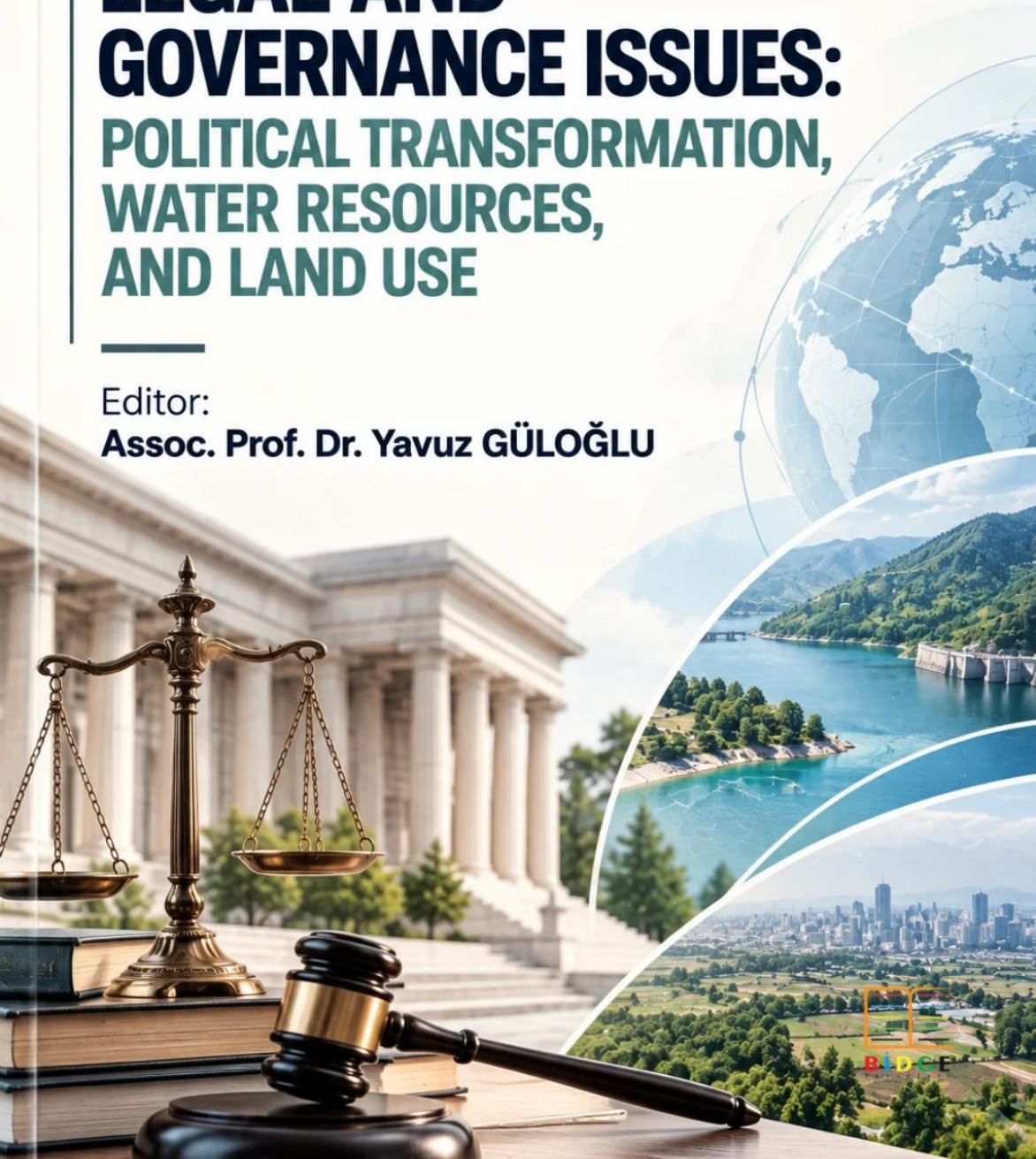
CONTEMPORARY LEGAL AND GOVERNANCE ISSUES:

POLITICAL TRANSFORMATION, WATER RESOURCES, AND LAND USE

Editor:
Assoc. Prof. Dr. Yavuz GÜLOĞLU



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PREFACE

The contemporary global landscape is increasingly defined by complex intersections between state sovereignty, institutional architecture, and the regulatory stewardship of vital natural resources. As classical administrative structures face unprecedented shifts, scholars and policymakers are forced to re-examine the boundaries of state intervention and governance. This volume, titled ***Contemporary Legal and Governance Issues: Political Transformation, Water Resources, and Land Use***, brings together distinct yet theoretically intertwined case studies that scrutinize the modern frontiers of administrative law, public order, and resource allocation.

The dynamic nature of administrative law manifests not only in localized regulatory adjustments but also in macro-level transformations of public order. At its core, the discipline deals with the state's capacity to project authority, maintain public security, and manage the space within its borders. When these governance frameworks collapse or experience violent transitions, as explored in the analysis of the factors leading to the second Taliban rule in Afghanistan, the consequences reverberate through institutional breakdowns, the distortion of parallel local structures, and the fracturing of transboundary resource diplomacy. This macro-perspective sets a critical backdrop for understanding the fundamental necessity of stable administrative regimes.

Transitioning from the foundational structures of political order to the tangible realities of resource management, this book addresses how stable states utilize administrative law to protect non-renewable and public goods. The legal framework governing groundwater supply in Türkiye serves as a primary example of public utility regulation and the state-controlled licensing regime. Through the strict enforcement mechanisms of the General Directorate of State Hydraulic Works (DSİ) under Law No. 167, the text illustrates how the state exercises its police powers (*idari kolluk*) to mitigate ecological degradation and manage vital hydrological reserves through meticulous permit pipelines.

Finally, the volume bridges environmental sustainability with property law by evaluating the socio-legal phenomenon of "hobby gardens" under Turkish soil conservation and land-use legislation. In the wake of recent legislative overhauls, such as Law No. 7584, the administrative state's intervention in private property rights has intensified to prevent agricultural fragmentation. By dissecting the criminalization of cooperative loopholes, aggressive administrative fines, and mandatory demolition mechanisms, this section unpacks the delicate balance between individual property utilization and the overarching public interest in food security and agricultural preservation.

Ultimately, this book provides a multi-layered exploration of how administrative power shapes, and is shaped by, space and resources. By linking the geopolitical and institutional dimensions of political transitions with the technical, regulatory realities of water and soil conservation, this collective work offers invaluable insights for academics, legal practitioners, and researchers working at the crossroads of administrative law, environmental governance, and public policy.

Assoc.Prof.Dr. Yavuz GÜLOĞLU

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BÖLÜM 1

THE LEGAL FRAMEWORK FOR DRILLING WELLS FOR GROUNDWATER SUPPLY IN TÜRKİYE

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NUR BELKAYALI[2]
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Introduction

Water, one of the most fundamental elements for the survival and continuity of human life, is utilized across various sectors including drinking water supply, domestic use, agriculture, energy production, and industry (Akyılmaz, Sezginer, & Kaya, 2025; Akyılmaz, Sezginer, & Kaya, 2026). With the advancement and modernization of societies, water demand has increased significantly. However, access to clean and usable water is becoming

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increasingly difficult due to factors such as urbanization, industrialization, population growth, global warming, and the growing pressure on water resources. While population growth drives higher water demand, climate change negatively impacts water availability by altering precipitation patterns. Consequently, the sustainable management of water resources has become increasingly critical.

