



ADVANCE SOCIAL SCIENCE ARCHIVE JOURNAL

Available Online: <https://assajournal.com>
 Vol. 05 No. 01. Jan-March 2026. Page# 1760-1767
 Print ISSN: [3006-2497](https://doi.org/10.5281/zenodo.18852151) Online ISSN: [3006-2500](https://doi.org/10.5281/zenodo.18852151)
 Platform & Workflow by: [Open Journal Systems](https://doi.org/10.5281/zenodo.18852151)
<https://doi.org/10.5281/zenodo.18852151>



Functional Engagement, Sanctions, and Humanitarian Outcomes in Taliban-Run Afghanistan

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ABSTRACT

The present paper makes an attempt to undertake critical and in-depth examination. The examination is focus on the legal, political, and humanitarian consequence that have arisen due to international community refusal to grant de jure recognition to the Islamic Emirate of Afghanistan. The refusal is in the context of two dynamic: i) abrupt withdrawal of U.S. forces and ii) subsequent takeover by the Taliban regime in August 2021. In this context, the study now attempts to provide a comprehensive analysis of efficacy of economic sanctions in the post dynamic context. The study further delves in the emergence of 'function recognition' as a pragmatic alternative adopted by regional power(s). The third facet of study's inquiry is the resulting humanitarian paradox that has unfolded with in Afghan territory. The primary focus of the study is on fundamental dissonance between Taliban's technical satisfaction of statehood criteria under the '1933 Montevideo Convention' coupled with its growing status as a pariah regime. The paradox derives from systematic human right violation, particularly observe women and girls. The pariah-hood is further justified by the regime transnational terrorist links. The study, therefore, attempts to the address a critical question that continues to confront policy makers and international legal scholars alike: "whether the current framework of maximum pressure and comprehensive diplomatic isolation would lead meaningful reform?" or "would it trigger catastrophic and unintended humanitarian crisis?" The study reveals that non-recognition along with punitive measures by international community has contributed to nearly 30% reduction in Afghanistan's GDP. This has in-fact affected a staggering 95% of Afghan population with food insecurity. The article in this respect proposes a "Humanitarian-First Recognition Framework" (HRF) framework. The study therefore, advocates for a phased benchmark-driven approach to international engagement. It needs to prioritize civilian survival and important state functionalities over total diplomatic isolation imposed on the regime. The study, argues that such an approach would better serve both the Afghan people and the long-term stability of the region.

Keywords: Functional Recognition, Taliban, Sanctions, Humanitarian Crisis, International Law, Afghanistan, De Facto States, Regional Engagement

Introduction

In international law the important dimension (de facto vs de jure) in the question of statehood recognition remains controversial subject (Hasar, 2024a, p. 26). The de facto government by established legal definition exercises actual control over territory and population. However, under the international law its lacks official legal acceptance from the other state or international organization. It is noted that such government historical assume power through non constitutional means. The unconstitutional means usually include military coups, revolutions or prolong civil conflict. This mode of accessions create inherits and often intractable conflict. This conflict is observed between establish principal states of sovereignty, emphasized effective control. It further required normative requirement of political legitimacy, which emphasize

democratic governance and human right compliance (Yarom & Kenneth, 2025a, p. 25). The collapse of the United States-backed government in Afghanistan and the subsequent Taliban takeover would result in exceptionally challenging circumstances. The Taliban despite maintaining effective territorial control over almost of Afghan territory for 5 years now would still remain unrecognized by any major world power(s) (Trivedi, 2025a, p. 26).

However, non-recognition is not merely a symbolic gesture- it's not devoid of any practical consequence. It would in-fact carry profound and reportedly measurable material implication(s) for the majority of the ordinary Afghans. The international community's collective action in not extending recognition is observed to be in reaction to Taliban's human rights record. According to Rahimi & Hazim (2022a), it is evident with their systematic and institutionalized ill-treatment of women and religious minorities (p.27). The non-recognition therefore results in a 'diplomatic void'. It triggers an economic catastrophe of unprecedented proportions. A number of reports have cited freezing of Afghanistan's assets overseas. The measure coupled with abrupt withdrawal of foreign development aid, previously funding nearly 80% of the Afghan national budget, would in-fact now push millions of Afghans into abject poverty and food insecurity (Faheem & Khan, 2022a, p. 27; Isar, 2025a, p. 31).

Therefore, the present study attempts to address a dualistic dilemma: "does non- recognition and the imposition of economic sanctions punish the Taliban regime?" or does it end up punishing the ordinary Afghan people?" This question, therefore, forms the central inquiry guiding the analysis that follows.

