

Paradox of Human Rights Discourse: An Analysis of the Abandonment of Human Rights and the US Withdrawal from Afghanistan

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Abstract:

The US withdrawal from Afghanistan in August 2021 and the subsequent seizure of power by the Taliban could be viewed as polarizing, unprecedented, and a significant setback to the US foreign policy and the liberal order. This withdrawal contradicts the long-standing history of the US advocating for human rights and democracy, making it appear inconsistent with its foreign policy objectives. Moreover, the withdrawal resulted in a series of events, including the systematic destruction of human rights institutions. Given the US's longstanding and tangible commitment to human rights in Afghanistan, this research raises the question of how to make sense of the abandonment of human rights and handing over the power to the Taliban? To address this question, this paper examines relevant IR theories, namely Realism, Liberalism, Constructivism, and Postcolonialism. The research findings reveal a complex relationship between human rights and politics, as demonstrated by the analysis of the US's role in Afghanistan and the transfer of power to the Taliban. The paper argues that while the conceptual and moral framework of human rights is pervasive and compelling, the implementation of human rights is challenging, complex, and frequently overturned in favor of alternative political objectives. As human rights are not independent of political institutions and actors, this frequently creates obstacles to their recognition since political interests overturn moral considerations. Human rights often receive recognition when they align with the national interest.

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Chapter One: Introduction and Case Study:

The US withdrawal from Afghanistan in August 2021 and the subsequent seizure of power by the Taliban could be viewed as polarizing, unprecedented, and a significant setback to the US foreign policy and the liberal order. The withdrawal did not happen out of disparity or a military defeat, rather, it was a deliberate decision by the US that many policy makers precipitated would lead to the collapse of the Afghan government (Al Jazeera [2021](#); Barnes and Goldman [2021](#); NBCNews [2022](#); Mazzetti, The Associated [2022](#)). As projected, power was relinquished to the mercy of the Taliban who had an appalling record of human rights violations and involvement in terrorist activities. The seizure of power by the Taliban took place in the presence of the US forces, prompting only acceleration in the pullout of troops and marking the end of a two-decade long involvement under the banner of the liberal order. While there exist different perspectives on the very nature of the withdrawal, with some viewing it as a milestone to put an end to a never-ending and the US's longest war abroad, others focus on the humanitarian situation in Afghanistan (Asma [2021](#); Coby [2022](#); Vanda [2022](#)). Joe Biden, however, had an unrepentant stance on the withdrawal and stated, “We did not go to Afghanistan to nation-build” (The White House, [2021](#)). Critics, especially among European politicians, highlighted the withdrawal had “damaged American foreign policy”, as well as the “political and moral credibility of the West ” (Karnitschnig [2021](#)).

One of the most striking ruptures connected to the US withdrawal was the shift in the politics of human rights. The US State Department manifests a firm stance on protecting human rights and democracy. As stated, “The protection of fundamental human rights was a foundation stone in the establishment of the United States over 200 years ago. Since then, a central goal of

U.S. foreign policy has been the promotion of respect for human rights, as embodied in the Universal Declaration of Human Rights.”(United States Department of State 2023). With a long history of advocating for human rights and democracy, the US withdrawal from Afghanistan can be perceived entirely at odds with its foreign policy.

The withdrawal was followed by a dramatic turn of events, including the systematic destruction of human rights institutions for which the US spent \$2.3 trillions over the course of 20 years (Human and Budgetary Costs to Date of the U.S. War in Afghanistan, 2001-2022). Despite the fragility of national government and political fluidity, the institutionalization of human rights, democracy, women’s rights and empowerment and freedom of press could be considered the major milestones of the international intervention in Afghanistan. Since the development of the Afghan Interim government in 2001, there has been a substantial effort and demand to integrate international human rights principles into the justice system of Afghanistan.

The renowned engagement of the international community and the UN in economic and socio-political reconstruction of Afghanistan required the alignment of the Afghan judicial system with the international standards and principles of human rights (Wardak 2004, 320). The Afghan constitution, which was released in 2004 and remained in effect until 2021, states in its preamble that it is founded on the principles of Democracy, adherence to the UN Charter and Universal Declaration of Human Rights. The constitution incorporates numerous human rights, including, democracy, social justice, liberty, freedom of expression and protection for human and minority rights by the Independent Human Rights Commission, as outlined in articles 6,7,24,34, and 58 (The Constitution of the Islamic Republic of Afghanistan).

In response to the September 11 attacks, the initial US intervention in Afghanistan was primarily motivated by security concerns, rather than being a humanitarian intervention (Ayub and Kouvo 2008, 641). However, the simultaneous discourse on human rights, particularly, the liberation of the Afghan women played an important role. The declaration of “war on terror” by George Bush brought the discourse on the horrific image of the Afghan women under the Taliban to the forefront. Laura Bush stated that the “fight against terrorism is also a fight for the rights and dignity of women” (Berry 2003, 137). Soon, the state department published a report and highlighted Taliban’s policies that deprived girls from education, work, and freedom of movement. The Taliban regime went through complete defeat in December 2001 after its leader, Mullah Omer left the country (137). The UN passed a resolution for establishing a transitional administration with a mission of sending troops for “peacekeeping” and promoting “stability” under the resolution 1378 (137). In December 2001, under the Bonn agreement, the political landscape of modern Afghanistan was sketched with a centralized democracy, human rights and the establishment of institutions to protect them. This includes the establishment of a Human Rights Commission, and the “proliferation” of organizations advocating for transparency on human rights issues, including the establishment of “human rights units” within institutions (Katzman and Thomas 2017, 14).

As the ISAF coalition security mission came to an end in 2014, the Taliban became most resurgent since the overthrow of their regime in 2001 (Azimi 2015). Although Barack Obama's initial plan was to withdraw the troops in 2014, however, due to contested territories falling back and forth between the Afghan government and the Taliban, he altered his plan. In 2015, he stated that Americans had to be patient and did not withdraw the troops (Sopko 2021, 19). Incentives grew among US policy makers that a purely military solution would not be successful.

When the US decided to establish a means of communication with the Taliban, they were allowed to open an office in Qatar in 2011 (Behuria Hassan and Sahora 2019, 129). In 2015, informal talks coordinated by the Pugwash began with the Taliban. This was followed by a series of talks by the Quadrilateral Coordination Group (QCG) in 2016 (Behuria Hassan and Sahora 2019, 129). The QCG consisted of delegates from Pakistan, Afghanistan, China, and the US, and their goal was to resolve the Afghan conflict. However, when news broke of the Taliban's leader Mullah Akhtar Mansur in 2016, the talks were halted for a prolonged period (Behuria Hassan and Sahora 2019, 129).