Groundwater represents a vital resource for sustaining human life. Technological developments, particularly in irrigation systems and pumping technologies, have accelerated groundwater use in urban, agricultural, and industrial sectors (Armut, 2024). The expansion of private irrigation wells, municipalities' reliance on groundwater to compensate for insufficient surface water supplies, industrial facilities' self-supply practices, and the strategic importance of groundwater in ensuring supply security during natural disasters and contamination events have all contributed to increased groundwater extraction.

In Türkiye, a total of 19.2 km^3 of water was withdrawn from natural sources in 2022, of which 4.26 km^3 (22%) was sourced from groundwater. Of this, 3.05 km^3 was used by municipalities, 0.39 km^3 by villages, 0.47 km^3 by manufacturing industries, 0.04 km^3 by thermal power plants, 0.13 km^3 by organized industrial zones, and 0.18 km^3 by mining operations (TURKSTAT, 2023). As of the end of 2022, groundwater allocation for irrigation purposes reached 12.17 km^3/year, including 4.64 km^3/year allocated to irrigation cooperatives and public institutions and 7.53 km^3/year to licensed private wells. Additionally, 5.89 km^3/year was allocated for drinking, domestic, and industrial use. Of the total allocation of 18.06 km^3/year, 67.4% was designated for irrigation and 32.6% for drinking, domestic, and industrial purposes (TURKSTAT, 2023).

This study examines the legal framework governing groundwater well drilling in Türkiye, focusing on current legislation and regulatory practices.

The scarcity of water as a resource, combined with its inability to increase in proportion to growing demand, necessitates its conservation and equitable distribution. As the source of life, water constitutes a fundamental element in the protection of the right to life and in ensuring other basic rights and freedoms, including health, housing, education, and employment—that is, in fulfilling the core responsibilities of the state. In the absence of sufficient water, living conditions incompatible with human dignity inevitably emerge, rendering the protection of other rights and freedoms unattainable. Water scarcity and deterioration in water quality pose serious threats to individuals whose survival depends on water resources. Compared to other environmental challenges, water scarcity disproportionately affects vulnerable groups, including victims of war and natural disasters, women, the poor, and smallholder farmers (May & Daly, 2015).

In international discourse, a broad consensus has emerged recognizing access to water not merely as a need, but as a fundamental human right (Cesur et al., 2018). The transboundary nature of water-related issues and their characterization as significant ecological threats necessitate preventive measures at the international level. On 28 July 2010, the United Nations General Assembly formally recognized the right to water as essential for the full enjoyment of the right to life. Through this resolution, states are called upon to develop and implement appropriate tools and mechanisms—including comprehensive legal, economic, and institutional frameworks—to ensure access to safe drinking water and sanitation. The resolution also emphasizes the importance of establishing effective and accessible accountability mechanisms to address violations of this right. Water governance has continued to

gain prominence in international law, particularly following the adoption of the 2000 European Union Water Framework Directive, under which Member States may be referred to the Court of Justice of the European Union for failure to fulfill their obligations.

In the Turkish legal framework, Article 168 of the 1982 Constitution stipulates that natural wealth and resources are under the jurisdiction and control of the state, and that the right to explore and exploit them belongs to the state, although it may be granted to natural or legal persons for a specified period. Article 43 further provides that coasts are under the jurisdiction and control of the state, emphasizing that public interest shall take precedence in the use of sea, lake, and river shores, as well as coastal areas. The waters and natural resources referenced in these constitutional provisions are classified as public waters under the Civil Code and are not subject to private ownership. By contrast, waters that may fall under private ownership are those considered an integral part of land ownership and are regulated accordingly by the Civil Code.

Article 715 of the Turkish Civil Code states that, unless proven otherwise, waters serving public benefit—along with rocks, hills, mountains, glaciers, and other lands unsuitable for agriculture, as well as the springs originating from them—are not subject to private ownership. The use of such resources requires authorization from the administration, typically in the form of a license, which constitutes an individual administrative act (Gülan, 1999).

Water-related legislation in Türkiye includes, inter alia, Law No. 831 on Waters; Law No. 927 on the Exploitation of Hot and Cold Mineral Waters and Spa Facilities; Law No. 4373 on Protection Against Floods and Water Inundations; Law No. 7478 on Village Drinking Water; Law No. 167 on Groundwater; the Regulation on the Protection, Use, and Consolidation of Agricultural Land; the Groundwater Regulation; and Law No. 1053 on the Supply of Drinking, Domestic, and Industrial Water to Municipal Settlements.

Pursuant to Article 756 of the Civil Code, groundwater is classified as water of public benefit, and ownership of land does not confer ownership of the groundwater beneath it. The ownership, exploration, protection, and registration of groundwater are specifically regulated under Law No. 167 on Groundwater, which establishes that groundwater is under the jurisdiction and control of the state.

Article 760 of the Civil Code further provides that the use of wells located on privately owned land by neighbors or third parties—for purposes such as drinking water, water collection, or watering animals—is subject to special legal provisions, and in the absence of such provisions, local customs shall apply.

Climate change has significantly altered precipitation patterns in terms of frequency, intensity, and duration. In regions experiencing increased precipitation, groundwater levels tend to rise, whereas in regions with reduced precipitation and increased evaporation, groundwater levels decline. When groundwater extraction exceeds natural recharge, declining water tables can adversely affect groundwater-dependent streams, wetlands, and ecosystems (Wada et al., 2010).

Declining groundwater levels reduce well productivity, increase pumping costs, and may lead to land subsidence over time (Çankal & Alkın, 2024). In agricultural contexts, excessive irrigation—particularly in the absence of adequate drainage—can result in soil salinization. Moreover, over-irrigation facilitates the transport of fertilizers, pesticides, and chemical compounds such as nitrogen, phosphorus, and potassium into groundwater systems. In addition to naturally occurring contaminants such as arsenic, anthropogenic sources—including urban landfills, inadequate sanitation infrastructure, leaking septic systems, livestock waste, and excessive use of fertilizers and pesticides—contribute significantly to groundwater pollution (Hou et al., 2022).

The Legal Regime Governing Groundwater

Groundwater is defined as all water existing in either a static or mobile state beneath the earth's surface. Within the Turkish legal framework, groundwater is classified as public water and remains under the jurisdiction and disposal of the state. Consequently, all activities related to the exploration, utilization, protection, and registration of groundwater are governed by the provisions of Law No. 167 on Groundwater.

Pursuant to Article 2 of this Law, titled "Definitions," the application of groundwater for drinking, sanitation, municipal services, animal husbandry, agricultural irrigation, mining, industry, sports facilities, and other infrastructure is categorized as "beneficial use." The specific volume of water required by an individual or entity to satisfy these purposes is defined as "beneficial need." Furthermore, the Law establishes the concept of "safe yield," which refers to the maximum quantity of water that can be continuously extracted from a groundwater reservoir without compromising its long-term productivity. This definition accounts for the hydrological principle that extraction from any single point affects the integrity and sustainability of the entire water mass within the strata.

Drilling Wells Within Groundwater Operation Areas

The General Directorate of State Hydraulic Works (DSI) is a special-budget institution under the Ministry of Agriculture and Forestry, responsible for the planning, management, development, and operation of water resources in Türkiye. Its core mandates include dam construction, irrigation development, flood protection, drinking water projects, hydroelectric power generation, land consolidation, and groundwater management.

Pursuant to Article 3 of Law No. 167 on Groundwater, as the boundaries and structural characteristics of groundwater basins are identified, these regions are formally recognized and proclaimed as

"Groundwater Operation Areas" by the relevant ministry upon the proposal of the DSI. However, the right to drill wells for agricultural, drinking, or domestic purposes is not granted unconditionally. Within these designated operation areas, the DSI determines the specific number, location, depth, and technical specifications of wells to be drilled, as well as the maximum permissible volume of water extraction, in accordance with the permit requirements of Article 8. Notably, drilling wells on land situated within the boundaries of DSI-constructed irrigation canal systems is strictly prohibited.