Literature Review

Legal Frameworks for Statehood and Recognition

The '1933 Montevideo Convention on the Rights and Duties of States' presenting international law primary legal instrument has help defined the criteria for statehood. This foundational framework lays down four (04) essential and cumulative criteria. These criteria include: i) permanent population ii) defined territory iii) having structured and organized government, and iv) the capacity to enter into relations with other states (Bachmann & Prazauskas, 2019a, p. 49). If Afghanistan is judged under the 1933 Montevideo Convention, it would arguably satisfy these criteria in a functional and practical sense. With a stable population reported to be nearly forty million people, the government maintains an effective control over the majority of its historical border. The control exists even with the ongoing low-level insurgency that has been waged by rival groups such as Islamic State-Khorasan Province. In respect of structured and organized government, Taliban coherently exercise centralized authority through established military and security bodies. According to Bachmann & Prazauskas (2019b) these bodies are reportedly hierarchical command structure in Kandahar and Kabul (p. 51). However, in the sphere of the fourth criterion, i.e., capacity for meaningful international relation(s) in-fact would present a significant and perhaps insuperable hurdle under current circumstances. Though Taliban has managed to engage bilaterally with regional powers including China, Russia, and Pakistan, however, it still would lack the "legal currency" of de jure recognition. This absence therefore, prevents them from occupying its seat at the United Nations. This makes the Taliban restricted from signing binding international treaties. Furthermore, causing the Afghanistan to be barred from participating fully in the global financial system (Trivedi, 2025b, p. 52).

Theoretical Conflicts: Declaratory versus Constitutive Theories

In the domain of state recognition, international legal scholarship lays down two competing theoretical framework(s). These frameworks are essentially important for understanding the nature and function of recognition. The 'constitutive theory' for example would argue that a government only becomes legitimate under international law when it is formally accepted by

other state(s). From this perspective, recognition is not merely declaratory rather it actually creates the legal status of the entity in question. In contrast, the 'declaratory theory', asserts that statehood is fundamentally is more or less a factual reality. If an entity has the ability to fulfill the objective requirements of statehood, then it should be considered as a state. This should hold true in any case of external approval or disapproval (Thomas, 2013, p. 37). However, the current international response to the Taliban has leaned heavily towards the constitutive view. Golishnikov (2025) calls recognition as a deliberate tool of normative vetting. In the context, withholding legal status, international community had signaled that territorial control alone is insufficient. A regime/government/entity must also respect minimum standard(s) of democratic governance and human rights compliance (Golishnikov, 2025a, p. 37). The theoretical preference for constitutive order over declaratory approaches has in-fact generated significant practical difficulties in the Afghan context.

Comparative Case Studies

This section will delve upon scholarly literature that helps provides several historical precedents that would illuminate the current Afghan situation.

i) Myanmar (Burma): In case of Myanmar (formerly Burma), following experiencing 1962 military coup, its Revolutionary Council junta was granted de facto recognition by regional neighbor(s). This was done for the purpose of maintaining stability and containing conflict. This would despite the regime was widely condemned by Western powers for systematic human rights violations (Steinberg, 2013, p. 81).

ii) Taiwan: Taiwan case is also important. In the context, lacking full United Nations membership, it now operates as a de facto state. Though maintaining a stable democratic government and a vibrant economy, however, it engages with the world through functional, informal diplomatic channels (Palmer Jr, 1996, p. 83).

iii) Kosovo: Kosovo ever since its declaration of independence in 2008 has existed in a state of partial recognition. Though supported by over one hundred nations, it still remains blocked from United Nations membership by Russia and China (Acar & Bulut, 2022, p. 85).

iv) Northern Cyprus: The Turkish Republic of Northern Cyprus was declared as a state in 1983. However, it's still remains recognized only by Turkey. In the context survived for decades through functional integration with its patron state. It remains, however, outside the mainstream of international diplomacy.

The analysis of cases has collectively demonstrated the inherent flexibility of international law. These cases therefore reveal an important dimension, i.e., how pragmatic diplomacy has often intervened when rigid legal rule(s) may prove inadequate". In this context, these cases have addressed issues relating to the complexities of contested territory and disputed sovereignty (Mushkat, 2013, p. 88).

Theoretical Framework

Legal Positivism

The ontological orientation of the present study leans towards 'legal positivism'. The approach adopted is intended to evaluate the legitimacy of the government, particularly one based on positive established rules. The rules in the context includes: i) treaties, ii) customary international laws and iii) consistent state practices. The approach adopted by this study has deliberately avoided frameworks that are based on purely moral and political sentiments. The Taliban regime from this perspective, i.e. legal positivism demonstrates its ability to control territory, administer basic governmental functions, and maintain order are facts which international community cannot ignore. The study's analytical lens focus is therefore, directed towards a critical question,

i.e., “whether the regime fulfills the essential obligations of a sovereign state?” This would hold true regardless of the manner in which it attained power.