Under the Trump administration, US foreign policy towards south Asia and military presence changed and the focus was on political settlement (Thomas 2018, 2) and fewer troops. US rhetoric towards Taliban shifted towards seeing them as a strategic partner and political party. US Afghan peace negotiations began in 2018 under direct talks and diplomatic missions under Zalmay Khalilzad appointment as US special representative for Afghanistan (US Department of State, 2023) reconciliation with a mission to settle the conflict and achieve peace agreement. Trump's approach to the peace talks was framed as "Afghan-led and Afghan-owned" (Brooking 2022, Thomas 2018, 2). After a series of diplomatic negotiations by the delegates of the US and the Taliban, the two parties signed a peace agreement in 2020 in Doha, in which the Afghan government was excluded (Thomas 2018, 2). The key preconditions of the agreement were a ceasefire, "counterterrorism assurances", intra-Afghan negotiations, and a withdrawal timeline (Maizland 2020). The Doha agreement is criticized for weakening the Afghan government and helping the Taliban get "stronger" (BBC News, 2021). As per the agreement, the US ceased its drone strikes and the Taliban intensified its attacks on the Afghan security forces and expanded its territory" (BBC News, 2021). Despite being a notable achievement of

the 20-year international and US presence, women's rights have now made Afghanistan the world's worst place for women, being the only country to deny female's access to education (Safi, 2023). In spite of the alleged amnesty by the Taliban, human rights violations have risen dramatically. Organizers of human rights protests and their families are the target of the Taliban with many incidents of electric sprays, door-breaking, and forced confessions from protestors (Amnesty International, 2023).

In February 2020, delegates of the US and the Taliban signed an initial Peace Agreement in Doha which included an outline for the US withdrawal had everything been followed by the Taliban as per agreement (Agreement for Bringing Peace to Afghanistan, 2023). The Congress emphasized and called for a “Afghan-led-Afghan-Owned reconciliation Process” (Congress 2019). Joe Biden’s initial deadline for the withdrawal was September 11, to mark the 20th anniversary of the 9/11 attacks(BBC 2021) but the actual withdrawal turned out to be hastier and the US completed the Evacuation process on August The first half of 2021 marked the deadliest period in Afghanistan in a decade as the Afghan military forces and the Taliban were engaged in intense fighting and the US continued the withdrawal process(The IRC 2023). Given the US longstanding and tangible commitment to human rights in Afghanistan, how do we make sense of the abandonment of human rights and handing over power to the Taliban? To answer this question, this paper draws on relevant IR theories, namely, Realism, Liberalism, Constructivism and Postcolonialism. To understand the transition from human rights defender to handing power to a known violator of human rights. This research will contribute to the literature on the US as a liberal state and its juxtaposition to the changing modality of human rights. The paper argues that while the conceptual and moral framework of human rights is pervasive and compelling, the implementation of human rights is challenging, complex, and frequently overturned in favor of

alternative political objectives. As human rights are not independent of political institutions and actors, this frequently creates obstacles to their recognition as politicians prioritize their own political interests over moral considerations. Human rights get acknowledged when they are in line with the national interest.

There is an extensive literature on negotiating with terrorists, insurgents, conflict settlement and management. While some scholars are critical about any communications with insurgent groups, others see it as the lesser of two evils. Neumann argues that “Democracies must never give into violence, and terrorists must never be rewarded for using it. Negotiations give legitimacy to terrorists and their methods and undermine actors who have pursued political change through peaceful means” (Neumann 2007, 128; Toros 2008). Spector and Ilan, in contrast, favor negotiating with terrorists, as a no-negotiation strategy leads to more lethality and escalates violence (2003; 2015). However, the deliberate handing over of political power to an outrageous human rights abuser is perhaps not so common in the literature on peace negotiations and conflict settlement, especially from a strong advocate of liberal democracy and liberal order. This research can contribute empirically and conceptually to the US justification for handing over power to the insurgent group of the Taliban. Drawing on liberal interventionism, power transition and negotiation theories, it would be reasonable to anticipate that the US would adopt a liberal approach and take a series of actions to marginalize radical groups like the Taliban and to support the Afghan government in maintaining its position.

Chapter one is an overview of the US discourse on human rights and different junctures and important background to the case study. Chapter two examines the development of the human rights regime and its problematic intersection with politics. Chapter three runs through the selected theories of Realism, Liberalism, Constructivism and Postcolonialism to understand

the extent these theories can be helpful in explaining the human rights situation at the time of the withdrawal in Afghanistan. Chapter four concludes the thesis by outlining and summarizing the main findings

Chapter Two: The Politics-Human Rights Nexus: The Utilization of Human Rights within the World of Politics

The concept of human rights could arguably be considered one of the greatest achievements in the realms of scholarship, politics, law, and intellectual discourse throughout human history. One might wonder what makes it so universally appealing, even among those who may or may not believe in its principles. It is embraced and deployed across the political spectrum, by liberals and conservatives, and even notable adherents of communism like Stalin.¹ The Taliban have also exhibited their familiarity with the principles of international law and human rights by referencing international criminal law in their public statements regarding their opposition to the United States' drone operations in Afghanistan (Al Jazeera English, 2021). Where does all the fuss about human rights come from? If the concept of human rights is so fulfilling, what leads to major violations, especially by countries that advocate strong stances on human rights, such as the US? This chapter delves into the significance of human rights rhetoric and the need for a discursive approach to studying human rights. The chapter proceeds with the intersection of politics and human rights and how the former poses an obstacle to the latter in forms of structured violation of human rights.

Significance of Human Rights Rhetoric:

Ignatieff observes that human rights can be described as a type of "idolatry" or "humanism worshipping itself" (2011, 53). The moral basis of human rights is so strong and compelling that it is difficult to argue against it. The language of human rights is recognized as

¹ A notable example would be Stalin's utilization of liberal constitutions and the implementation of "regulated elections" as a means to project an image of respecting human rights." (Cited in Forsythe 2012, 12).

having a significant impact across different settings, including electoral campaigns, public policy decisions, and even military interventions in foreign nations (Jahren 2013, 1). As there is no superior alternative to this concept, it is more appealing to identify with those who advocate for the concept of human rights (Szczepanik 2014, 16). While it is true that the rhetoric of human rights has become a "globally accessible moral and legal language" (Szczepanik 2014, 13), it is often used for political purposes as "a point of reference" (14).

Discursive Approach to Human Rights:

The language used for human rights "is never neutral, and [...] words do not just describe the world, but actually help to make it" (Jahren 2013, 6). In other words, scholars of international relations often refer to this as a discursive approach, which is based on a specific agenda.