Outside declared groundwater operation areas, landowners maintain the right to explore for groundwater on their property and, upon discovery, utilize a quantity sufficient for their beneficial needs. However, for any borehole, pit, or well (excluding hand-dug wells) with a depth exceeding the limit established by the DSI and approved by the ministry, an exploration permit—valid for one year—must be obtained. If exploration is not completed within this timeframe, the permit may be extended for an additional year provided the request is made within the final month of the initial period. Failure to complete the work within this extension renders the permit invalid (Yılmaz, 2021).

A landowner who discovers groundwater under an exploration permit must apply to the DSI within one month to obtain a "utilization permit" before using the water. This permit authorizes extraction only up to the "beneficial need" as determined by the DSI. The utilization permit specifies the annual extraction volume and cannot be issued unless a measurement system is installed to monitor groundwater withdrawal. Failure to establish or maintain such a measurement system results in the revocation of the permit and the closure of the well. Furthermore, permit holders are prohibited from making unauthorized interventions or modifying the use of a well without obtaining a separate "improvement and modification

permit." In cases where water demand approaches the "safe yield" of a reservoir, the administration has the authority to prioritize and determine which subsequent applications will be granted. While all permits are documented in a registry maintained by the DSI and are exempt from fees, stamp duties, or levies, administrative fines are imposed for unauthorized drilling. If the unauthorized well is found to be technically and administratively acceptable, a permit may be issued post-facto; otherwise, the well is closed at the owner's expense.

To ensure environmental sustainability, specific measures must be implemented to prevent the contamination of groundwater by surface water or low-quality strata, minimize water waste, and prevent soil salinization through appropriate irrigation techniques (Koç, 2024). The discharge of wastewater into groundwater bodies is strictly prohibited. For the assessment of groundwater chemistry and the detection of anthropogenic pollution, the DSI maintains a monitoring network integrated into the National Monitoring Network. Additionally, the General Directorate of Water Management (SYGM) formulates policies for the protection and improvement of water resources, establishing quality standards and monitoring protocols in collaboration with relevant stakeholders.

Finally, groundwater extracted in excess of a landowner's beneficial need—as well as water intended for sale as drinking water or spring water situated on Treasury land—may be leased by special provincial administrations. A portion of the resulting rental income is allocated to the local village legal entity or municipality of origin.

International Comparisons and Fiscal Policies on Groundwater

Fiscal instruments are frequently employed globally to manage groundwater extraction and ensure the sustainability of water resources. In the Netherlands, a groundwater tax was imposed on water companies between 1995 and 2012 to protect groundwater

reservoirs, which account for 70% of the total water supply. Furthermore, since 1986, large-scale groundwater users have been required to pay a provincial groundwater fee to fund the monitoring and control of water quality (Schuerhoff et al., 2013). Similarly, Germany applies specific state taxes, such as water extraction and wastewater taxes, to municipal water tariffs; however, agricultural activities remain exempt from these levies (BMUB, 2016).

France utilizes a differentiated taxation structure based on the source of extraction (groundwater vs. surface water), the nature of use (e.g., irrigation or cooling), and regional scarcity (with surcharges applied in over-exploited areas). While Portugal maintains a general water extraction tax, Denmark adopts a unique approach: although agricultural uses are exempt, urban users pay a tax designed to cover the costs of national hydrogeological services, surveillance, and quality control (Berbel, et al., 2019). The Portuguese tax system, implemented in 2008, applies to all water services, and the resulting revenue is managed by the National Environment Fund and the Portuguese Environment Agency.

Across other European nations, Estonia, Finland, and Sweden apply water extraction taxes, though agricultural irrigation is typically exempt. The United Kingdom stands as a notable exception, applying taxation to extractions for agricultural irrigation, while several Eastern European countries, such as Hungary and Romania, have also implemented taxation schemes within the irrigation sector (Huertas-Fernández, et al., 2026). Within the European Union, water use rights are generally granted by public authorities through individual licenses and permits. These authorities retain the legal power to restrict extractions during periods of water scarcity or drought. In Türkiye, however, no fees or charges are levied on individuals for water extracted from private wells intended for personal drinking needs or agricultural irrigation.

Conclusion

Among the most critical challenges in groundwater management in Türkiye are the continued use of inefficient flood irrigation methods and the lack of reliable data on groundwater extraction. Illegal wells can be drilled within a few hours without authorization, and the volume of water extracted from these unregistered wells remains unknown. As a result, extensive land subsidence has been observed in major agricultural regions, posing serious risks to both human life and ecosystems. At the same time, declining groundwater levels necessitate increasingly deeper drilling, further exacerbating environmental and economic pressures.

Addressing these challenges requires accurate determination and continuous monitoring of groundwater static and dynamic levels, strict prevention of unauthorized well drilling, and the regulation of extraction within sustainable limits. Such measures would help mitigate groundwater depletion while also improving energy efficiency in water use. In this context, a comprehensive allocation regime should be established, incorporating effective monitoring of ecosystem requirements, recharge rates, and extraction levels.

Given that well discharge rates and dynamic conditions change over time, continuous monitoring of wells and pump efficiency is essential to prevent excessive energy consumption. Monitoring systems should enable real-time data collection on key parameters, including static and dynamic water levels, discharge rates, energy use, system efficiency, electricity consumption, and total water extraction.

Furthermore, long-term basin-scale planning that integrates both surface and groundwater resources is necessary to ensure environmentally sustainable water use. Protecting groundwater

reserves is essential to prevent land subsidence and deterioration in water quality. Currently, Türkiye lacks a comprehensive system to verify whether annual groundwater allocations are exceeded, and no effective upper limits on extraction are enforced. Moreover, basin-based data on groundwater withdrawals from wells remain insufficient.

For sustainable groundwater management, both policy-oriented and technical restrictions must be introduced to regulate extraction in line with available resources. Legal obligations should also be established to maintain environmental flows, support surface water baseflows, and protect groundwater reserves from overexploitation and degradation. In addition, policies must ensure the provision of water for essential human needs while enabling equitable and efficient management of water scarcity risks. Finally, the introduction of economic instruments—such as taxes or fees on groundwater extraction—alongside strengthened legal regulations is necessary to promote the sustainable use and protection of water resources.

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BÖLÜM 2

EVALUATION OF HOBBY GARDEN APPLICATIONS IN THE CONTEXT OF SOIL CONSERVATION AND LAND USE LAW

YAVUZ GÜLOĞLU[1]
NUR BELKAYALI[2]

Introduction

Cities are human-made settlements that are increasingly disconnected from natural environments. As this distance from nature grows, so does the need for accessible green spaces. Contemporary cities, which once integrated a variety of natural and cultural elements, have largely transformed into dense concrete structures due to industrialization, migration, rapid population growth, intensive construction, and unplanned urbanization. Furthermore, the ecological consequences of such unplanned development— including water, air, noise, and soil pollution—are now strongly evident in urban areas. These impacts have particularly

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affected green spaces within and around cities and, paradoxically, have intensified people's desire to reconnect with nature. Open green spaces contribute positively to public health, provide relief from the pressures of urban density, and add recreational value to cities. In this sense, recreational areas play a crucial role in mitigating the stresses associated with urban life (Cildam, 2022).

