



International Sanctions Regime against Afghan Taliban: An Analysis

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Abstract: The resurgence of Afghan Taliban after International Security Assistance Force (ISAF) in August 2021 surprised the world for their resilience and organized combat potential. Contrary to US expectations, Taliban defeated the 'well trained' and well equipped Afghan Army and formed an exclusive Taliban government while implementing their previously framed policies. Violations of human rights and denial of women rights outlined Taliban's intentions of their future pursuits against the international standards. To prevent Taliban realigning with terror groups and force them to regulate their policies in line with the international values, the US reinforced the existing sanctions regime against Taliban. These sanctions deprived Afghan Taliban to access their foreign reserves and improve economic situation of the country. On the other hand, the sanctions have created a catastrophic humanitarian situation for the Afghan public with regards to food scarcity and devastating health infrastructure. This paper is aimed at analyzing the implications of international sanctions regime and its efficacy in regulating Taliban's policies.

Keywords: Afghan Taliban, ISAF, US, Pakistan, Regional Security, Sanctions, etc.

Introduction

The February 2020 deal between Taliban and the US acknowledged Taliban as an armed group who could take part in the future of Afghanistan. Under the deal, the US pledged to withdraw by end September 2021 leaving the country to decide their destiny through peaceful measures and establish a legitimate coalition government. Taliban also guaranteed to deny use of their country by terror groups for attacks on the US and western countries.¹ The world community expected Taliban to honour human rights, do not avenge their opponents and ensure women freedom to access education and basic rights.

During inking the deal, the US never expected Taliban to take over the reigns of the country so swiftly defeating US's backed 'well equipped and well-trained' Afghan army. The US had invested more than \$145 billion in training and reorganization of the Afghan armed forces. On 15 August 2021, Taliban entered Kabul with military assertiveness and installed their government on 7 September 2021. Due to sudden rise of Taliban and unexpected control of the country, the world



community demanded Taliban regime to honour their past promises and install an inclusive government involving all stakeholders for enhanced stability and peace in the region. An inclusive government would be in a position to focus on preventing use of Afghan soil by terror groups and thrive for prosperous country.ⁱⁱ As expected, Taliban government revoked their promises and adopted stern policies of their previous government creating environment of revenge and human rights violations.

Taliban as a group and its leaders were already under sanctions from the UN and its member countries. With their rise to power, resumption of their stringent policies in the country and continuous denial of its leaders to change their behaviour led to revival of the existing sanctions regime in addition to a set of new restrictions. These restrictions limited Taliban access to global forums, banned various assistance packages and foreign aid. The US government also seized approx. \$7 billion of the Afghan foreign reserves curtailing Taliban's capacity to initiate rebuilding and rehabilitation projects.

Although the sanctions regime is aimed at regulating Taliban's policies, it severely affected general public. The prolonged war had already devastated the indigenous production capacity of the country which remained dependent on foreign aid for more than twenty years. 75% of its economy was being managed due to US aid and financial assistance provided by global institutions. With the freezing of foreign reserves and ban on foreign assistance, the public sector faced unprecedented challenges. The lack of funds restricted provision of salaries to the health workers, teachers and bank officials. The capacity of global institutions and NGOs to provide health facilities, education forums, fight natural calamities was extremely curbed. The scarcity of food crisis has threatened the survival of more than 90% of population including children and women. The isolation of the country led to creation of humanitarian crisis turning into a catastrophe.

In such a catastrophic situation, Taliban leaders have sustained global pressure and did not succumb to the economic sanctions. They could not implement anti-terror policies leaving the terror elements to organize themselves in the country. The killing of Ayman Al-Zawahiri inside Afghanistan in a drone strike created suspicion about Taliban's patronage for al-Qaida and other terror fractions.ⁱⁱⁱ The reorganization of these elements would prove fatal to the world peace.

In case of Taliban, the international sanctions regime could not prove effective as it could not stop its resurgence despite being on the periphery of the country for more than twenty years. This paper would endeavor to analyze the existing sanctions regime, resultant humanitarian crisis and its implications on the region. It would also recommend measures for stability and peace in the region and especially in Afghanistan.

