

## THE TALIBAN & AFGHANISTAN: CONFLICT & PEACE IN INTERNATIONAL LAW PERSPECTIVE

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### **Abstract**

*This study aims to determine the political situation in Afghanistan which is now occupied by the Taliban. This qualitative research method is often called "naturalistic research method" because the research is carried out in natural conditions (natural setting). In this study, researchers used two kinds of data, namely primary data and secondary data. To determine the validity of the data, an inspection technique is needed. The implementation of the inspection technique is based on a number of certain criteria. There are four criteria used, namely the degree of trust (credibility), transferability, dependence (dependability), and certainty. The conclusions of this study are; 1) The Taliban insists that it is committed to peace talks with the Afghan government. The implementation of the original Islamic system will be something they strive for. 2) The Taliban is committed to accommodating all the rights of citizens, whether male or female, based on the noble religious rules of Islam and the noble traditions of Afghan society. The Taliban will allow women to carry out public roles. 3) Advancing a better Afghanistan.*

**Keywords:** *Peace; Diplomatic; Conflict, Government; New; Politics; War.*

### **A. INTRODUCTION**

The name Afghanistan comes from the word Afghani. The Pushtuns seem to have started using the term Afghanistan as a name for themselves from the Islamic period onwards. According to WK Frazier Tyler, MC Gillet, and several other scholars, "The word Afghanistan first appears in history in al-Hudud Alam in 982 AD." There are many views, regarding the origin of the name Afghanistan, most of them being purely speculative as can be seen below: Makhzan-i-Afghni by Nematullah written in 1612 AD, traces the origin of Afghanistan or Pakhtun from the super-Patriarch Abraham to the one named King Talut or Saul. It states that Saul had a son Irmia (Jeremia), who had a son called Afghana. After the death of King Saul, Afghana was raised by David, and

was later promoted to command of the army chief during King Solomon's reign. The descendants of the Afghana were multiplied a lot, and were then called the Children of Israel.

In the sixth century BC, Bakhtunnsar, or Nebuchadnezzar king of Babul, invaded Judah, and exiled the descendants of Afghana to Ghor located in the center of what is now Afghanistan. In the course of time, the exiled community came to be addressed as Afghanistan after the name of their ancestors, and the country got the name as Afghanistan. The traditional view has many historical differences, and is therefore not accepted by modern scientists --- the last applicant for the Bani-Israel hypothesis was Raverty Mayor (The Pathan, 1958, Olaf Caroe) and later called the Children of Israel. In the sixth century BC, Bakhtunnsar, or Nebuchadnezzar king of Babul, invaded Judah, and exiled the descendants of Afghana to Ghor located in the center of what is now Afghanistan. In the course of time, the exiled community came to be addressed as Afghanistan after the name of their ancestors, and the country got the name as Afghanistan. The traditional view has many historical differences, and is therefore not accepted by modern scientists --- the last applicant for the Bani-Israel hypothesis was Raverty Mayor (The Pathan, 1958, Olaf Caroe) and later called the Children of Israel. In the sixth century BC, Bakhtunnsar, or Nebuchadnezzar king of Babul, invaded Judah, and exiled the descendants of Afghana to Ghor located in the center of what is now Afghanistan.

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Another version of the Pashtun legend places Afghana, the eponymous ancestor claiming to be from Afghanistan or the Pushtuns, as the contemporary Muslim of the Prophet Muhammad. After hearing about the new faith of Islam, Qais of Aryana traveled to Medina to see the Muslim Prophet Muhammad, and

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1 Ishaan Tharoor, *The Taliban's Qatar Office: Are Prospects for Peace Already Doomed?*, Time (in English), ISSN 0040-781X, Retrieved on 19 August 2021, 2013.

returned to Aryana as a Muslim. Abdur Rashid Qais is said to have had many sons, one of whom was Afghana. Afghana, in turn, had four children who set out for the east to establish their respective lineages. The first son went to Swat, the second to Lahore, and India, the third to Multan, and the last to Quetta. This legend is one of the traditional stories among Pashtuns regarding their different origins. Again, here are the legendary Afghanas who are said to have been named their current Pushtuns.<sup>2</sup>