Soil is a finite natural resource that has been extensively depleted from antiquity to the present. Despite being the primary source of agricultural production and essential for meeting basic human needs, soil is continuously destroyed through both conscious and unconscious human activities. In Türkiye, one of the primary causes of agricultural land fragmentation is division through inheritance, followed by the sale of land due to economic hardships faced by producers. The lack of stringent legal oversight in transactions involving shared ownership and subdivisions further exacerbates this fragmentation. As the rural population grows, the decreasing scale of agricultural enterprises—characterized by scattered and multi-parcel land configurations—impedes the effective and sustainable management of agricultural resources. This fragmentation negatively impacts the sector by increasing labor requirements and production costs while reducing overall yields.

Following the formation of the Republic, early legislative movements regarding land adopted property-oriented approaches that favored individual acquisition and use, inadvertently contributing to fragmentation. Over time, this classical understanding of ownership—which resulted in infrastructure challenges, resource waste, and the idling of productive land—has shifted toward a modern perspective. This new approach prioritizes the viability of agricultural enterprises and aligns with national agricultural policies. Consequently, as the provisions of the Turkish Civil Code proved insufficient to prevent fragmentation, the Soil Conservation and Land Use Law (SCLUL) was enacted on July 3,

2005, as specialized legislation dedicated to the protection and preservation of agricultural land.

Despite the SCLUL establishing minimum parcel sizes based on land classification and prohibiting subdivisions below these thresholds, practical enforcement remains a challenge. One contemporary practice that bypasses these legal restrictions is the establishment of cooperatives to create collective "hobby gardens." This practice functions as a form of legal circumvention, leading to the de facto subdivision of agricultural land. This study examines both individual and collective hobby garden applications on agricultural land, seeking to evaluate their impact and legal status within the framework of current prohibitions.

Definition of Hobby Garden

A hobby garden is a recreational space typically located within or near urban areas, where individuals seeking relief from the stress of city life engage with nature on small plots of land. In these areas, urban residents—generally without commercial intent—participate in small-scale agricultural activities such as cultivating vegetables, fruits, and ornamental plants (Erduran et al., 2008). According to another definition, hobby (urban) gardens are organized recreational areas established within or in the vicinity of cities, often supported by local governments and leased to residents for a specified period and fee (Özkan et al., 1996). These gardens may be developed either through annual rentals from municipalities in urban centers or through the purchase or lease of shares on agricultural land via cooperatives.

Hobby gardens, whose origins date back to 18th-century Europe, were introduced in Türkiye in the late 20th century. While early examples first appeared in the United Kingdom, the first implementation in Türkiye was established in Bursa (Aliağaoğlu & Alevkayalı, 2017). Internationally, such gardens are referred to by

various names, including *Armen Garten* (poor gardens) and *Arbeiter Garten* (workers' gardens) in Germany; *allotment gardens* and *hobby gardens* in the United Kingdom; and *community gardens* in the United States (Oğuz, 2000).

In Türkiye, hobby garden initiatives implemented by municipalities are generally based on Municipal Law No. 5393 (Akyılmaz, Sezginer, & Kaya, 2025; Akyılmaz, Sezginer, & Kaya, 2026). However, with the enactment of Metropolitan Municipality Law No. 6360, the legal status of villages was abolished, and commonly used village lands were transferred to district municipalities or other public institutions. Consequently, forests, pastures, and agricultural lands that were previously used collectively became accessible to external actors, allowing these areas to be sold, converted into hobby gardens, or used for non-agricultural purposes (Aydın Koç & Ömürgönülşen, 2023).

Furthermore, amendments to Article 21 of the Soil Conservation and Land Use Law No. 5403, introduced by Law No. 7255, redefined penalties and obligations related to the misuse of agricultural land and non-compliance with soil conservation projects. In addition, Article 8(c) of the Zoning Law No. 3194 stipulates that agricultural land cannot be allocated for non-agricultural purposes without the necessary permissions defined in the Soil Conservation and Land Use Law. Article 18 of the same law further states that, in areas without zoning plans, subdivision plans that divide land into shares for construction purposes, as well as sales promise agreements, are prohibited.

Creating Hobby Gardens Through Cooperatives

Cooperatives are legal entities characterized by variable membership and capital, established by natural and legal persons to meet their common economic, social, and cultural needs through mutual assistance and solidarity.

Following amendments to the Soil Conservation and Land Use Law No. 5403, agricultural land that cannot legally be subdivided and sold below minimum parcel sizes has, in practice, been acquired through the establishment of housing construction cooperatives. Within this framework, such land is subsequently divided into small parcels—typically ranging from 100 to 750 m^2—and marketed as hobby gardens. In many cases, basic infrastructure services, including water and electricity, are also provided for these parcels (Sayın et al., 2017).

In practice, individuals involved in hobby garden development—often members of the boards of directors of housing construction cooperatives—allocate parcels to cooperative members at prices exceeding the original acquisition cost of the land. This practice introduces a clear commercial dimension to what is formally structured as a cooperative activity. Notably, there has been a significant increase in the number of hobby gardens since 2020. While the growing desire to move away from urban environments has contributed to this trend, the most influential factor appears to be the COVID-19 pandemic.

As a result of cooperative-based sales, agricultural land has increasingly been fragmented into small parcels for non-agricultural use. Landowners who are not engaged in commercial farming have begun subdividing their land for sale, and, in response to insufficient agricultural income, there has been a growing tendency to convert productive farmland into hobby gardens.

Legal Framework for the Protection of Agricultural Land

Prior to the enactment of the Soil Conservation and Land Use Law in 2005, Türkiye employed a classification methodology originally developed by the United States Soil Conservation Service, which prioritized the soil–topography relationship and categorized land according to its suitability and productivity for crop cultivation.

Under this classification system, land was divided into eight capability classes: those suitable for agricultural use (Classes I, II, III, and IV) and those unsuitable for agricultural use (Classes V, VI, VII, and VIII) (Kantürk, 2002). The Soil Conservation and Land Use Law No. 5403 subsequently introduced distinct definitions under the categories of absolute agricultural land, special product land, cultivated agricultural land, and marginal agricultural land.

Since the adoption of Law No. 5403 on Soil Conservation and Land Use in 2005, the legislation has been amended five times through various laws enacted on different dates. The amendment introduced by Law No. 5578, dated 31 January 2007, established minimum parcel sizes in hectares according to the classification of agricultural land and underscored that agricultural land shall acquire the legal character of indivisible property, thereby prohibiting its subdivision into smaller parcels except as expressly permitted by the statutory exceptions set forth in the Law. Furthermore, the amendment prohibited the transfer and encumbrance of shares held by third parties in cases where joint ownership existed over agricultural land of indivisible size (Özçelik, 2015). Nevertheless, despite this legislative intervention, the de facto fragmentation of agricultural land could not be effectively prevented in practice. Consequently, Law No. 6537 on the Amendment of the Soil Conservation and Land Use Law, dated 30 April 2014, introduced the concepts of "minimum agricultural land size" and "sufficient-income agricultural land size." The amending legislation revised the provisions pertaining to the prohibition of subdividing agricultural land below the minimum agricultural land size, regulated the sufficient-income agricultural land size, established the mandatory transfer of ownership of agricultural land subject to inheritance, and addressed certain legal consequences arising from the transfer of ownership of agricultural land. Additionally, Articles 659 through 668 of the Turkish Civil Code were repealed.