International Sanctions Regime against Taliban

The world community has devised different means to enforce compliance to the international laws and values. Sanctions are punitive and coercive measures short of war against a target state to regulate its behaviour and realign its policies towards peace and stability.^{iv} Initially configured during the cold war against opposing block, the nature of sanctions kept changing in pursuits of



desired goals based on changing nature of threats. Today, the US and western countries impose sanctions against a state either as part of UNSC or as part of NATO to ensure adherence of international treaties and securing of their interests. Under Article 41 of Chapter VII of the United Nations Charter, the Security Council is entrusted to enforce sanctions to maintain peace and order in a region.^v Different measures are adopted to restrict a country such as arms embargo, travel ban, economic and financial restraints, and international isolation. Under economic and financial restrictions, a country's financial and domestic needs are severely impacted causing public unrest against their government leading to change their behaviour or in some cases dislodging of government.

Being a super power, the US dictates its terms through UN and global financial institutions such as World Bank and International Monetary Fund (IMF). Under 'the international Emergency Economic Powers Act of 1977', the US President and the Congress is empowered to enforce sanctions against a state.^{vi} Due to dominant position of the US and its western allies, and their control over the global financial structure, the target states are subjected to economic and financial sanctions which is considered an effective instrument for enforcing international rules.^{vii} The target state is barred from conducting any transactions and undertake business directly or indirectly with international firms.^{viii}

With the resurgence of Taliban government in Afghanistan in 1996, a new threat in the form of global terror surfaced. Without global recognition, Taliban regime adopted revengeful policies in the country. Concurrently, the world terror organizations also found their refuge under Taliban rule, exploiting their illegitimacy and non-recognition from the world community. Taliban government introduced inhuman policies violating the values and basic rights, disbanding women freedom of movement, right to access education and draconian laws to suppress the opponents. In such environment, Osama Bin Laden (OBL) allegedly planned bombing of US embassies in Kenya and Tanzania in August 1998 which prompted the US to demand handing over of OBL which was denied by Taliban government. The US diplomatic efforts stirred a global condemnation against Taliban – OBL alliance leading to imposition of UN sanctions against Taliban under resolution 1267 for harbouring terrorists. In December 2000, the sanctions were further tightened under resolution 1333.^{ix} Under these sanctions, the financial assets abroad of the country were seized and Ariana Airline's international flights were banned. They were also subjected to arms embargo, travel ban and closure of their foreign offices.

After the attack of 9/11, the US led ISAF dislodged the Taliban government through invasion which led to the installation of a pro-West coalition Afghan government. Taliban and Al-Qaida went on run and remained a peripheral force for more than twenty years. Afghan society was transformed and people were given access to basic rights, education, freedom of move and speech. With the change of Taliban regime, the international sanctions were also relaxed for the country however, Taliban remained under severe check.



Resurgence of Taliban and Growing Human Rights Violations

The February 2020 peace deal between the US and Taliban paved the way for US drawdown and later complete withdrawal by May 2021. Taliban also committed to prevent use of Afghan soil by al-Qaida and other terrorists' organizations against the United States and other European countries. The US and Afghan government were confident that with the provision of advanced weapons, prolonged investment and training, the Afghan army would resist the resurgence of Taliban even after the withdrawal of NATO forces. President Joe Biden also announced the achievement of the desired goals in Afghanistan and intended complete withdrawal by September 2021. However, unlike past, the US decided not to leave the country unattended and keep it under constant monitoring denying space to terror groups and al-Qaida and prevent them to reorganize.^x On 15 August 2021, two weeks before the withdrawal, Taliban entered Kabul with a rapid military advance defeating Afghan army.