Jackson observes, for instance, that the war on terror is not an "objective or neutral reflection of reality... it is a deliberately and meticulously composed set of words, assumptions, metaphors, grammatical forms, myths and forms of knowledge— it is a carefully constructed discourse – that is designed to achieve a number of key political goals" (2005, 2). Jackson's observation shows that the rhetoric of human rights is persuasive, rational and based on self-interest. It entails selectively choosing particular realities and facts in order to construct narratives that may not necessarily be true or objective. Stated differently, the utilization of human rights rhetoric necessitates a more discursive approach to map out and make sense of different realities and positionalities and should therefore not be regarded as simplistic or straightforward. In short, human rights require interpretation, and a "discourse 'delineates the terms of intelligibility whereby a particular reality can be known and acted upon'" (Stritzel 2012, 551).

Quite often, within the human rights regime, certain discourses are zoomed in and become prominent strategically while marginalizing and excluding others. This can be better illustrated by the US's continuous effort to push back any investigation for human rights violations in Afghanistan by the members of the International Criminal Court (ICC). The ICC has made continued efforts to launch an investigation, but the US has persistently resisted. For example, during the Trump administration, the US government threatened retaliatory actions against ICC staff and member countries if they investigated US or allied citizens (Human Rights Watch, 2022). In a similar vein, US Secretary of State Mike Pompeo declared in 2019 that any ICC officials taking part in any potential investigation into alleged US crimes in Afghanistan would face visa bans (Human Rights Watch, 2022). In addition, the ICC court prosecutor wrote in a statement that he would only look into crimes committed by the Taliban and the Islamic State of Khorasan when there were rumors about investigating 'crimes against humanity' and 'war crimes' in 2020 (Speri, 2021). Other alleged actors, including the US and its close ally, the former Afghan government, were left out of these investigations who also happen to have a high record of human rights crimes and violations.

To put this into an IR perspective, scholars of Ignorance studies in IR have focused the significance of the "other side of knowledge" within ignorance, especially in the context of "governing through non-knowledge" (Aradau and Perret 2022; McGoey 2019; Gross and McGoey 2015; Proctor and Schiebinger 2008;). Only some knowledge gets the status of credibility and not others what Foucault called "subjugated knowledge"(Foucault 1980, 81). The above lack of strategic stop of investigations can be considered as "knowledge injustice" which is the denial, marginalization of certain truths, often by governments to avoid undesirable outcomes (Davies, Isakjee and Obradovic-Wochnik 2022; Egert and Allen 2019). Linsey

McCoy coined the term strategic ignorance which refers to “any actions which mobilize, manufacture or exploit unknowns in a wider environment to avoid liability for earlier actions.”(2019, 3). The US has been precisely using the practice of "strategic ignorance" as a means of dealing with its complicity in a variety form of human rights abuses and transgressions.

Politics and Human Rights Intersection:

The scholarship surrounding human rights can be classified into three categories, namely, political, legal and philosophical (Evans 2015, 37). Evans notes that the legal discourse is the most prevalent, while the philosophical discourse has diminished in relevance, and the political discourse has been marginalized (2019, 40). The underlying reason for the marginalization of political discourse is the so-called “human rights regime” which relies on international law rather than certain political groups (Evans 2019, 410). The political discourse is often ideological, and therefore regarded as an obstacle to the progress in human rights implementation (Evans 2019, 39). Beitz argues that positing human rights as merely ‘political conception’ might also be “excessively pragmatic” (2001, 12). “Human rights are political, not in the source of their authority, but in their role in public ethical life” (Beitz 2001, 12). Beitz emphasizes on the moral grounds of human rights, and states that any exposition of human rights should take into consideration the political context, and as such, not exclude moral considerations that would depend on it (2001, 12).

Regarding the legal neutrality of human rights, Freeman observes that lawyers and legal advocates of human rights rely on *legal positivism*, meaning that “Human rights are what human-rights law say they are”. However, Human rights are a result of political interpretation that are subject to different interpretations and contestations. The Universal Declaration of Human Rights

(UDHR), for example, was liable to different interpretations and intense debates and the final draft was achieved by an extended series of votes (Freeman 2017, 21). While it is true that human rights have been incorporated and “*codified*” into the legal structures of national and international law, it would be misleading to neglect the political nature of human rights (Freeman 2017, 23).

There are other scholars who observe that the empirical aspect of human rights is fraught with difficulties, as considerations of bias, partiality and favoritism are present in the decision-making process. Hafner-Burton in her book states that the international human rights legal system “is both a successful articulator of global norms and yet also a gridlocked promoter, almost powerless to put its own aspirations into practice.” (Hafner-Burton 2013, XVI). Burton highlights the structured, historically rooted favoritism within the United Nations. She provides an example of the “name and shame” tactic employed by the UN in the belief that public censorship would mobilize peer pressure from actors and governments. However, countries participating in UN peacekeeping operations were less likely to be condemned for their transgressions and violations. Similarly, commissioners were reluctant to pick up the countries of other commissioners or powerful states, despite evident proof of human rights abuses (Hafner-Burton 2013, 69).

Structured Violations and Impunity:

The politicization of human rights is inevitable as the UN needs to cooperate with governments who are often major violators of human rights (Freeman 2017, 22-23). Landman contends that the actual success of human rights does not depend on the strength of moral and legal arguments, but the implementation is enacted by actors, who in turn would create

incentives to mobilize human rights or act in ways that would undermine them (2005, 551). In other words, while human rights are based on moral grounds, its implementation is carried out by political actors who at the same time are the violators, too. Douzinas in the *Human Rights and Empire* notes that human rights are based on moral principles whereas “The business of government is to govern, not to follow moral principles.” (Douzinas 2007, 180). Douzinas further adds that the problems of human rights is the conflation of “morality with power” as the “the two [are] allegedly opposing principles” (Douzinas 2007, 178).

As pointed out by Ignatieff, the “human rights language has become a source of power and authority. Inevitably, power invites challenge” (2001, 1). Although human rights are supposed to be above politics, its conflation with power proves it otherwise. Human rights are designed to share power vertically and “to resist public and private domination” (Douzinas 2007, 178). However, in the codification of human rights, major powers had an important role and were primarily set by them. This offers certain leverages over the monopoly of power (Douzinas 2007, 180) in its classical sense maintains the monopoly of violence. This could also imply that powerful states conceive themselves above the law which may lead to committing acts of impunity and use the rhetoric of human rights to shield themselves from critics. “Government-operated international human rights law is the best illustration of the poacher turned gamekeeper” (Douzinas 2007, 180). In other words, governments are often the main perpetrators of human rights violators whose primary interest lies not in respecting human rights, but in violating them. They often shift their stance from being violators to becoming advocates for human rights, similar to the transformation from the role of a "poacher" to a "goalkeeper". In the words of Goodheart, “unless the promotion of human rights is in the national interest why would it be rational for states to pursue such goals?” (2016, 46).