Pursuant to the amendments, the minimum agricultural land size is defined as "the smallest agricultural parcel size determined by the Ministry, below which the productivity obtained from an agricultural land—where production activities and inputs are utilized rationally and economically—can no longer be achieved in the event of further subdivision of the said agricultural land" (SCLUL, Art. 3/h). The sufficient-income agricultural land size, in turn, denotes "the sufficient-income agricultural land sizes determined for provinces and districts in the annexed list (1) of the Law, taking into account regional disparities" (SCLUL, Art. 3/ı). The Ministry is vested with the authority to raise the lower threshold of the minimum agricultural land size in accordance with prevailing conditions. Accordingly, the minimum agricultural land size has been set at 2 hectares for absolute agricultural land, marginal agricultural land, and special product land; 0.5 hectares for cultivated agricultural land; and 0.3 hectares for land under protected cultivation. The sufficient-income agricultural land size, which shall be equal to or greater than the minimum agricultural land size, refers to the land sizes determined individually for each province and district, taking into consideration the existing disparities among regions in terms of agricultural activity. This minimum threshold is established at 10 decares (10,000 m^2) for all provinces and districts across Türkiye (Eren & Başpınar, 2014).

In light of the aforementioned amendments, it is concluded that agricultural land may not be parceled, subdivided, or subjected to an increase in the number of shares and shareholders below the sufficient-income agricultural land size. This qualification of the land shall be communicated by the Ministry to the relevant land registry office for the purpose of annotation. However, no impediment exists with respect to the transfer of an existing share in sufficient-income agricultural land to a third party or to another co-owner. According to the Regulation on the Transfer of Ownership of

Agricultural Land, where the total area of the owner's land falls below one decare for protected cultivation land, five decares for cultivated agricultural land, or ten decares for irrigated and rain-fed agricultural land, it is deemed that no economic integrity exists among the said parcels. Conversely, for agricultural land exceeding these numerical thresholds, parcels situated within a distance of less than ten kilometers from one another are considered contiguous, and economic integrity is thereby presumed to exist.

The Impact of Rural-to-Urban Migration on the Decline of Agricultural Land

All forms of physical intervention undertaken for urban development and the spatial land-use decisions introduced to serve urban functions determine the manner in which land is utilized. In Türkiye, the rural population has been rapidly migrating to urban centers owing to agricultural mechanization, the pursuit of employment opportunities, and the aspiration for improved living standards. As of 2024, the urban population has risen to 93.4%, while the proportion of the rural population has declined to 6.6%. This process, which accelerated in the 1950s, has led to the depopulation of villages and rapid urbanization, giving rise to infrastructure and environmental challenges in urban areas.

The growing global population drives accelerated urbanization; as the populations of cities increase, urban areas expand outward toward their peripheries, engendering a multitude of environmental problems. Uncontrolled urbanization has begun to exert significant pressure not only through air, water, and soil pollution but also—as a consequence of unplanned urban sprawl—on surrounding forest areas, water resources, natural landscapes, and agricultural land. The destruction of fertile agricultural land yields both economic and ecological ramifications. Since the 1960s, urban growth and sprawl have constituted a critical area of concern for

numerous cities worldwide, particularly in metropolitan areas (Squires, 2002; Couch et al., 2008; Sezgin & Varol, 2012).

In developed countries, urban growth management policies have been formulated to prevent urban sprawl, which exerts considerable pressure on agricultural land. These mechanisms include, inter alia, green belts, urban growth boundaries, urban service boundaries, and the transfer of development rights. Although the relevant legislation has been enacted in Türkiye, economic policy instruments analogous to those employed in developed countries—aimed at protecting agricultural land in the immediate vicinity of cities, which are typically established in close proximity to valuable agricultural areas—have not yet been adequately developed.

The "non-agricultural use" of land, which denotes the utilization of soil for purposes other than agricultural activity, may be attributed to a range of factors, including urbanization, developments in non-agricultural sectors, large-scale infrastructure investments, and administrative decisions (Doğru, 2002; Yılmaz, 2001). Given that urban land rent significantly exceeds agricultural returns and entails comparatively lower risk, agricultural land is rapidly being converted to urban uses—particularly residential development—and rural land resources are increasingly regarded as potential building-lot reserves. The rapid expansion of sectors other than agriculture has necessitated the allocation of land predominantly from fertile agricultural soils to meet the spatial requirements of newly emerging industries. Moreover, the relatively low short-term economic contribution of agricultural land compared to that of expanding sectors has further accelerated the loss of agricultural soil.

The expansion of major cities, where industrial and commercial activities are concentrated, continues to occur at the expense of agricultural land, with municipal boundaries progressively extending over time—a process that invariably

operates to the detriment of agricultural areas. In the course of urban sprawl, the encroachment upon fertile agricultural land subject to non-agricultural use has resulted in the development and construction over substantial quantities of agricultural soil that are of vital importance to the city (Turhan, 2005: 13).

Benefits of Hobby Gardens

Hobby gardens offer opportunities for engaging with nature, gaining organic farming experience, relaxation and stress relief, and—by virtue of the agricultural activities carried out on the land—physical exercise. Such gardens are predominantly established on the peripheries of metropolitan areas or in rural zones. The demographic profile of hobby garden users generally comprises individuals of favorable economic standing and higher educational attainment. Under the prevailing legislation, structures such as vineyard houses or portable buildings (tiny houses, containers) may be erected on these plots—formed through the subdivision of agricultural land—provided that the built-up area does not exceed 5% of the total plot size and the requisite conditions are satisfied; unauthorized constructions, however, are subject to penal sanctions. Although the majority of hobby gardens have been established within the last decade, this development has progressed at a relatively slow pace. The delayed emergence of such gardens in Türkiye may be attributed, inter alia, to the political reluctance to permit the subdivision of agricultural land and to concerns that these areas might become venues for morally objectionable activities.

Despite the fact that production costs in hobby gardens considerably exceed the cost of purchasing equivalent produce, individuals derive satisfaction from consuming organically grown products of their own cultivation. These gardens afford psychological relief by providing an escape from urban noise and congestion; the physical labor undertaken in such settings facilitates

the elimination of bodily toxins; and owners of these plots are afforded the opportunity—albeit belatedly—to experience the positive sentiments associated with a love of nature and the soil that they were unable to cultivate during childhood. Furthermore, hobby gardens contribute to instilling an appreciation for nature and the land in children.

In hobby gardens established by local authorities within city centers, rental costs as well as water and energy expenses are substantially higher. Nevertheless, the provision of infrastructure services and law enforcement coverage renders these sites more secure and orderly, thereby generating intense competition—particularly among residents of metropolitan cities—for the acquisition of urban hobby garden plots. Conversely, owners of hobby gardens established outside adjacent area boundaries and beyond village settlement zones in proximity to urban centers tend to form cooperatives to purchase the ownership of these plots, thereby availing themselves of the rights conferred by property ownership. However, this practice frequently results in significant population increases in villages—communities traditionally composed of individuals who are acquainted with one another—which, in turn, engenders fear and security concerns among the local population. Moreover, given the absence of any access control mechanisms at hobby garden sites situated in locations remote from law enforcement presence, the unregulated ingress and egress of individuals to these gardens creates conditions conducive to the proliferation of alcohol and narcotic substance abuse as well as prostitution.