The world community expected Taliban to alienate themselves from terror groups, prevent Afghan soil to be used for any terror plotting, adoption of international standards, respect human and women rights and establish an inclusive government for future stability in the country. However, the establishment of exclusive Taliban government on 7 September 2021, resonates that Taliban prefer internal cohesion among different fractions instead of rapprochement with international community. Haibatullah Akhundzada became the supreme Taliban leader who approved the establishment of interim government comprising Taliban leaders, mostly from the previous Taliban government. Taliban leaders under international sanctions were given key appointments indicative of their non-flexible behaviour towards their opponents in future.



Although the constitution of 2004 is still reflected on the website of the ministry of justice of Afghanistan, Taliban did not adopt the constitution declaring it to be foreign imposed constitution. After taking over the power in the country, Taliban pledged to reinstate part of the 1964 and 2004 constitution however, they adopted unwritten constitution for the country incorporating series of laws and rules including ‘1998 *Dastur*’ announced from time to time during Taliban’s first rule. The system of governance enacted by Taliban is autocratic in nature with ‘*Ameer-ul-Momineen*’ having immense powers. Under the new rules, Taliban have not extended any political right of a vote and selecting the president. The governance is carried out through ‘*Shura*’ selected by the Ameer-ul-Momineen.^{xi} Islamic shariah is also considered significant for governing the country. Disregarding their commitment, Taliban failed to adhere to the international norms and adopted stringent policies similar to their previous term. Women were denied of their basic rights including accessing education. Women could not form part of the government and other institutions and were subjected to house detention by curtailing their right to move freely. They are banned to visit gym and public parks. They could move out only if accompanied by a male family member and are required to cover themselves from head to toe.^{xii} The women education has been suspended and their ministry has been converted into Ministry for the Propagation of Virtue and Prevention of Vice.^{xiii} In case of violation, strong penalties have been legislated which has deterred the women inside the country. All girls’ schools in the country above 6th grade have been closed and girls are not considered eligible to access higher education. With the closure of ministry of women affairs and not allowing any post in the cabinet of the de facto cabinet, the Taliban government has conveyed a clear message that women would be excluded from any political right and role in the country.

The new Taliban government banned journalists and many media houses restricting their liberty to report against their policies.^{xiv} They feared strong backlash from the world community in case of true reporting of their policies. In many cities, the ex-Afghan army officials were searched, detained and in some cases executed also. The ex-Afghan government officials escaped the oppressive policies and went into exile.

The Taliban government have renamed the country as ‘Islamic Emirate’ in spite of world opposition. The misuse of authority towards suppressing the freedom of speech, protest and freedom to react to false policies are also noticed with concern. The growing concerns of the international community deepened after confirmation of killing of al-Qaeda leader Ayman al-Zawahiri in Kabul on 31 July 2022 in an American drone attack. This reflects their covert engagement with the terror organizations and their liberty to plan clandestine operations worldwide. It is also reported that both Al-Qaida and TTP have found more space to freely operate from Afghanistan. Cross border terror attacks in Pakistan have increased since collapse of the US backed Afghan government. Earlier, the UN issued a report which confirmed presence of large number of Al-Qaida leaders who surfaced after taking over the rule by Taliban. The report states that release of more frequent statements and video messages also confirm that Taliban has given more space to terrorists.^{xv}



Revival of Sanctions against Taliban

With consistent Taliban's denial to their promised commitments, the world community was confronted with the growing concerns of how to tackle the new Taliban government. The US policy makers also step up their efforts to configure their policy towards Taliban and analyzed three options i.e. initiate engagement with Taliban regime, isolate it or enforce installation of an inclusive government by removing Taliban government.^{xvi} Based on the main objective of the US in the country to mobilize Taliban regime to avoid patronage of terror groups and transformation of Afghan society with accessible human rights, Joe Biden administration decided to reinforce the existing sanctions regime and isolate Taliban till reorientation of their policies.