Governments are primarily driven by their national interest and “political considerations” and morality often plays a secondary role in response to “political adversaries” in the aftermath for “condemnations” (Douzinas 2007, 180). Douzinas suggests that the invocation of moral aspect of human rights is often used to criticize other actors for their violations, serving as a strategy to assert moral superiority or demonstrate respect for moral values. On a similar note, there is a strong correlation between those who hold a strong grip over power and those who commit human rights violations. “Great power and great crime are inseparable. Those with great political and economic power can...send thousands to their deaths or consign millions to lives of unrelenting want and misery. When economic and political powers pursue common interests, the potential for harm is magnified” (Kramer and Michalowski 2006, cited in Welch 2009, 4). To sum up, power plays an important role in both shaping the discourse on human rights and the leverage powerful states had over designing and implementing human rights also leads to a structured recurrence of impunity.

The subtle denial of human rights is yet another common form of impunity that can occur both through discourse. Building on Cohen’s denial discourse and the “culture of impunity”, Welch discusses three relevant scenarios for the denial of human rights. Denials refer to a set of claims that assert that a particular something did not happen. In scenario one, it is true that the event did not happen. In the second scenario, an event occurred but someone is denying its existence in order to cover up their wrongdoings or to mislead or deceive a broader audience. Scenario three which is more complex and may fall into either category of either telling the truth or intentionally hiding the information. This would lay somewhere where “one simultaneously knows and does not know.” (Welch 2009, 164-165). In this scenario, by stating that “I did not

know”, it implies that the person knew indeed, but it is either “turning a blind eye” or “looking the other way” because of distressing incidents.

When collective and organized, denials become difficult to find out, especially for government and political leaders who try to distance themselves from those subject to human rights abuses and simultaneously loosen accountability mechanisms, especially for those working for the military (Welch 2009, 165). ‘Imperial denial’ refers to a strategy of former colonies by “controlling without owning” (Welch 2009, 25). Ferguson states that American involvement in the War on Terror, both in Afghanistan and Iraq, has been based on an "imperial project" that American politicians find hard to accept. The "imperial denial" is practiced among both liberals and conservatives in different forms and is an easy way to cover up and "justify" military operations that are full of violations (Welch 2009, 25). Imperial denialism is also a practice of cultural exceptionalism where one sees themselves above the law and despite massive evidence of violations, they feel impune to the rule of law (Welch 2009, 158). Finally, denial can also reach on the “nature of ideology” or certain ideologies that could include the denial of moral legitimacy, fair trial or torture programs (Welch 2009, 168).

An Alternative Perspective on Impunity:

While the above commentaries may reflect a *realist* perspective on the intersection of power and human rights, what explanations would a liberal outlook provide on the prevalence of impunity, which is most relevant to the development of human rights. Rangelov and Theros studied the bright side of impunity in the war on terror. They argue that some violations and impunity are inevitable and indeed needed to sustain the liberal peace model. Rangelov and

Theros observe that there is a certain “logic” behind the “prevalence and persistence of impunity” (Rangelov and Theros 2019, 403-404). This logic is exemplified in the war on terror as there has always been “trade-offs” between the violations of human rights of a small group for the security of a greater audience”(Rangelov and Theros 2019, 403) At the local level, impunity is also diffused for the “culture of cooperation””(Rangelov and Theros 2019,404). In fragile states, for example, and in the absence of a functioning state, the monopoly of violence becomes more vertical among local warlords and insurgent groups. To get the local support, some impunity is needed with certain groups who simultaneously also continue humanitarian atrocities” (Rangelov and Theros 2019, 404). While there is selectivity on which violator to cooperate with and which group to fight against, impunity usually aligns with those who share the same political agendas and goals. For example, the Northern Allies, another local militia group in Afghanistan who also have a rigid history of human rights violations, were strongly supported by the US in the fight on terror. They were offered key institutions at state, defense, interior, Directorate of National Security (Rangelov and Theros 2019, 410).

Singling out a specific enemy and focusing on them becomes more compelling than addressing multiple violators of human rights. Often, the concentration is placed on the enemy who does not align with one's interests and highlights them as perpetrators of human rights violations. “This strategy proved to be more effective in creating an enemy than eliminating one” (Rangelov and Theros 2019, 404). Protecting those who committed crimes against humanity and creating a suitable environment, keeps the other enemy out of the status quo and by means of degrading their political and economic influence” (Rangelov and Theros 2019,410). In exchange for their cooperation, they are getting impunity for their crimes. Certain groups gained stronger control over resources and that led to the marginalization of others” (Rangelov and Theros

2019,410). The construction of “Friend-enemy antithesis” suggests that there is a certain enemy that has to be prosecuted” (Rangelov and Theros 2019,409). This creates a sense of support and justification of sets of actions under the human rights regime. It is easier to deal with one enemy rather than many. In situations where there are multiple, it is best to conflate them with that one enemy, as was the case of “Conflating Taliban with AL Qaeda” (Rangelov and Theros 2019,409). All in all, some impunity is required as a means for serving greater purposes, and in this case to fight against the war on terror and work for global security, certain human rights violations had to be disregarded.

While impunity happens among different actors and at various levels, only some make it to the main discourse and other discourses remain marginalized or become insignificant. For example, in the aftermath of the September 11 attacks, the actions of the Taliban and the discourse surrounding human rights became a key aspect of US foreign policy and their actions were heavily criticized. During the Construction of modern Afghanistan in Bonn 2002, the Taliban were excluded from the talks while other insurgent groups were present. However, twenty years later, only the Taliban were invited for negotiations with the US and the Afghan government was excluded. Despite the Taliban’s atrocious human rights violations, the US completely disregards the discourse on human rights.

What is more striking is the changing nature of impunity, which includes changes in the image of the common enemy or sometimes the absence of the enemy. It can be concluded that while there is a consistent violation of human rights, they become secondary in at least legal aspects, political and national agenda. The discourse of human rights by politicians especially is used as a facade for determining nationalistic interests. When there is a common interest, the

same enemy can turn into a strategic partner and diplomatic partner and could be handed over political authority. The following chapter discusses how relevant IR theories interpret the politics of human rights and how would they explain the US politics and the withdrawal from Afghanistan.

Chapter Three: Theoretical and Analytical Discussion:

The purpose of this chapter is to apply different IR theories to the concept of human rights and examine their relevance. Robert Cox defined the purpose of a theory as "for someone or some purpose" and that "all theories have a perspective... [which] derives from a position in time and space, specifically social and political time and space" (1981, 128). Cox suggests that a theory is developed with a specific purpose and is shaped by various historical, political, and social factors. Cox further argues that as social realities change, theories should adapt, highlighting their temporal relevance (1981, 128). Since each theory has a specific focus and explains one aspect of a case study, the adoption of multiple theories for this case study would illuminate different aspects of the human rights regime, especially its changing nature, which includes both the adoption and abandonment of human rights in Afghanistan.