Dr HW Bellew, in his book *An Inquiry into the Ethnography of Afghanistan*, believes that the name Afghanistan comes from the Latin term Alban, used by Armenians as Alwan or Alwan, which refers to mountaineers, and in the case of transliterated Armenian characters, would be pronounced as Aghvan or Aghwan. For the Persians, this will further be amended for Aoghan, Avghan, and Afghanistan as a reference to the highlands or "mountain climbers" of the eastern Iranian plateau.<sup>3</sup>

Some have argued that the name derives from "Abagan" (i.e. without God) which a Persian term is said to have coined for the Pushtuns to describe them as Godless or non-believers. This states that Abagan the antonym of Bagan (= believe in God) only as an apolitical word is an antonym of politics in English.<sup>4</sup>

There are also some people who link "Afghanistan" to the Uzbek word "Avagan" the word means "native". Others believe that the name comes from the Sanskrit upa-ganah, a word meaning "allied tribes".<sup>5</sup>

Another etymological view is that the name Afghanistan obviously comes from the Sanskrit Ashvaka or Ashvakan (qv), the Assakenoi of Arrianus. This view was advanced by JW McCrindle, and is supported by many modern scholars (including Lassen C, S. Martin, Bishop, Crooks, W. Crooke, JC Vidyarnar, MR Singh, P. Smith, NL Dey, Dr JL Kamboj, S Kirpal Singh . and several others). In Sanskrit, the word ashva (Iranian Aspa, assa Prakrit) means "horse", and ashvaka (assaka Prakrit) means "horse rider". Pre-Christian times knew the people of eastern Afghanistan as Ashvakas (horsemen), because they raised a fine breed of horses, and had a reputation for providing expert cavalry. Fifth-century-BC Indian grammarians call them Ashvayana, and Ashvakayana. Classical writers used the equivalents of Aspasios (or Aspasii, Hippasii) and Assakenois (or Assaceni/Assacani, Asscenus, respectively). The Aspasios / Assakenois (= Ashvakas = cavalrymen) which are stated as another name for the Cambodias because of their equestrian characteristics<sup>6</sup>.

The last part of the name Afghanistan comes from the Persian word stan (country or land). The English word Afghanland appears in various treaties

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2 "The definition of afghan". [www.dictionary.com](http://www.dictionary.com) (in English). Retrieved 3 December 2018.

3 Middle East Institute, *Iranian Support for Taliban Alarms Afghan Officials*, 9 January 2017.

4 Mohammad Shehzad, *Why is the Pakistan army scared of this man?*, The New York Times, 2006.

5 Farhan Zahid, *Profile of New TTP Chief Mufti Noor Wali Mehsud: Challenges and Implications*, [pakpips.com](http://pakpips.com), Islamabad, Pakistan, 2019.

6 *Ibid.*

between the Qajar-Persians, and the British dealing with the lands of the Eastern Persian empire (modern Afghanistan) which was adopted by Afghanistan, and became Afghanistan.

## **B. RESEARCH METHODS**

This qualitative research method is often called "naturalistic research method" because the research is carried out in natural conditions (natural setting); also called the ethnographic method because at first, this method was more widely used for research in the field of cultural anthropology; and is also called a qualitative method because the data collected and the analysis is more qualitative in nature. The object of qualitative research is a natural object, or natural setting, so this research method is often referred to as a naturalistic research method. A natural object is an object as it is, not manipulated by the researcher so that the conditions when the researcher enters the object, after being in the object, and leaving the relative object, do not change. In this study, researchers used two kinds of data, namely primary data and secondary data. To determine the validity of the data, an inspection technique is needed. The implementation of the inspection technique is based on a number of certain criteria. There are four criteria used, namely the degree of trust (credibility), transferability, dependence (dependability), and certainty. Of these several tests, in this study, the priority is solely on the credibility test which is carried out by triangulation because triangulation aims not only to reach the truth for several phenomena, but it is found that the triangulation technique also prioritizes the effectiveness of the process and the desired results.<sup>7</sup>