Functional Recognition and Sovereignty as Responsibility

The ‘functional recognition’ as a concept is in-fact an important analytical lens for this study. The functional recognition immediately would take place- when international community recognizes a particular regime capacity to perform specific governmental function(s). The function(s) include but may be not limited to: ‘border security’, ‘counterterrorism cooperation’, or ‘facilitation of humanitarian accesses. This is noted to occur with or without granting full diplomatic status (Bogoni & Bajcsy, 1995, p. 63). The functional recognition, according to Bogoni & Bajcsy, (1995), therefore, helps represent a pragmatic middle ground between total isolation and full normalization.

The study’s framework furthermore has incorporated important element ‘responsibility’ of the emerging theory of ‘sovereignty’. The theory stipulates that a government’s particular right to exercise sovereign authority is in reality tied to its duty to protect the rights of its citizens (Santoni de Sio et al., 2016, p. 29). In this context, Taliban's has systemically failed to protect women's rights. This is therefore, viewed as a fundamental violation of sovereign responsibility. This may also include denial of access to education or employment. This combinative theories therefore, helps provides a framework for evaluating the regime's conduct. The framework however, should be noted that it also acknowledges at the same time, the factual reality of their control.

Methodology

The present paper addresses a critical subject. The legal nature of the subject has necessitate the employment of a doctrinal legal research methodology. In this context, the methodological approach focuses on the systematic interpretation and critical analysis of existing legal literature. In this respect, the study has analyzed, international treaties, customary international law, and United Nations resolutions. The research throughout utilizes a qualitative approach. It has examined particularly the reasoning and motivations behind state practices. It has however, not attempted to quantify/present empirical data in a statistical manner. The primary sources are largely drawn from extensive primary legal materials including the 1933, “Montevideo Convention on the Rights and Duties of States”. The primary source also included- “United Nations Security Council Resolution 2255” that specifically concerned Afghanistan. Furthermore, the text of the “Doha Agreement (2020)” between the United States and the Taliban was similarly examined.

The secondary sources utilized a wide pool of scholarly articles from peer-reviewed journals. The research also viewed/examined policy reports from non-governmental organizations including Amnesty International and Human Rights Watch. Furthermore, official economic data published by the World Bank and the International Monetary Fund has been, moreover, systematically reviewed.

Findings

Economic Impact and the Humanitarian Crisis

The findings of the present study have illustrated, in this context, an economic collapse of unprecedented scale. Since the Taliban takeover in August 2021, the Afghan gross domestic product has contracted by approximately thirty percent. This contraction has been, therefore, a direct and measurable result of the cessation of foreign development aid. It has also been, furthermore, a consequence of the freezing of approximately seven billion dollars in central bank assets. These assets have been held primarily in the United States.

i) Poverty and Hunger: The humanitarian indicators are, in this context, particularly stark. Seventy-seven percent of the Afghan population now lives below the international poverty line.

Approximately ninety-five percent of the population is, moreover, classified as food-insecure. The United Nations World Food Programme has repeatedly warned, in this regard, of famine conditions affecting millions.

ii) **Unemployment:** Official unemployment has been estimated, in the post-2021 period, at forty percent of the labor force. There has been, significantly, an eighty percent decline in women's workforce participation. This decline has reflected, in the context, both economic collapse and deliberate policy restrictions. These restrictions have been imposed, it is observed, by the Taliban authorities.

iii) **Banking Crisis:** The freezing of central bank assets has, in effect, crippled the formal banking sector. The collapse of formal banking has, therefore, further undermined economic activity and humanitarian delivery.

The Rise of Regional Pragmatism

Western powers maintain a policy of strict non-recognition. Regional actors, however, have adopted more pragmatic strategies. These approaches reflect geopolitical interests and security concerns. They differ markedly, in this context, from those of Western capitals.

i) **Pakistan:** Pakistan maintains bilateral trade with Afghanistan valued at approximately one point five billion dollars annually. Pakistani policymakers view the Taliban as a strategic buffer against Indian influence. They also view the regime as a potential partner in managing cross-border militant groups (Bibi & Muzaffar, 2023, p. 137).

ii) **China:** China has pursued a strategy focused on economic integration. Chinese state-owned enterprises have expressed interest in extracting Afghanistan's mineral reserves. These are estimated at approximately three trillion dollars. They include lithium, copper, and rare earth elements (Hussain et al., 2025b, p. 139-140). China has maintained its embassy in Kabul.

iii) **Russia:** Russia prioritizes regional security cooperation. Russian diplomats have negotiated with the Taliban to prevent the spread of Islamic State-Khorasan Province into Central Asia (Muraviev, 2022, p. 114). Moscow has also engaged the Taliban on potential energy deals.

iv) **Iran:** Iran shares a long border with Afghanistan. It has hosted millions of Afghan refugees for decades. Tehran has maintained diplomatic engagement with the Taliban. It has expressed concern, however, over water rights and drug trafficking.