Additionally, human rights operate at multiple levels and involve numerous actors. Therefore, relying solely on one theory would limit the analysis and not do justice to the examination of the various actors involved. To study the various interpretations, a more comprehensive, cross-theoretical analysis is provided with the intent and hope of offering a more nuanced and comprehensive analysis. From an IR standpoint, three relevant political discourses on human rights are, realism, liberalism and constructivism and postcolonialism. The end of the Cold War symbolized the "'springtime' for human rights and liberalism" and the war on terror led to fragility and contentions over human rights (Vincent and Vincent 1981, 1). The realist and liberal discourses have a long history, and are often associated with the dominant influence of the global south and nations with strong political and economic powers. As a critical response to the

effects of colonialism and the imposition of liberal values such as human rights, postcolonialism theory emerged.

The concept of human rights is considered one of the most significant accomplishments of the liberal school of thought. It asserts that there is no other principle or standard that surpasses the idea and value of human rights. While it is true that the current international system is primarily managed by states and NGOs serve as intermediaries among states. However, this research does not focus on the role of NGOs and institutions and from a realist perspective, NGOs are primarily managed by states, and only a small number of powerful states have more agency in shaping and implementing the agenda. In other words, state-centrism is still prevalent and that is the primary focus of the realist school, which frequently subverts the principles of human rights. The norm of human rights, however, is a socially constructed phenomenon that constructivists believe would require certain prerequisites to come into effect. A constructivist perspective can provide insight into the processes of norm diffusion and conformity. Finally, a postcolonial perspective could potentially enrich the discussion on the formulation and deployment of ideas and norms from a top-down approach. It would also consider the perception of the norm at the local level and the potential complications that might follow from a lack of local agency and inclusion in decision-making. This perspective would challenge those at the top level and their efforts to enforce and impose established norms.

As this research studies the sudden shift in the United States' position on human rights in Afghanistan, it would be necessary to analyze the reasons why one might not have anticipated the withdrawal of US forces and the handover of power to the Taliban in the first place. To begin with, liberal internationalism theories emphasize the process of democratization and the

deliberate exclusion of extremist groups from “active politics” in “war-shattered” countries (Paris 1997, 58). As the founder of this concept, Woodrow Wilson asserted that the reason behind a conflict is the “undemocratic nature of international politics” and that promoting democracy and human rights is the solution (Dornan 2011, 1). Additionally, in foreign relations, it is expected to “protect individual freedoms in other states”(Paris 1997, 59). Based on this theory, it would have made more sense to support a relatively democratizing regime in Afghanistan, rather than extremist groups, especially after the twenty-year-long democratic efforts in the country. Despite the fact that there were significant challenges within the Afghan regime, it was still better than the Taliban. It is not the claim that Afghanistan is or was a good example of democracy and human rights, and the international community was well aware of it, including the former US presidents. As Barack Obama once stated that “Afghanistan’s elected rulers, though deeply flawed, were much better than the jihadists they had replaced, and should be protected.”(The Economist, 2021).

According to power transition theory, the international system is more “ordered” than “anarchic” and the dominant power has the capacity to influence other actors according to its preferences and interests (Lebow, and Valentino 2009, 390). As such, the dominant power tends to be more potent and there exists a hierarchy of powers ranging from great, middle to small powers in number (Lebow, and Valentino 2009, 392). From a geopolitical point of view, the US withdrawal was unexpected and did not conform to the predictions of power transition theory. As per this theory, the dominant nation maintains its hegemonic position in the international system by perpetually increasing “national power” (Lia 2011, 5). Given neighboring China’s rising power, the complete abandonment of Afghanistan and thereby the region may not have

been the most prudent course of action. As this has created a power vacuum and could easily be fulfilled by China. Indeed, under the Biden administration, the number of American soldiers significantly dropped and at the same time there were no casualties of American soldiers in Afghanistan (The Economist 2021). It would have been relatively inexpensive to maintain a small force in place to ensure the security of a larger number of NATO troops who were training Afghan forces. NATO could have remained in Afghanistan had the withdrawal not taken place (The Economist 2021). The following section pays a closer attention to the understanding of realism, liberalism and postcolonialism theories in regards to human rights.

Realist Perspective: Human rights and US Withdrawal

The Realist school is skeptical about the nature of the human rights regime in general. Calsla contends that realism offers the tools for a political critique of international law that help us unravel why certain claims are made under the name of human rights (Casla 2018, 143). States might utilize human rights in order “to gain short-term benefit and raise international legitimacy” (Landman 2006, 46). While the realist school generally tends to be cynical of human rights, Freeman points out to a more neutral and distant position. He states that realism “can explain neither the introduction nor the increasing influence of human rights in international relations” (Freeman 2017,131). For realists, either human rights do not matter or they are only used as a tool by the strong to impose their hegemonic rule over the weak states (Casla 2018, 145). Goodheart asks rhetorically why would states need to respect and promote human rights “unless the promotion of human rights is in the national interest”. (2016, 46). He adds that adherence to “the universal moral law can be simply techniques to hide the pursuit of narrow

selfish interest.”(Goodheart 2016, 46). Evans contends that the discourse around human rights frequently legitimizes dominant political discourse and practices rather than those in vulnerable positions (Greedy 2003, 745). International human rights agreements are nothing more than vehicles created by powerful liberal governments to promote their interests, and there is no reason to expect these agreements to change the behavior of governments, especially when they lack solid enforcement mechanisms (Hafner-Burton 2005, 1378). Evans states that realism has moral grounds as it clearly distinguishes between international and *political theory*. Political theory is concerned with the notion of ‘good life’ and a moral community of shared values and beliefs. International theory is more concerned with the security dilemma and ways of keeping the nation state secure (Evans 2015, 56). Realism in a nutshell has a very steady and unchanging nature of interactions between states always concerned about anarchy and “the pursuit of coercive power is the best means of securing the normative order” (Evans 2015, 57).

Liberal Perspective:

One of the cornerstones of the liberal order is in its emphasis on the institutionalization of human rights at its core. Liberalism as a theoretical and practical approach is concerned with the implementation of liberal ideas, mainly through human rights instruments and documents (Charvet and Kaczynska-Nay 2008, 1-2). Human rights have become an integral part of modern society and the discourse surrounding it is not new but an outcome of a long-standing political struggle aimed at obtaining moral legitimacy. Prominent liberal thinkers Ignatieff and Gutmann have observed that “Human rights are a political set of claims that seek to enhance and defend the powerless against the powerful.” (Ignatieff 2003, 47). In practice, however, “The crisis of human rights relates first of all to our failure to be consistent—to apply human rights criteria to the strong as well as to the weak” (Ignatieff 2003, 47). The greatest discrepancy in violations lies

often between the strong and the weak, both of which are at the apex of human rights violations (Evans 2015, 12).