## **C. RESULTS AND DISCUSSION**

### **1. History and The Present**

The Taliban took control and seized power in Afghanistan on Sunday, August 15, 2021. The armed group spread throughout the capital and entered the presidential palace. The incident also made Afghan President Ashraf Ghani flee abroad. In its recent press conference, Tuesday evening local time, the Taliban made reassurances to Afghans and the world, including claiming not to carry out retaliatory attacks against anyone working with the US.<sup>8</sup>

Reportedly the Taliban through its spokesman Zabihullah Mujahid said they would work with women, but within the limits of sharia law. The conference came after they seized control of the city of Kabul which caused thousands of Afghans to try to flee the country. To that end, the Taliban is trying to reassure fearful people that they will return to bring law and order

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7 KJM Varma, *Insurgent groups against Pakistan, China step up attacks amid Taliban offensive in Afghanistan*, Report: Yahoo, 2021

8 Tom Wheeldon, *Pakistan cheers Taliban out of 'fear of India' – despite spillover threat*, France 24. And Maley, William, 2002, *The Afghanistan wars*, Palgrave Macmillan, 2021,

to Afghanistan. They promised the horrors of the previous rule **would** not be repeated. "We want the world to believe in us," said Mujahid. Mujahid said they would ensure the safety of all foreign embassies and aid organizations. When asked about the status of women's rights and press freedom under the Taliban, Mujahid asserted, both women and the media will be able to participate in society according to sharia law. "The Islamic Emirate is committed to women's rights under sharia law," he said. However, Canada immediately joined countries that would not recognize the Taliban as the Afghan government in the takeover. "They have taken over and replaced a democratically elected government by force," said Prime Minister Justin Trudeau<sup>9</sup>.

Meanwhile, EU foreign policy chief Josep Borrell said the EU also has not recognized the Taliban government, but must talk to them. "I haven't said that we will recognize the Taliban," Borrell told a news conference. "I just said that we should talk to them about everything, even to try to protect women and girls." The history of the Taliban in Afghanistan In its history, as quoted by Al Jazeera, the retaking of the Afghan government by the Taliban occurred 20 years after they were removed from power in the US-led invasion.<sup>10</sup>

The armed group was ousted in the US-led invasion following the September 11, 2001 attacks on the United States. Despite being ousted, Taliban fighters have continued to carry out numerous attacks against foreign and Afghan forces in the past 20 years. Prior to the formation of armed groups in the early 1990s, many Taliban leaders fought alongside the Afghan Mujahideen against the Soviet occupation in the 1980s. As part of its policy against Cold War foes, the Mujahideen received weapons and money from the United States. At that time, the Soviets supported the communist leaders who staged a coup against Afghanistan's first president Mohammad Daoud Khan in 1978. Right in 1989, the Soviets withdrew. But it soon wreaks havoc in 1992<sup>11</sup>.

In the early 1990s, the Taliban armed group emerged as an important player, many of whose members had studied in conservative religious schools in Afghanistan and across the border in Pakistan. They gained military advantage quickly and succeeded in controlling Kandahar, the largest city after Kabul. They also promised that the cities would remain safe. Disgusted with the attitude of the Mujahideen commanders and their troops accused of rights violations and war crimes to gain power, the existence of the Taliban was welcomed.

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9 Bureau of Public Affairs, *Department of State. The Office of Electronic Information. "The Taliban, Terrorism, and Drug Trade".* 2001-2009.state.gov.

10 Jeanne K. Giraldo, *Terrorism Financing and State Responses: A Comparative Perspective*, Stanford University Press, 2007, pages.96.

11 *Op.cit.*

The Taliban seized the capital in 1996 and ousted the country's last communist president, Najibullah Ahmadzai. Al Jazeera wrote, it declared Afghanistan an Islamic emirate and began imposing an ultra-strict interpretation of Islamic law. But it is only recognized by three countries, Saudi Arabia, United Arab Emirates and Pakistan. The presence of the Taliban was welcomed when they first appeared. This early popularity was due to their success in eradicating corruption, curbing lawlessness and making the roads and areas under their control safe for trade to flourish. However, the Taliban have never relaxed the restrictions initially imposed, arguing that it was to ensure that civil war crimes do not recur. The restrictions also forbid women from getting education and jobs, except for female doctors. Anyone who disobeys will be imprisoned or publicly beaten<sup>12</sup>.