Conclusion

Hobby gardens have become significant actors in the preservation of green spaces and the environment, thereby contributing to the development of cities. These sites embody the

totality of resources and skills that foster social well-being. They constitute spaces that support active and healthy living, promote environmental and spatial sustainability, possess various mechanisms for the generation of social capital, fulfill individuals' aspiration for a garden house, facilitate the social rehabilitation of individuals, maximize activation among community members, and confer aesthetic enhancements upon the surrounding area (Şafak & Kamberoğlu, 2017). Hobby gardens address the longing for nature among urban populations whose connection with the natural environment has reached a point of severance, and they provide opportunities for individuals to engage—either alone or with their families—in activities that offer respite from daily fatigue and stress. Furthermore, hobby garden practices increase the market value of agricultural land. For contemporary cities, hobby gardens represent not merely a leisure pursuit but also a genuine necessity. The vegetation cultivated in hobby gardens augments the proportion of active green space within the city and makes a positive contribution to the ecosystem. For this very reason, they are beneficial to the ecosystem and exert a favorable influence on the urban climate. They delineate the boundaries of urbanization and thereby prevent the degradation of natural habitats. By bringing together individuals whom urban life has estranged from one another, they contribute to neighborly relations and social cohesion (Özkan et al., 1996). It is therefore imperative that hobby gardens be formally designated within urban zoning plans.

However, hobby gardens also exert pressure on infrastructure and natural resources, giving rise to environmental pollution, ecological degradation, and security risks (Ates Akkaya, Tunçel, 2025).. The penal sanctions imposed in respect of hobby gardens remain inadequately enforced and, consequently, lack sufficient deterrent effect. Hobby gardens have expanded not only in number but also spatially, extending to locations considerably more distant

from the urban fringe. One of the underlying reasons for this phenomenon is that these areas have progressively been transformed into instruments of speculative rent-seeking, rather than serving solely as a means of escape from urban life. Accordingly, it is essential to prevent these sites from degenerating into irregular areas characterized by unlicensed, unauthorized, and infrastructure-deficient construction that deviates from their intended purpose of use.

In Türkiye, both lawful and unlawful construction on agricultural land has resulted in the deterioration and diminution of agricultural areas. Uncontrolled urbanization, conflicts between central and local government authorities, organized industrial zones, and expropriations undertaken for large-scale public investments may be cited among the factors contributing to the reduction of these areas. The legislative measures enacted to date have proven insufficient to arrest this degradation. Rather than pledging to prevent irregular construction, political parties include among their electoral promises undertakings to grant amnesty for illegal structures. Perhaps the most critical element in resolving the problem of irregular construction on agricultural land lies in effecting a transformation in public consciousness and ensuring compliance with the rule of law.

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BÖLÜM 3

FACTORS LEADING TO THE SECOND TALIBAN RULE IN AFGHANISTAN

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Introduction

Owing to its geographical and strategic position in Central Asia, Afghanistan has been ruled by numerous powerful empires throughout history. With the conclusion of the Treaty of Rawalpindi, signed in Rawalpindi (in present-day Pakistan) on 8 August 1919, Afghanistan declared its independence (Görgen, 2022).

Following the Soviet invasion of Afghanistan in 1979, the country became an "arena of rivalry of the bipolar international system." The Soviet Union, which had occupied the country, withdrew in 1989, and Najibullah, who had remained in power with Russian support, was compelled to hand over the government to the mujahideen on 28 April 1992 (Behroz, 2020). The Taliban movement, which emerged in Kandahar province in 1994, gradually

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gained strength, captured the capital, Kabul, in 1996 and proclaimed the Islamic Emirate of Afghanistan (Ali, 2021).

Today, the country remains an arena of conflict for many states and active groups. Because its population is composed of diverse ethnic groups, foreign powers have been able to co-opt segments of it with relative ease, which has fuelled numerous conflicts and wars within the country. Divisions among the Afghan people themselves, such as ethnic, religious and sectarian antagonisms, have given rise to seemingly endless civil wars.

The largest foreign intervention in Afghanistan was carried out by the United States. The US and its Western allies began to support the Northern Alliance, which opposed the Taliban. Following the terrorist attacks of 11 September 2001, the US held Osama bin Laden, the leader of al-Qaeda, responsible for the attacks; three weeks later, together with its allies, it invaded the country with the aim of destroying al-Qaeda's training camps and neutralising all influence of the Taliban regime, and in 2001 the Taliban regime was brought to an end by the US and its allies. At the conference held in Bonn, Germany, it was decided to establish a new regime in place of that of the Taliban and the supporters of al-Qaeda (Boon & Huq, 2011). As a result of these interventions, the Taliban government was politically overthrown, and efforts were initiated to bring another government to power. Consequently, in December 2001, Afghan community leaders convened in Bonn and selected Hamid Karzai as the interim leader of Afghanistan.

Hamid Karzai won the 2009 presidential election for a second time and continued in office. The US administration announced that NATO forces would begin leaving Afghan territory from 2011 onwards, and in 2014 NATO left the country after transferring responsibility for security to Afghanistan's own national security forces (Güneş, 2026).

Hamid Karzai was elected president in 2004. During his presidency, substantial contributions were made to the revitalisation and reconstruction of the country's economic, social, military and political infrastructure. Nearly seven million children began attending school, and approximately 100,000 students received a university education. Hospitals and health centers were built and opened throughout the country. Some 45 per cent of the Afghan population gained access to electricity, and nearly ten million Afghans gained access to telephone and internet services. Around 40,000 small- and large-scale development projects were launched nationwide, and approximately 5,000 kilometers of asphalt road were constructed. Good relations were established with countries around the world; as a result, Afghanistan came to host 34 embassies, while it maintained 42 embassies and 16 consulates-general abroad. The Afghan government became an active member of major regional organizations such as SAARC, ECO and CAREC, as well as of other international organizations. The new Afghan currency was issued on a stable basis, and women's contribution to social and political life expanded. Per capita income rose from USD 184 in 2002 to USD 625 in 2014. The country's gross domestic product (GDP), which stood at approximately USD 5 billion in 2002, exceeded USD 20 billion in 2018 and reached USD 20.10 billion in 2019. Hence, following the installation of the new government after 2001, the country's GDP displayed an upward trend, with economic growth averaging 9 per cent between 2002 and 2013. However, with the gradual drawdown of international security forces in 2014, foreign financial assistance also declined.

The period that followed Hamid Karzai, when Ashraf Ghani became president, was one in which political turmoil resurfaced in Afghanistan, capital fled the country and the value of the national currency fell sharply (Izadifar, 2024).

After the collapse of the republican system, large numbers of Afghans emigrated through irregular channels in search of a better future. In its report, the International Monetary Fund stated that Afghanistan's gross domestic product contracted by 30 per cent in 2021. This contraction confronted the national economy with both an economic and a humanitarian crisis, leading to a further rise in unemployment, increasing poverty, currency depreciation, a widening trade deficit and declining incomes, and ultimately to mass migration and economic crisis. Following the collapse of the republican system, all the productive sectors that had played a significant role in the country's economic growth over the previous 20 years went bankrupt. The services sector, which accounted for the largest share of GDP, progressively collapsed, while the industrial sector contracted by 20 per cent. Moreover, the absence of support for farmers, drought and the decline in trade in agricultural products compelled farmers to turn to opium cultivation. This study examines the factors that were instrumental in the Taliban's return to power.

Key Factors Behind The Taliban's Return To Power

Failure to Build a Strong Army

Following the overthrow of the Taliban regime, the foundations of a new Afghan National Army were laid with the support of the US and the international community. Owing to the presence of international forces in Afghanistan, the US introduced a "paid (volunteer) military system" in place of compulsory conscription, while at the same time the establishment of a strong army in Afghanistan was prevented. According to the initial US plan, the number of Afghan army and security personnel was not to exceed 70,000. Moreover, Afghan forces were not given the opportunity to operate modern weapons and combat aircraft. In a mountainous country such as Afghanistan, it was not possible for such a weak and constrained army to provide security. In 2014, the US ended its

ground combat against the Taliban and shifted its role to training, equipping and providing air support to Afghan forces (Izza & Basuki, 2024).