Howard and Donnelly argue that "human rights require liberalism"(Mitchell, Howard, and Donnelly 1987, 921). They add that while individual rights are important for liberals, the good of the community as a whole is more important"(Mitchell, Howard, and Donnelly 1987, 923). Mutua argues that for any historical ideologies and movements, whether nationalism or free market economy, some level of myth making is needed to transcend them from their "earthly mornings." In the case of liberal democracies, this myth is formed by the "human rights corpus" (1986, 592). The idea of human rights is not new, only the institutionalization is new which requires a liberal regime (Mitchell, Howard, and Donnelly 1987, 801). Some scholars have traced it back to the origin of the human race, and that "all philosophers of our time" uphold human rights. A key element of the liberal order is in its adherence to the liberal norms that endorse international cooperation, human rights, democratic values and the rule of law (Meiser 2018, 22). Following the end of the Cold war and in line with international cooperation, leading liberal states, such as the US and the UK adopted an "ethical Foreign policy" which focused on human rights (Ivan 2009, 437). During President Bill Clinton's presidency, human rights were declared to be the central pillar of its foreign policy. Advancing human rights must always be a central pillar of America's foreign policy." (Ivan 2009, 437). The rhetoric has stayed the same under Biden's administration: "President Biden is committed to a foreign policy that unites our democratic values with our diplomatic leadership, and is centered on the defense of democracy and the protection of human rights" (US Department of State, 2021).

Constructivist perspective:

According to constructivists, ideational factors also influence and shape a state's behavior. As stated by Cardenas (2004), the efficacy of the human rights norm depends upon the firmness, recognition, and the institutionalization of the international norm at national, regional and global level. As there is growing support for the institutionalization of human rights as a norm, it is expected that states are bound to increasingly comply with the norm (Cardenas 2004, 215). To take into account regional compliance, it is common for states in close proximity to share a common identity, and cross-communication can facilitate the diffusion of international norms within the region. At the local level, compliance depends on the extent to which international norms resonate with national norms and whether they are perceived as legitimate within the local context or not (Cardenas 2004, 215). When the benefits of compliance are outweighed by the cost of noncompliance, states may opt to violate human rights. Conversely, when the cost of noncompliance is high and the benefits of compliance are low, states may opt for conformity. When institutions and legal frameworks are weak, and transaction costs outweigh reputational benefits, states tend to violate human rights more frequently (Cardenas 219-220). When the conditions for compliance are either missing or weak, violations rise—states either violate because of inadequate resources or deliberately. Yet constructivism faces a challenge in the form of "ubiquity" which refers to its inability to predict "which norms will prevail" Violations of the norm depend on the conditions that justify compliance. States may violate international norms when transnational communications fall apart, civil society becomes weak, or there is a lack of cultural compatibility between national and international norms (Cardenas 2004, 220).

Postcolonial Perspective:

"Post-colonial theory examines the silenced expressions and subordinated practices that occur on the margins of power and brings them to the center of analysis" (Madison, 2005, 49). From a postcolonial perspective, the discourse on human rights is traditionally dominated by powerful actors. The Universal Declaration of Human Rights (UDHR) adopted in 1948 serves as the foundation of international human rights emerged in the aftermath of military atrocities committed in Colonial Europe and America. While human rights are often framed as universal, anticolonial scholars are skeptical about the universality and find it unconvincing and problematic (Saghaye-Biria 2018, 59-60). According to Szczepanik (2014), the concept of human rights was primarily developed in the West and rests on Western norms, ideas and "reality" (15). In global politics, the universality of human rights is enforced by the so-called "international community" (Szczepanik 2014, 16). The concept of "international community" serves as a basis for the justification of any coercive measures taken to stop or address severe human rights violations in nations that have failed to protect their own citizens. The substitution of Western ideals for universal ones can be attributed to the absence of superior alternative concepts for human rights. Szczepani challenges the notion of "international community" which is typically attributed to academics, politicians, and nongovernmental organizations that uphold higher moral standards (Szczepanik 2014, 15–16). However, in practice, the international community is frequently referred to as the United States and its allies (Szczepanik 2014, 16).

Saghaye-Biria observes that Western powers and the United States in particular are typically criticized for double standards to human rights both domestically and globally. She adds that those in positions of power wield human rights when challenging and pressuring their adversaries (Saghaye-Biria 2018, 60). Oliver Richmond, in his post-liberal piece, observes that

the problem with liberal models is often the hierarchical split between the liberal elites and the locals who are perceived as "homogeneous, disorderly and Other". Richmond advocates for a bottom-up and everyday approach, which would offer more agency to the locals rather than the liberals (Richmond 2009, 324). A bottom-up approach seems promising and can grant more agency to the locals and at the same time, challenge dominant discourse.

Realist Analysis:

The US invasion was primarily prompted by a security dilemma after the 9/11 attacks as the Taliban were harboring Osama bin Laden and refused to hand him over to the US. However, the security dilemma gradually faded away as a coalition of NATO allies executed its security mission between 2001-2015. With the advancement of surveillance security and US's control over the radar and air force of Afghanistan, US involvement was no longer relevant to the national security of the US or the war on terror. Moreover, the Doha Agreement emphasizes on a key security agenda that the Afghan territory should not be used against the US and its allies as one of the main conditions for the completeness of the US withdrawal. Biden's firm stance on the US withdrawal asserting that the US had already achieved its goal may offer some explanation to the lack of human rights discourse in Afghanistan. If Biden's claim was to be reasonable, the withdrawal should have taken place much earlier and there would be no need to keep spending billions of dollars and resources. Nevertheless, realism is primarily about structural level analysis and not changes. His statement can reinforce the consistent nature of US foreign policy based on realism and which may easily disregard human rights. As realism is traditionally concerned with national interest, in many ways the withdrawal serves in the national

interest of the US. Amid the COVID pandemic and the US's economic recession, staying in Afghanistan would require allocating additional resources and without any significant benefits in return. Additionally, the country's human rights and political situation had already been in a stalemate, making it difficult to progress and achieve anything on either side. Applying realism's strong emphasis on hegemonic power would only provide more questions than answers. Whether the resurgence of the Taliban is the outcome of the US failure to impose a hegemonic role, or whether the twenty-year long involvement was a short-term strategy to gain legitimacy?