The US has announced new visa restriction against some Taliban leaders for their repressive policies. The US imposed a cut of \$2 billion through World Bank conditioned to alignment of Taliban's policies. This fund was earlier utilized for salaries and development projects through Afghanistan Reconstructive Trust Fund (ARTF). The financial constraint caused massive drop of purchase power of the country further worsening the food and health crisis. The non-provision of salaries prompted many public servants to flee the country. There are no sanctions on the Afghan Central Bank however, world bank supported by international community have revoked the Afghan central bank to interact with the international institutions (World Bank, IMF, ADB, and others), banking systems and with the banks of the member countries because of non-recognition of the credentials of the bank officials. Two senior officials appointed by the Taliban to serve at the Central Bank of Afghanistan are also listed under US and UN sanctions. Afghan foreign currency reserves (approximately \$9 billion) in foreign accounts have also been seized out of which \$7 billion is at the New York Federal Reserve.^{xvii}

Unlike previous term, the Taliban government has not been recognized by any country due to fear of international backlash. The Muslim countries have also stated reservations against Taliban regime due to the restrictions on women and consistent violation of human rights. Due to lack of international recognition, Afghanistan is deprived of diplomatic, political, economic, trade and financial support deteriorating the stability inside Afghanistan.

Efficacy of Sanctions

With the global isolation and disengagement, Afghanistan has been deprived of foreign aid worsening the economic situation of the country. The US is committed to constantly relegate Taliban regime from accessing any assistance package till alignment of their policies to the international standards.

Today, 90% of the Afghan population is facing food shortage which is on rise on daily basis. The indigenous production capacity of the country has been devastated and face maintenance issues due to non-availability of funds. The price inflation has resulted in shortage of food commodities and has drastically affected the purchase power of the common people.^{xviii} In the absence of international support, Afghan public is likely to face catastrophic situation with greater chances of famine and malnutrition. According to reports, if isolation of Afghanistan continues, 97% population will fall below poverty line by mid-2024.^{xix}



The existing health care system is unable to meet the rapidly spreading diseases in the country. Medicines are very rare and the NGOs are unable to meet the requirement due to sanctions. Moreover, the lack of currency has also impeded the health accessibility of the people. The Afghan health care workers serving the public during previous Afghan government, fled the country due to hardline policies of the Taliban government and its failure to provide salaries. Lack of health care equipment also caused frustration among these workers to abandon their services. Restrictions on women's access to work have further cost the country up to \$1 billion.^{xx}

The lack of development and rehabilitation has impacted the youth progression and employment opportunities. The internally displaced persons (IDPs) have reached approx. 3.5 million who are unable to return homes due to lack of government capacity to rebuild their social identity. Such huge figure has become a burden on the stumbled economy. Moreover, due to prolonged foreign invasions followed by civil wars, the country has been littered with land mines causing threats to lives. The mine clearance operations have largely been affected due to non-availability of funds as well as technology due to sanctions and international isolation.^{xxi} The humanitarian assistance package is extended to address the food shortage, water provision and medicines.

Many analysts have stated that in case of no foreign aid, the Taliban regime would prefer realignment with terror groups in return for the funds. Historically the sanctions have never been effective in changing the behaviour of target states and in most cases, the state's resorted to black channels for generating revenues through black money. Continuous disengagement and no access to international aid would turn Afghanistan into a pariah state vulnerable to terror breeding.^{xxii} Many analysts state that with the international isolation, the Afghan society would succumb to terror groups thus Afghanistan would become a breeding place for such elements once again. Terror groups including TTP, Islamic Movement of Uzbekistan and the Eastern Turkish Islamic Movement will find more space. The increased frequency of bomb blasts and series of terror attacks in the public cannot be handled by current Taliban regime in the absence of international support and intelligence surveillance.

The US believes that due to US opposition, some countries such as China, Iran and Russia would support Taliban government through direct and discrete channels. Although, these countries are wary of Taliban government and would not be comfortable in improving relations in the absence of international community yet they would exploit the country and its government to keep the US engaged.^{xxiii} To prevent exploitation of the country by terror elements and by US's opponents, the US has decided to keep Taliban activities under constant monitoring and engage terror elements from the air. It is under this strategy that the US has pledged to place its forces in the nearby countries and would continue its fight against the terror. The presence of new leader of al-Qaida after Zawahiri would add fuel to the Taliban government relations with the international community.