When the entire ground war was left to the Afghan forces themselves, the Afghan government decided to increase the number of local Afghan forces. Within the framework of the "local forces plan", these forces received military training, and it was announced that they would operate under the Ministry of the Interior. However, the Afghan government was unable to control the local commanders, who, owing to a lack of salaries and military equipment, extorted money from the population. The violent conduct of the local forces towards civilians created a gap between the people and the government, and as a consequence the people turned to the Taliban. It should nonetheless be acknowledged that the local forces did achieve some successes in certain areas. In the war against the Taliban between 2014 and 2018, approximately 45,000 Afghan security personnel lost their lives, while thousands deserted the ranks of the security forces (Taşkın, 2010). Although the Afghan government and US officials claimed that Afghan forces numbered 350,000, this figure never actually existed; Afghan officials inflated it because they were receiving funding from the United States. In reality, the number of Afghan forces did not exceed 150,000, and only 20 per cent of them had the will to fight (Cleveland & Bunton, 2024).

Whereas members of the Afghan security forces regarded their service as a source of income rather than an expression of patriotism, the Taliban framed their struggle as "jihad" and referred to their fighters as mujahideen, thereby boosting their fighting morale. In other words, Taliban fighters claimed to be fighting for an idea and an ideology rather than for money and material privileges. In terms of fighting spirit, Taliban fighters were thus in a superior position to the Afghan military forces. The portrayal of the security

forces as mere wage earners, widespread corruption in the upper echelons of government, the flawed policies of Karzai and Ghani towards the Taliban, the politicisation of the Afghan army by government officials, and the suspension of US air operations against the group all adversely affected the morale of Afghan soldiers. The Afghan army trusted NATO military forces more than its own government. Following the withdrawal of approximately 10,000 NATO troops from Afghanistan, some 20,000 troops remained, tasked with ensuring the security of the US embassy. After the withdrawal of these troops, the Afghan army lost its will to fight (Çakmak, 2013).

Owing to its mountainous terrain, Afghanistan is conducive to guerrilla warfare. To ensure security in such a country, the quality of an army matters more than its size. Over the 20-year period, the United States, on the one hand, prevented the establishment of a strong army equipped with advanced and modern weapons and, on the other, did not seek to build a motivated and patriotic army based on voluntary service. As a result, the Afghan army was unable to withstand the Taliban's offensives, and the Taliban consequently gained control of Afghanistan.

Loss of Life and the Cost of the War

A study of US war expenditure after 11 September states that the US spent USD 6 trillion on this war, that 800,000 people lost their lives in the process, and that the war in Afghanistan was the longest war in US history (Çakmak, 2013). In addition to its enormous economic costs, the war in Afghanistan claimed the lives of 2,400 American soldiers and left 20,589 wounded. Some 62,124 military personnel, including members of the Afghan army as well as American and NATO soldiers, and thousands of innocent civilians were killed. It was not only the United States and its citizens that

suffered from the war in Afghanistan; every country that took part in it incurred losses (Nacos, Bloch-Elkon, & Shapiro, 2007).

The Failure to Cut Off the Taliban's Financial Resources and US Mistakes during the War

In its war against the Taliban, the US focused primarily on killing and detaining Taliban fighters and did not take serious measures against the group's financial resources. The US and the Afghan government held differing views on how to combat the Taliban's sources of financing. In addition to external support, the Taliban generated millions of dollars from drug trafficking and used this money to purchase weapons. One of the reasons for the US presence in Afghanistan was the fight against drug cultivation, production and trafficking. Nevertheless, Afghanistan ranked among the world's leading countries in drug cultivation and production, and in areas under Taliban control drug cultivation, production and trafficking never ceased. Besides drug revenues, some Western countries paid the Taliban in return for not attacking their troops (Scott, 2010). Furthermore, the Taliban collected zakat and ushr (tithe) from people in areas under their authority and levied taxes on passing vehicles. The Taliban also derived substantial revenue from exploiting Afghanistan's underground resources. After the war between the Soviet Union and the mujahideen, a large quantity of weapons remained in Afghanistan, constituting spoils for these groups; moreover, as the official Afghan government was unable to control its borders, Afghanistan became a hub of arms smuggling. The Taliban used their revenues to purchase weapons and to consolidate their control. Factors such as the killing of innocent people and violations of people's privacy also contributed to alienating the population from Western forces. There were also cases of rape of Afghan women committed by American soldiers (Rubin, 2013). Under the American war strategy, the killing of five civilians was permitted in emergencies in order to kill a single Taliban or al-

Qaeda fighter. The US repeatedly targeted civilians on the pretext of fighting terrorists, and on occasion Afghan security forces were also hit. The killing of civilians during the war provoked the anger of both the Afghan government and the Afghan people. The Taliban exploited the mistakes of American soldiers to change the mindset of the Afghan people and, as a result, convinced part of the population of the legitimacy of their war against the US and the government it backed.

Corruption and Ethnic Bias in the Afghan Government

The government established with the support of the international community and the US not only failed to combat corruption in state institutions but was itself involved in it. Aid provided to the Afghan people was not properly distributed to those entitled to it; with the collaboration of foreign donors, government officials transferred money intended for Afghanistan's poor to their accounts in banks abroad. In terms of corruption, Afghanistan ranked first among the world's most corrupt countries. Corruption in the country's judicial institutions reached its peak; for example, winning a case worth 100 TL required paying 100 TL in bribes to the judges. For this reason, Afghan citizens resolved their disputes through the Taliban's sharia courts. Alongside corruption, unemployment exceeded 50 per cent and literacy remained below 40 per cent. Despite billions of dollars in aid, half of the Afghan population lived below the poverty line, and young people made up the majority of the unemployed. Although modern agriculture courses were offered at Afghan universities, the lack of modern means of production left young graduates unemployed. In addition, ethnic discrimination reached its peak in government offices (Billaud, 2024). The head of an institution would seek to employ people from his own ethnic group; Turkmens, for instance, were not hired because of their ethnic origin despite obtaining sufficient scores in recruitment examinations, which led young people to join the Taliban. As the

government failed to provide basic services to the population while its officials transferred aid money abroad, people grew resentful and turned to the Taliban. In other words, because of the corruption of Afghanistan's rulers, foreign aid did not reduce poverty, did not create employment opportunities for the Afghan people and youth, and was not used for education, which led the population, consciously or unconsciously, to turn to the Taliban. Corruption in the Afghan government was thus one of the principal factors behind the Taliban's rise to power; like termites, it weakened the Afghan government and led to the collapse of the system.

