of uncertainty.

CONCLUSION

This study demonstrates that the legitimacy of a government in international law is determined not only by a regime's ability to exercise control over a state's territory, but also by the origin of its power, the manner in which that power is exercised, and its acceptance by the international community. Thus, the legitimacy of a government is a multidimensional concept that cannot be assessed based on a single indicator.

In the context of the power takeover in Afghanistan, the Taliban has de facto succeeded in gaining control over nearly the entire country and is effectively carrying out governmental functions. This situation indicates that the Taliban meets the element of effective control as recognized in the traditional approach to international law. However, meeting this element does not automatically confer full legitimacy upon the Taliban as a government within the international system.

From the perspective of the origins of power, a takeover achieved through military force raises issues of political legitimacy that affect international acceptance. Furthermore, in the exercise of power, various policies related to restrictions on human rights, particularly regarding women and civil liberties, also shape the international community's perception of the Taliban government. This demonstrates that the legitimacy of a government under modern international law is increasingly influenced by the evolving normative dimensions within the global community.

Furthermore, the international community's tendency not to grant official recognition to the Taliban government reinforces the view that the government's legitimacy remains a matter of debate. Although there are pragmatic ties in the form of limited cooperation, such interactions cannot be interpreted as formal recognition under international law. Thus, international acceptance of the Taliban government remains limited and conditional.

Based on this overall analysis, it can be concluded that the Taliban government occupies an ambiguous position under international law. The Taliban has met the criteria for effective control as a de facto government, but has not yet gained broad international legitimacy. This situation reflects a tension between traditional approaches that emphasize the effectiveness of

⁵⁶ International Crisis Group, *Afghanistan's Economic Collapse* (Brussels: International Crisis Group, 2022).

power and contemporary approaches that emphasize democratic values, human rights, and international acceptance in assessing the legitimacy of a government.

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