On the other hand, the Taliban have also introduced punishments according to their strict interpretation of Sharia law, such as the public execution of convicted murderers and adulterers, and amputation of those found guilty of theft. In addition, men are required to grow beards and women must wear a full body burka. The Taliban also banned television, music and cinema, and did not approve of girls aged 10 and over going to school. For that action, they were accused of various violations of human rights and culture.

In 1999, the United Nations sanctioned the Taliban over its ties to al-Qaeda, which was blamed for the 9/11 attacks on the US. From there, the United States began its invasion of Afghanistan on October 7, 2001 after the Taliban refused to hand over al-Qaeda leader Osama bin Laden, who was hiding in Afghanistan. Bin Laden is considered the mastermind behind the deadliest attack on US soil. Ahead of the US invasion, the group asked the administration of US President George W. Bush to prove that bin Laden played a role in the 9/11 attacks. They also negotiated with Washington, but Bush refused all requests. Within months of the US and its allies campaigning over the bombings, the Taliban were toppled. An interim government was formed in December 2001 and was led by Hamid Karzai. Twenty years after being ousted in 2001, the Taliban returned to control of Afghanistan and entered the presidential palace on Sunday, August 15, 2021. The incident also made Afghan President Ashraf Ghani flee abroad.

## **2. Afghan Political Dynamics**

The recent political dynamics in Afghanistan have attracted public attention in other countries. Where the Taliban managed to take power from the official Afghan government after more than 20 years of waiting. No less important to highlight is the euphoria in the country over the victory

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12 Thomas Joscelyn, Admiral Mullen: Pakistani ISI sponsors Haqqani attacks, *The Long War Journal*, Retrieved 1 December 2011.

obtained by the Taliban. This victory is felt so real in other countries. This issue is not a simple problem because it will have a very broad impact. Not only in the context of inter-group relations in Afghanistan, but also in other countries' bilateral relations with Afghanistan. Of course there will be a change in the constellation in terms of security, economy and politics in the country with Kabul as its capital<sup>13</sup>.

Abdul Mu'ti, General Secretary of the Muhammadiyah Central Executive, advised members of the association not to overreact in response to the conditions in Afghanistan. He asked the public to always follow the development of official information from the governments of other countries. Because according to him, most of the information or news circulating on social media is still in doubt.

Arief Rachman, Ambassador of another country to Afghanistan said that the conditions and social situation in Afghanistan was stable after Kabul was occupied by the Taliban. But economically, the government and politics of the country have not run as they should because the Taliban has not announced its new government. The Taliban could not immediately determine its new government. They must establish communication with various parties or parties to get the best results. "In general, Kabul and some provinces in Afghanistan are starting to get better. It is hoped that within sufficient time, Afghanistan will return to normal."

Although it seems that the takeover of power by the Taliban was very short, in fact the process has been going on since the American government decided to pull its military out of Afghanistan on May 1, 2021, but then changed to September 11, 2021. There was pressure to press until the war was no longer profitable for both parties. Meanwhile, the negotiations did not come to fruition. "This is what actually raises concern for all of us, both for the Afghan community and the international public," he said.

Until finally the Afghan government asked for a ceasefire to be enforced. However, there has been pressure from the Taliban for Afghan President Ashraf Ghani to resign from his post. Ghani chose to stay. The Taliban continues to carry out attacks. One by one the districts fell into the hands of the Taliban military without any significant resistance. After the Taliban succeeded in besieging Kabul City, negotiations resumed. And on that day the President of Afghanistan officially stepped down, handing over power to the Taliban.

"Until now, negotiations are continuing between the Taliban and various parties in Afghanistan. This is done with the hope that the cabinet that will be formed is an inclusive cabinet. All elements can enter to lead to a new Afghanistan," he said<sup>14</sup>.