Liberal Analysis:

The US intervention in Afghanistan was initially focused on security issues and the war on terror. As the US maintained greater control through military bases and air force, the focus shifted towards a Western mode of statebuilding that emphasized democracy and human rights. However, the recent collapse of the Afghan government and the seizure of power by the Taliban does not go hand in hand with liberal values. Yet, there are certain elements that may be in line with liberal values. Liberalism advocates for the rule of law, democracy and peaceful conflict settlement when possible. The fact that the US allowed the Taliban to sit on negotiating tables could be seen as promising for democracy and diplomacy (Spector, 2015). Where possible, every measure has to be taken to stop war through diplomacy primarily for humanitarian purposes as in its absence, conflicts result in civilian and humanitarian casualties. The agenda to cease a conflict and move from a battlefield to encouragement of human rights merits liberal values. The US proposed a model to reach an intra-Afghan Peace settlement with the Taliban which entailed a number of (post)liberal reforms. The module acknowledged the importance of a ceasefire, constitutional amendment in which the Afghans would have more agency in deciding over power-sharing and more inclusivity. This model is in line with the literature on hybridity and the

importance of local agency as suggested in the study of postliberal interventions (Richmond 2009).

Constructivist Analysis:

The constructivist norm compliance offers several relevant observations in Afghanistan, where most of the prerequisites for compliance are absent. While human rights have already been institutionalized around the world, the US is often criticized for being at the lead of human right violations. Helen Stacy advocated in 2003 that “We live in a human rights culture” (2049). Human rights is now the “lingua franca” of communication between citizens, nations and groups (Helen Stacy 2003, 2014). In response to Stacy, Mertus argues that while it may be true that the world is living in human culture “but to claim that Americans live in a human rights culture is a gross overstatement” (Mertus, 193.) A culture is referred to as a set of shared beliefs integrated into the lives (Mertus 193). Although the language of human rights is prevalent and a necessary step in building the human rights culture, it is not enough- a human rights culture might only prevail when people see through the sense of human rights and become a code of seeing the world. (Mertus 193-94). Julie Mertus, a well-known author on human rights and author of the Bait and Switch states that “America has a human rights talk without a human rights culture”(“Human Rights and U.S. Foreign Policy: A Bait and Switch?", Wilson Center, 2004). Speaking of the regional context, Afghanistan is surrounded by major violators of human rights and mostly authoritarian regimes, namely Iran, Uzbekistan, Turkmenistan, Tajikistan, Pakistan and China.

Unlike other regions like Europe, the Americas, or even Africa, where there are institutions dedicated to human rights advocacy, such as *The Council of Europe and European Union, the Organization of American States, and the Banjul Charter and the African Commission on Human Rights*, there are no similar regional institutions to advocate for human

rights or democracy. On the flip side, most neighboring countries of Afghanistan hold some sort of disagreement with the US and Western ideology. For example, Iran has a long history of rivalry against US imperialism and ideologies of human rights and secularism. The clerics who have been running the country since the 1979 revolution reject international law and are inclined towards implementing Sharia law, universally applicable for all Muslims. According to Sharia law, individual rights are not acknowledged; rather, only the rights granted by the state are recognized, often perceived as revelations from God. The state acts as a medium in this regard (Forsythe, 232). The international law of human rights is often viewed as a by-product of the American neo-imperialism project. Their critique is also grounded on the observation that the US applies a double standard when it comes to human rights violations, criticizing every violation in Iran while remaining silent about Saudi Arabia (Forsythe 232). The US asserts itself as an obstacle to Iran's geopolitical, cultural, and political influence (Carter 2010, 989). Iran supported the Taliban and supplied them with arms as their ideology was closer to theirs than that of the US and its allies (Carter 2010, 989). Additionally, the perceived threat of democratization in Afghanistan created insecurities among Iranian clerics, who feared they could be overthrown if Afghanistan were to become a democracy (Carter 2010, 988). Considering the Iranian people's longstanding exhaustion of their regime, this could potentially have a triggering effect on the youth.

All neighboring countries have had some sort of ties and support for the Taliban over the US and other western allies. Pakistan, known for its strong relations with the group, has consistently provided them shelter. Pakistan's Prime Minister Imran Khan congratulated the Afghan people and described the US withdrawal as a liberation for Afghanistan from the

"shackles of slavery."(The Economist, 2021). Iran pursued diplomatic efforts and considered it an opportunity to restore peace and security. China, with its history of hosting negotiations with the Taliban, maintained its embassy and even celebrated America's embargo. This illustrates the widespread hostility that exists in the region toward the US presence and ideology. Equally important, all the countries had some form of concerns regarding the Taliban related security reasons.(The Economist, 2021). In terms of the capacity of institutions, Afghanistan has always been in the blink of a failing state and with the weakest institutions. In regards to domestic norm compliance with the global, there has been resistance to the ideology of the West, often associated with secularism and against Islamic principles. In short, constructivism can give an overarching and big picture to the challenge of norm compliance, however, relying solely on its interpretation might offer oversimplified narratives and a binary relation between compliance and noncompliance.

Postcolonial Analysis:

From a postcolonial perspective, the US invasion of Afghanistan and its withdrawal can be seen as part of a neo-colonial project. This perspective highlights the dominance of a powerful actor, the United States, in dictating the terms and conditions of their involvement and departure, without giving significant consideration to the perspectives and decisions of the Afghan people, including the government. The decision-making process largely ignored the complexities of the Afghan population with their diverse histories and backgrounds, instead focusing on a narrower circle. While this approach may have expedited decision-making, it did not consider the interests of the larger Afghan population. The inclusion of the Taliban and their potential recapturing process was to be a nightmare for many Afghans, particularly ethnic and religious minorities,

women, and civil societies. Reaching a negotiated deal that would accommodate the inclusion of the Taliban, maintain the Afghan government, and uphold human rights would have been a complex and time-consuming and resource-draining process. The US no longer had any interest in prolonging and taking on all that burden; instead, it opted for a shortcut by relying on the Taliban and allowing them to take control of the country. Nevertheless, it would be unfair to claim that there was no agency on the Afghan side. However, the agency primarily extended its reach to those the US sought to hear from. For instance, in the Bonn Conference in 2001, the Taliban were not involved in any negotiations, and during the latter phases of the US presence in Afghanistan, the Taliban were mainly seen as a point of contact.

The Afghan people were expected to conform to norms that did not necessarily serve their best interests and were unfamiliar to them. The centralization of power in the Afghan government, largely controlled by the US and the Afghan government, marginalized the locals and hindered their access to the government and assistance. According to Alvi (2022), "when confronted by the world's most powerful military, Afghans were expected to adopt the norms of their occupiers." This reinforces a sense of superiority on the part of America and its allies and norm conformity through militarization. This forced imposition of norms led to resistance and fueled the influence of insurgent groups like the Taliban, who presented themselves as accessible and influential to the people. It is evident that securitization and armed groups cannot diffuse norms, as colonized individuals resist and push back against occupying forces (Alvi, 2022).