Due to geographical coexistence, greater intimacy between Pashtun tribes on both sides of the border and past interaction due to joint cause, Pakistan enjoyed a certain degree of influence leading to past rapprochement activities between Taliban and others. Pakistan has also been facing



spillover effects of all happenings in the country. However, at present, Taliban have not acknowledged any pressure and influence and refused to form an inclusive government and respect for the human rights. The differences increased between the two neighbors on the issue of TTP who became more active after the rise of Afghan Taliban in Afghanistan. After August 2021, TTP has increased its terror attacks on the security forces in Pakistan which prompted Pakistan to demand crackdown against them by Afghan Taliban and prevent them to undertake cross border terror attacks. On the contrary, Afghan Taliban government released TTP leaders from Afghan jails which strengthened its future pursuits inside Pakistan. Afghan Taliban have urged Pakistan to initiate negotiations with TTP for peaceful outcome instead resorting to military option. Recently, Taliban have stated their concerns over the Durand line and fencing all along Pakistan-Afghan border clearly reflecting their differences with Pakistan. It is also speculated that with more grip over the country, Afghan Taliban would raise the issues with Pakistani government stirring disturbance in the bilateral relations.

Unlike past, the world community including Muslims and neighbouring countries are reluctant to recognize legitimacy of Taliban government due to fear of backlash from the US and restrictions from the US backed financial institutions. Taliban government would not be able to undertake full scale diplomatic and trade operations until recognition of their legitimacy. The situation would worsen in case Taliban do not adhere to the international demands and implementation of the human rights and prevention of terror breeding.

Way Forward

Stability in Afghanistan and prevention of terror patronage would ensure peace and stability in the world and region. To achieve the long-desired objective of peace in the region, Afghan Taliban should implement democratic values, respect human rights and deter extremism and terror whereas the US led international community should recognize Taliban as a legitimate authority in the country. With provision of foreign aid, food and health crisis can be addressed and rehabilitation process can be accelerated.^{xxiv} To address the humanitarian crisis, the international community adopted UNSC resolution 2615 in December 2021, relaxing certain clauses of the sanctions allowing NGOs, humanitarian organizations and international forums to extend assistance packages to the public. In September and December 2021 and February 2022, the US Treasury issued multiple “licenses” and guidance documents authorizing banks and other entities subject to US law to engage in a range of humanitarian activities and transactions with Afghan government entities necessary or incidental to humanitarian operations or legitimate commercial activities, such as remittances. The UK and several EU governments have issued similar licenses or guidance documents. The US has relaxed the humanitarian assistance to the Afghan public and also provided more than \$1.1 billion for humanitarian assistance to the public.

The US has also made an appeal to the world community for contributing to address the humanitarian catastrophe.^{xxv} On 31 March 2022, \$2.4 billion funds were generated in a donor conference organized under UN auspices to cater for the humanitarian crisis.^{xxvi} To improve the situation in the country and do not allow Taliban to benefit from the Afghan central bank reserves,



the US has adopted another approach of creating “Afghan Fund” based at the Bank of International Settlements in Switzerland that will house half of the \$7 billion in frozen Afghan central bank reserves. The funds will be utilized to pay the teachers and the health workers engaged in humanitarian assistance. Although Taliban have rejected the option yet the US authorities would analyze its efficacy.

Despite these humanitarian assistance and donations, sanctions have held back the humanitarian operations in the country restricting the assistance programme of the international NGOs. Humanitarian assistance provided to the country through different organizations and human rights watch would mitigate the effects of crisis in the country yet would not provide relief to major portion of the public facing challenges. To achieve this, following would be prudent: -