Meanwhile, the Director General of Asia Pacific and Africa at the

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13 Julian E. Barnes, Pakistan Urges on the Taliban, *The Wall Street Journal*, 2010,

14 Yahya Massoud, *Afghans Can Win This War*, Foreign Policy. Archived on 10 January 2011.

Ministry of Foreign Affairs Abdul Kadir Jaelani said that at this moment it is still too early for other countries to determine their stance on the Taliban government. Because until now the government has not been formed. Even from various communications obtained, the negotiation process between Taliban leaders and Afghan community leaders is still ongoing.

Although the situation on the ground is still filled with uncertainty, especially about the future of Afghanistan. Negotiations are still ongoing. This uncertainty also causes other countries to have not been able to make a unanimous decision regarding the transfer of power in Afghanistan. Pakistan, which has long been known to have traditional ties to the Taliban, chose not to rush into confessing. A similar attitude was also shown by Turkey, Saudi Arabia, and several other countries. Therefore, it is not surprising that the governments of other countries think that it is too early to make a decision on the Taliban<sup>15</sup>.

On the other hand, he also heard that there were countries that stated they were ready to cooperate with the principle of respecting the development of domestic conditions in each country. But at the same time, so far no country has unanimously supported the Taliban.

"For sure, in my opinion the Taliban have made some positive statements. We have to admit that. Of course we all hope for the realization of an inclusive government as promised by the Taliban. Namely a government that involves all elements of Afghan society, including the role of women. Because the role of women should be one of the pillars of peace," he said.

At the same time we see the Taliban continue to try to present itself as better than before. Along with this, the international community also hopes that this commitment can become a reality. Thus, we should see and at the same time observe the developments in Afghanistan before determining the best attitude.

### **3. The Role of Other Countries for Afghanistan**

According to Jaelani, other countries will actively continue to strive for the realization of sustainable peace in Afghanistan in accordance with the Afghan-led, Afghan-owned principle (Peace that is created by the Afghan people and for all Afghans). Other countries have a constitutional obligation to play that role. Every law clearly mandates us to participate in carrying out world order based on eternal peace. Not only that, other countries also have an interest in the realization of security stability in Afghanistan. The achievement of a peaceful, secure and stable Afghanistan will certainly have a positive impact on regional and international security stability, including

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15 *Ibid.*



other countries<sup>16</sup>.

There are concrete things that other countries have done. First, being active in the peace negotiation process that has taken place several times before. Where other countries are members of the host country support group consisting of other countries, Germany, Nurwegia, Qatar, Uzbekistan, as well as representatives of the United Nations in Afghanistan.

Another country's strategy in promoting peace in Afghanistan uses a two-block approach, both of which put forward soft power as well as the potential of other countries as the country with the largest Muslim majority population in the world with a democratic system.

Second, initiating the holding of the world ulama conference in 2018 involving representatives of scholars from other countries, Pakistan, and Afghanistan. Third, mainstreaming the role of women in an effort to create a peaceful and prosperous Afghanistan. In this case, it emphasizes that we must pay special attention to women's empowerment programs. With the meaning that empowering women means empowering a nation, to ensure women's participation in the peace process in Afghanistan<sup>17</sup>.

#### **4. Support From Other Countries**

President Xi Jinping of China supports dialogue with Afghanistan, which is currently controlled by the Taliban. He also wants the situation to stabilize quickly. He said this at a joint meeting of the Shanghai Cooperation Organization and Collective Security Treaty Organization (CSTO). "Chinese President Xi Jinping on Friday called for efforts to promote a stable transition to the Afghan situation as quickly as possible, establish dialogues with Afghanistan, and help the Afghan people to overcome difficulties," Xi said, as quoted by the state-run Xinhua website<sup>18</sup>.

Previously, China had actually established relations with Afghanistan. The Taliban leadership has also visited China. The Chinese embassy in Kabul is also still operating, different from western embassies who chose to evacuate. The CSTO event actually consisted of ex-Soviet countries. Russian President Vladimir Putin also briefly discussed the Taliban at this year's meeting<sup>19</sup>.