The establishment of institutions and the promotion of democracy, while often framed as acts of enlightenment and liberation, can be interpreted as attempts to civilize and dominate "uncivilized" cultures and people. George W. Bush's statement, "We continue to help the Afghan

people lay roads, restore hospitals and educate all of their children" (Spears, 2021), reflects a colonial understanding of the Afghan people and positions the US in a superior role with minimal involvement. While the international community and NATO members obediently followed the US's lead on human rights issues, one of the main reasons for the US withdrawal and the collapse of the Afghan government can be attributed to the lack of US-Afghan negotiations regarding the terms of the withdrawal. Despite twenty years of investment, major decisions were primarily made by the US, and the Afghan government was compelled to comply with US orders. For example, during the peace negotiation process with the Taliban and following the Doha agreement, the Afghan government had limited influence. For example, the Taliban insisted on a prison swap, which Afghan President Ashraf Ghani found unconvincing as it diminished his leverage over the Taliban. The US Secretary of State's visit to Afghanistan resulted in warnings to the Afghan government and the suspension of military and financial support, ultimately pressuring the president to comply with the Taliban's terms.

Conclusion:

This paper analyzed the state of the human rights situation in Afghanistan, US involvement, and the related transfer of power to the Taliban. Since human rights cannot exist without political institutions and the influence of politics, this paper also studied the problematic nature of human rights and politics. The research posed a question as to how to make sense of the US withdrawal from Afghanistan and the complete abandonment of human rights. Conceptually speaking, this paper touched upon the rule of impunity and the use of human rights rhetoric for other purposes. This paper utilized a set of relevant IR theories in a discussion on human rights and the case study of Afghanistan.

The paper's findings suggest that while the language of human rights is appealing and fulfilling for moral and political reasons, the application of human rights often takes a secondary role. There has been a complex relationship between the legal and political aspects of human rights, which often becomes a sacrifice for political ends. The way the US withdrawal was carried out and the subsequent facilitation of power by the Taliban can be regarded as an extremely non-liberal act that only undermined human rights and democracy. While a liberal account might explain some rhetoric by the US to protect human rights in Afghanistan, it is inadequate to explain what happened on the ground. Indeed, the collapse of the Afghan government, human rights institutions, and the rise of the Taliban can only function as a critique of liberal democracy and institutions. The principles of liberalism are not often problematic, but the practice of those rhetoric and principles differs from what they stand for.

Realism could be a more appropriate theoretical framework for analyzing the American discourse, considering the country's prioritization of self-interest over human rights and its tendency to employ human rights rhetoric as a means of concealing its narrower self-interest. The US invaded Afghanistan after 9/11 due to a security dilemma caused by the Taliban sheltering Osama bin Laden and refusing to hand him over. Over the course of time, NATO allies assumed responsibility for the security mission, resulting in a decrease in the significance of the US role in Afghanistan. The Doha Agreement placed a strong emphasis on preventing the use of Afghan territory against the US and its allies. From a realist perspective, this prioritized avoiding potential security dilemmas and was unrelated to the discourse on human rights. President Biden's statement that the US had achieved its objectives serves as justification for the withdrawal, highlighting that the intention was never focused on nation-building or human rights. However, it can be observed that when the US lost interest in prolonging its stay in Afghanistan, they completely disregarded and abandoned the aspect of human rights. On the other hand, when they needed justification for the invasion, the rhetoric of human rights was prominently employed and widely embraced.

The American discourse appears to be focused more on what the US wants, with little or no consideration given to the state of human rights or sensitivity to local norms. In terms of norms and constructivism, Afghanistan largely deviates from the model required for a liberal democracy. It not only faces challenges from within but also poses problems for other regional powers, and vice versa, making it difficult for any Western model to succeed in the region. Consequently, due to resilience against such norms, insurgent groups like the Taliban have received significant support from neighboring countries in their efforts to remove the US from

Afghanistan. According to the constructivist perspective, it can be inferred that Afghanistan does not possess several essential conditions that are necessary for adhering to established norms. The US foreign policy seems to be primary engaging in 'human rights talk' without a 'human rights culture'. In other words, the US excels at leading and promoting the human rights discussion without demonstrating a substantial commitment to them. This indicates that the US foreign policy has not yet embraced the norm of human rights itself. To impose compliance on others, one would need to show some level of commitment themselves. In the regional context, Afghanistan is surrounded by neighboring countries with authoritarian regimes and differing ideologies that do not admire Western models of democracy and human rights. The weak institutions and resistance to Western ideology in Afghanistan may also have contributed to undermine norm.

The postcolonial perspective posits that the US invasion of Afghanistan and its subsequent withdrawal can be interpreted as a neo-colonial project. The predominant position of the US in determining the terms and outcomes, with limited regard for the Afghan population, indicates an absence of agency and a form of imposition. The complex nature of the Afghan landscape has largely been ignored in the decision-making process. Instead, a limited group of people whose interests coincided with those of the US has been focused on. The Taliban's opposition to US involvement in Afghanistan and the US's desire to leave Afghanistan in the later stage created a win-win scenario for both parties. As a result, the US focused on the Taliban as the main party during the peace negotiation process. However, when the US wanted to invade Afghanistan, it had a critical response against the Taliban and chose to have no contact with them. Agency is given to those whose views align with what the US wanted to hear.

To delve into the Afghan narrative, a postcolonial theory might offer more analytical tools in understanding that the US deployed a top-down approach in negotiating with the Taliban as well as the withdrawal process, which lacked consideration of the Afghan agency. The US remained dominant in shaping the discourse on human rights and simultaneously pushed back on discourses that went against its interests, such as the ICC's investigation of crimes against humanity. The decision-making process overlooked the complexities of the Afghan population and focused on a narrow circle, disregarding the interests of the larger Afghan population both in the establishment of modern Afghanistan and the peace negotiations with the Taliban. The inclusion of the Taliban and their assumption of power posed significant challenges for ethnic and religious minorities, women, and civil societies. The centralization of power in the Afghan government, controlled by the US and the Afghan government itself, marginalized the locals and hindered their access to resources. Despite two decades of investment, major decisions were primarily made by the US, leaving the Afghan government compelled to comply with US directives, ultimately contributing to the collapse of the Afghan government.

After examining the conceptual and theoretical discussion on human rights, it can be concluded that the dichotomy in US politics, which initially portrayed itself as a defender but later sacrificed those same principles, demonstrates the insignificance of human rights in realpolitik. Since this case paper contextualized the case of Afghanistan, additional comparative research might be desirable to study the vulnerability of human rights. Furthermore, considering the multidimensional nature of human rights, further research is necessary to conduct an in-depth analysis of the power transition period in Afghanistan. This can be accomplished by examining the distinct discourses of the US, the Taliban, and the Afghan government. Exploring press

releases and public statements would help to study the contrasting approaches in terms of human rights discourse.

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