- a. An inclusive government in Afghanistan would be in a better position to prevent terrorism in the country and resurgence of civil war. By involving all stakeholders, peace and prosperity would be possible. To install an inclusive government, a traditional grand ‘Jirga’ would become a promising forum. It would encourage confidence among different fractions who with assigned responsibilities would enhance the integration and deny the resurgence of civil war. Hence the international community should urge Taliban to arrange a grand dialogue of all stakeholders under UN for driving this vision.
- b. Taliban government should extend human rights to Afghan public irrespective of their political affiliation and also allow education to the girls. Policies violating human rights and decision banning women freedom should immediately be reversed. Similarly, Taliban regime should deny use of Afghan soil by terror elements and strict policies should be implemented in this regard.
- c. To guarantee Taliban’s pledge of implementing democratic values with regards to western concerns, all donors, the UN and other international institutions should be allowed to establish a mechanism to monitor human rights and judicious utilization of the donations provided for rehabilitation and development projects. It would allow transparency in use of foreign aid and deny its use for terror activities.
- d. The US led international community should reach a deal with Taliban allowing them to access the international banking system after provision of requisite credentials by Taliban. Afghan central bank be allowed to undertake transactions for development projects, food supply and reconstruction of health infrastructure. However, each transaction and their utilization should be constantly monitored and checked for any undue use and terror sponsorship. The US should also allow license and guidance to facilitate liquidity and availability of paper currency to address the humanitarian crisis.
- e. The world community should review the current sanctions regime against Taliban and devise a mechanism where the general public of the war-torn country are not affected by the sanctions aimed against Taliban. Many other means are available to regulate their behaviour.
- f. The US should allow opening of foreign offices till recognition of Afghan Taliban government. This would facilitate the dialogue process between the Afghan stakeholders including



Taliban under the auspices of the US. It would also remove the barriers in communicating each other's stance. Hence policy of engagement should continue which has been helpful in the past as well. The US should also review its policy and officially recognize Taliban government and open a diplomatic channel in Kabul which would augment the engagement between the two sides. Such engagement would enhance counter terrorism cooperation inside Afghanistan.

g. Pakistan should continue advocating humanitarian and development aid for Afghanistan. It should convince the world community through all forums that sanctions and disengagement policies would render the Afghan society vulnerable allowing reemergence of terror elements. The world community should assess the ground situation in Afghanistan regardless of the policy adopted by the US led world, humanitarian assistance and institutional support must be extended to the Taliban government which would help achieve stability in the country and give a legitimate orientation to the Taliban government. UNDP and certain NGOs might work positively in this regard conditioned with the security which has to be provided by Taliban government.

h. Pakistan should prefer augmenting its own security against Tehreek-e-Taliban Pakistan (TTP) and urge Afghan Taliban to relegate its support for TTP. Information sharing and joint campaigns against terror groups would enhance the security concerns of both the countries and improve their bilateral relations. Concurrently, Pakistan should complete fencing its western borders and convince Taliban government that such measures would prevent cross border infiltration and attacks on each other's posts thus cause improvement of bilateral terms.

Conclusion

International sanctions against Taliban regime have never been effective. During more than twenty years of US presence, Taliban sustained the restrictions and resurged immediately after US withdrawal. The tightening of the sanctions has become devastating for the common Afghan people who are facing food crisis, health deficiency and lack of commodity issues. Hence the general public is under pressure from both sides, i.e. human rights violations from Taliban and sanctions from the UN. Such environment has become vulnerable to exploitation by terror groups. Moreover, Taliban refusal to accommodate other stakeholders in the government would provoke other Afghan factions to raise arms against Taliban with foreign support leading to yet another phase of civil war. To deny space to instability and terror, the world community must review its sanctions regime and initiate engagement policy with Taliban government to help stabilize Afghan society. The NGOs and global forums should be activated to carry out extensive social work and address the issues of education, health and food shortage. Taliban government should guarantee provision of security to all the workers irrespective of their political affiliation, thereby encouraging people to help in the rehabilitation.

Taliban have sustained the trauma of economic crisis due to US led sanctions for more than one year and has alleged the west and US for the economic catastrophe and humanitarian crisis to the Afghan public stirring anti-West sentiments among the people. The hardline Afghan people carrying anti-US sentiments would pave way for their exploitation by the terror organizations. The



US has also failed to achieve desired results from the sanctions and could not affect the behaviour of the Taliban.

End Notes

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