In addition, Russian President Vladimir Putin believes that the rise to power of the Taliban has made President Vladimir Putin ask that the CSTO member countries be more united. The CSTO members consist of: Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russia and Tajikistan. The Taliban are

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16 Montgomery McFate, *Military Anthropology: Soldiers, Scholars and Subjects at the Margins of Empire*, New York City: Oxford University Press, 2018, pages. 334.

17 The Taliban outlawed Bacha Bazi during their six year-reign in Afghanistan, but as soon as the US overthrew the Taliban, newly-empowered Mujahideen warlords rekindled the practice of Bacha Bazi.

18 *Op.Cit*

19 *Ibid.*

banned in Russia. The revival of the group then became the impetus for CSTO members to become closer. "Everyone agrees on the conclusion that in the current environment, close cooperation is needed between member states more than ever," Putin said<sup>20</sup>.

#### **D. CONCLUSION**

The Taliban confirmed that it was committed to peace talks with the Afghan government. The implementation of the original Islamic system will be something they strive for. The Taliban's statement came amid stalled peace talks with the Afghan government that were taking place in Qatar. Peace efforts are underway in place as violence escalates across the country. The Taliban will continue to strive for the application of an authentic Islamic system in government, including making provisions regarding women's rights that are in line with cultural traditions and religious rules. Mullah Abdul Ghani Baradar, head of the Taliban's political office, said that the system of government would be one of the most important discussions in the conflict resolution series taking place in Doha. The withdrawal of foreign troops, which is scheduled to be completed on September 11, is also expected to trigger both sides to rush to resolve the issue. "A genuine Islamic system is the best way for the solution of all Afghan problems," Baradar said. Baradar added that women and minority groups would be protected, and diplomats and NGO workers would be able to work safely. The Taliban is committed to accommodating all the rights of citizens, whether male or female, based on the noble rules of Islam and the noble traditions of Afghan society. The Taliban will allow women to carry out public roles. This includes whether the workplace and school will be segregated by gender.

### **BIBLIOGRAPHY**

#### **Books**

- Bureau of Public Affairs, 2009, *Department of State. The Office of Electronic Information. "The Taliban, Terrorism, and Drug Trade"*, 2001-2009.state.gov;
- Farhan Zahid, 2019, *Profile of New TTP Chief Mufti Noor Wali Mehsud: Challenges and Implications*, pakpips.com, Islamabad, Pakistan;
- Ishaan Tharoor, 2013, *The Taliban's Qatar Office: Are Prospects for Peace Already Doomed*, Time (in English), Retrieved on 19 August 2021;
- Jeanne K. Giraldo, 2007, *Terrorism Financing and State Responses: A Comparative Perspective*, Stanford University Press;

---

<sup>20</sup> *Ibid.*

Middle East Institute, 2017, *Iranian Support for Taliban Alarms Afghan Officials*, 9 January;

Tom Wheeldon, 2021, *Pakistan cheers Taliban out of 'fear of India' – despite spill-over threat*, France 24;

Maley, William, 2002, *The Afghanistan wars*, Palgrave Macmillan;

### **Journals**

Julian E. Barnes, Pakistan Urges on the Taliban, *The Wall Street Journal*, 2010;

KJM Varma, Insurgent groups against Pakistan, China step up attacks amid Taliban offensive in Afghanistan, 2021, Report: Yahoo.

Montgomery McFate, Military Anthropology: Soldiers, Scholars and Subjects at the Margins of Empire, *New York City: Oxford University Press*, 2018,

Thomas Joscelyn, 2011, Admiral Mullen: Pakistani ISI sponsors Haqqani attacks, *The Long War Journal*, Retrieved 1 December 2011.

### **Magazine**

Mohammad Shehzad, 2006, *Why is the Pakistan army scared of this man?*, The New York Times.

### **Internet**

The definition of afghan, [www.dictionary.com](http://www.dictionary.com) (in English). Retrieved 3 December 2018.

Yahya Massoud, 2010, *Afghans Can Win This War*, Foreign Policy. Archived on 10 January 2011.