Human Rights and Governance under the Islamic Emirate

The Taliban has established a centralized theocratic governance structure. This is based on a strict interpretation of Sharia law. It has effectively dismantled the constitutional framework of 2004 (Sethi, 2024, p. 125).

i) **Gender Apartheid:** The systematic exclusion of women from secondary education constitutes a direct violation of international treaties. As Adeli (2024) notes that though Afghanistan is signatory to the "Convention on the Elimination of All Forms of Discrimination Against Women", Taliban has issued decrees closing girls' schools (p. 123). It has furthermore banned women from most forms of employment. Taliban has restricted, moreover, their movement without male guardians.

ii) **Judicial System:** The replacement of secular courts with religious shuras stands a parallel legal system. However, critics state that such courts contravene established international norms. Consequently, this leaves the Afghanistan's minorities and women without effective legal recourse (Rahimi, 2022, p. 124). Furthermore, public executions and corporal punishments has been observed to resume.

iii) **Media and Civil Society:** The Taliban severely restricted media freedom. It has suppressed freedom of speech particularly those calling for equal rights.

Discussion

An important finding of the present study is particularly the emergence of a “humanitarian paradox”. In the context the sanctions that were/are intended to pressure the Taliban have, in fact, are observed to be primarily harming the civilian population. The Taliban elite have largely avoided economic pain. This has been done through illegal mining and narcotics smuggling. According to several accounts, the illicit sources help generate approximately one billion dollars annually for Taliban regime (Tarzi, 2005b, p. 181). The freezing of Afghanistan’s state assets by international community has in-fact rendered basic necessities unaffordable for the masses. Moreover, isolation by international community has not weakened the Taliban politically. It has, instead, helped empowered hardliners who now actively frame economic misery as Western aggression (Hasar, 2024c, p. 203). There is a need to review and amend the current international approach. This now forms the next step for conclusion and policy recommendations.

Conclusion and Policy Recommendations

The present research concludes that blanket non-recognition would constitute a cul-de-sac policy. In the context total isolation imposed by international community has failed to induce meaningful reforms in Afghanistan. It has, instead, helped accelerated state of collapse and also deepened humanitarian suffering of ordinary citizens. The future of Afghanistan would depend on moving from a binary choice and more towards a more principled engagement.

The Humanitarian-First Recognition Framework

The study proposes a three-phase approach. The phased wise approach is needed to incremental legitimacy.

i) **Phase 1: Immediate Stabilization (Zero to Twelve Months):** The study recommends that international community should partially release frozen assets into a supervised trust fund. These funds would help in payment of salaries of healthcare workers and teachers directly. This mechanism should bypass Taliban ministries. This phase also needs to would scale up humanitarian assistance particularly through UN agencies.

ii) **Phase 2: Monitored Concessions (One to Three Years):** The international community in exchange for verifiable benchmarks may/should grant several incremental concessions. The benchmarks should particularly include reopening girls' schools and admitting women to universities. The concessions in the context would include IMF technical assistance and limited access to international financial institutions.

iii) **Phase 3: Long-term Normalization (Three to Five plus Years):** For Taliban, a full diplomatic recognition should remain contingent upon inclusive governance. It should also include sustained counterterrorism compliance, and respect for human rights. This phase needs to involve gradual return to normal diplomatic relations and consideration of UN membership.

The Evolution of International Law

The paper analysis calls for international law to evolve in order to manage the reality of de facto states. In the context, the binary approach between recognition and non-recognition has proven particularly inadequate. Moreover, sovereignty should be increasingly understood as responsibility. The doctrine of sovereignty as responsibility provides useful framework. This framework is important for engaging with regimes that exercise control while violating fundamental norms.

The Path Forward

The international community should need to choose between two competing approaches /alternatives. It can either continue isolation - deepening humanitarian suffering or choose, alternatively- to pressure the Taliban toward reform through pragmatic diplomacy. The present study has staunchly argued that the latter path offers a more realistic prospect for progress. The

choice is between a policy that has manifestly failed and one that offers the possibility of incremental progress.

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