The Failure to Bring the Realities of State-Building and the Establishment of Illegitimate Governments in Afghanistan to the Attention of the International Community

The legal and political order shaped around the Afghan Constitution at the Bonn Conference was incompatible with the social order and ways of life of Afghan society. Consequently, rather than resolving the Afghan problem, the constitution gave rise to a political crisis in the country. Under this constitution, the president was the commander-in-chief of the armed forces and also held powers across the executive, legislative and judicial domains of the state. Yet the vice-presidents, although elected by popular vote alongside the president, had no powers whatsoever and had also been deprived of the right to form new parties. As a result, no party had any meaningful influence in the Afghan parliament, and other public officials were merely symbolic. Whereas parliament should have served as the eyes and ears of the state system and curbed the corruption of its own government, it became complicit in that corruption. Since Afghanistan is composed of many different ethnic groups, no single group constitutes a majority, and no ethnic community could come to power on its own through democratic processes. The leaders of ethnic groups were therefore compelled to form alliances with one another. In the order established on the basis

of the Afghan Constitution by Zalmay Khalilzad, the then US envoy and ambassador, the head of government was a Pashtun, while his deputies were drawn from other ethnic groups. However, the fact that the vice-presidents were symbolic and held no authority in any matter led to political instability. The elected vice-presidents represented only their own ethnic group and paid no regard to others, which in turn led to a political crisis in the country. In short, the post-Taliban political system failed to bring ethnic and political groups together under the roof of government; certain ethnic and political groups, seeing no place for themselves in government, sought to bring it down. The weakness of the government in Afghanistan led the population to support the Taliban. Another factor that undermined the legitimacy of the Afghan government was the formation of extra-legal governments as a result of electoral fraud. In the 2009 elections, the Independent Election Commission declared Hamid Karzai president; however, his main rival, Dr Abdullah Abdullah, refused to accept the results. Under pressure from the international community, the Election Commission acknowledged that fraud had occurred and announced that the election would be repeated. Subsequently, before the second round began, Dr Abdullah Abdullah and Hamid Karzai reached an agreement, and Abdullah announced that he would not take part in the run-off. As Karzai had no rival, the Election Commission recognised him as president (Ahmadi, 2026). The political crisis was temporarily ended through US intervention (Javaid & Mushtaq, 2020). In the formation of the National Unity Government, the Afghan Constitution was set aside and both Ghani and Abdullah were vested with executive authority; the existence of two rulers within a single state created an untenable and unacceptable situation, which frequently gave rise to disputes (Andreas, 2016). The same scenario was repeated in the 2019 elections, and the will of the people was disregarded. As the National Unity Government was established under US pressure, contrary to the constitution and the

will of the people, it lacked any legal legitimacy. Moreover, the National Unity Government failed to fulfil its promises to the people and politicised the security institutions; the security-sector ministries received orders from two different persons, and since one leader would appoint an official to a post while the other appointed someone else to the same post, chaos ensued within the government. The Taliban, for their part, questioned the government's legitimacy and never engaged in serious negotiations with it, since it had been established by the US rather than by popular vote. Thus, the government's lack of legal and political legitimacy became another key factor in the Taliban's return to power (Khan & Rahim, 2026).

Changes in the Taliban's Warfare Tactics and Ethnic Policies

Although the Taliban regime was toppled in 2001, the group maintained its activities in the country. Given Afghanistan's mountainous terrain, the Taliban turned to guerrilla warfare, employing "hit-and-run" tactics. The core of the Taliban's tactics can be summarised as planting roadside mines, assassinating government officials, carrying out suicide attacks, and infiltrating their affiliates into the Afghan government apparatus in order to conduct operations from within. Through these attacks, the Taliban inflicted heavy losses on NATO troops and Afghan forces. During spring, summer and autumn, the Taliban would intensify their fighting against Afghan and foreign security forces, while in winter they would recruit fighters and train them in combat tactics. Following the overthrow of the Taliban in 2001, a liberal democratic regime was established in Afghanistan under US pressure and with the support of the international community. The democratic rights enshrined in this regime included media freedom, human rights, women's rights, and the activities of political parties and civil society organizations. The Taliban, however, used these values as instruments for achieving their objectives among the population: exploiting media freedom, they presented their operations to the

Afghan public and the world as a show of strength, while also using the crimes committed by foreign forces against innocent people to undermine those forces' legitimacy. Discursively, the Taliban characterised the presence of foreign forces as an occupation and declared the fight against them a "jihad". Consequently, a segment of the Afghan population, influenced by the group's propaganda, turned towards it. In every negotiation and on every platform, the Taliban regarded the withdrawal of foreign forces and the establishment of an "Islamic State" as their red lines (Andreas, 2016).

From the Taliban's perspective, the Afghan government possessed no authority whatsoever; consequently, the group never engaged in serious negotiations with it. In order to spread the war throughout the country, the Taliban changed not only their military tactics but also their ethnic policies. Initially, the Taliban organization was claimed to consist solely of Pashtuns, since all of its leaders and military commanders were Pashtun. To achieve their goals across the country, therefore, the Taliban began to appoint military commanders from the local population wherever they fought, irrespective of ethnicity. Using this tactic, they drew Uzbeks, Turkmens and Tajiks into their ranks, thereby expanding their area of control and strengthening their presence. For example, by recruiting Tajiks, the Taliban captured Badakhshan, where they built a majority drawn from members of religious orders (tariqas). After coming to power, the Taliban appointed Qari Fasihuddin, a Tajik from Badakhshan, as head of the army. The organization consolidated its presence in Afghanistan through military operations, a change in ethnic policy and the enforcement of its laws in areas under its rule, steadily expanding its territorial control. As a result, these developments laid the groundwork for the Taliban's return to power in Afghanistan.

Regional Countries' Support for the Taliban under the Guise of ISIS

In 2014, the Islamic State of Iraq and al-Sham (ISIS) emerged in the Middle East. In the name of the ideology of the caliphate, ISIS (Daesh) launched its war policy; at the same time, it designated all Muslim countries as the abode of Islam ("Dar al-Islam") and proclaimed its leader the leader of all Muslims worldwide. Regarding every Muslim country as one of its provinces (wilayat), ISIS appointed governors of its own choosing and gave the countries of the Middle East names of its own. It designated Iran, Afghanistan, Pakistan and part of China as "Khorasan Province", and in 2015 it activated its Khorasan branch. Hafiz Saeed, a leader of the Pakistani Taliban, was appointed governor of the Khorasan branch as the first person to raise the ISIS flag in Afghanistan (Byrne, Krzyzaniak, & Khan, 2015). The material resources of ISIS, together with the announcement, after two years of secrecy, that Taliban leader Mullah Mohammad Omar had died, led some Taliban officials and commanders, including Abdul Rauf Khadim, to pledge allegiance (bay'ah) to ISIS leader Abu Bakr al-Baghdadi. However, as the Taliban's leader at the time regarded ISIS as a threat, he did not pledge allegiance, and the two groups, Taliban and Daesh fighters operating in the remote and mountainous regions of Afghanistan, viewed each other as enemies (Rashid, 2022). In the aftermath of 9/11, Russia, China and Iran supported the war waged by the US and NATO because they regarded al-Qaeda and the Taliban as a major threat in the Middle East. Russia, for example, did not object to the establishment of US military bases in Kyrgyzstan and Uzbekistan. However, after the defeat of al-Qaeda and the Taliban, the United States did not leave Afghanistan but maintained its presence there. This situation alarmed Iran, Russia and China; although the continued US presence in Afghanistan was presented as a fight

against terrorism, it led not to the elimination of terrorism but to its further growth (O'Connell, 2020).

Afghanistan was of vital importance to ISIS, since control of the country would allow it to penetrate Central Asia, Russia, China and Iran with ease. After 2014, the Afghan army began fighting the Taliban; precisely at this time ISIS also became active, and the Afghan army lacked the strength to fight both organizations simultaneously. Furthermore, Russia, China and Iran believed that the countries with a military presence in Afghanistan were nurturing ISIS in order to destabilise the countries of the region. Iran and Russia, for instance, repeatedly accused foreign countries with a military presence in Afghanistan of supporting ISIS (Woodward, 2010). The activities of the ISIS Khorasan branch in Afghanistan posed a serious threat to the territorial integrity and national security of countries such as Iran, Russia, China and the Central Asian states. Since the security of the Afghan government depended on the US and NATO, regional countries supported and cooperated with the Taliban in order to protect their own borders. From the perspective of Russia, China and Iran, the Taliban differed from ISIS in both ideology and conduct. Unlike ISIS, the Taliban sought to establish an Islamic Emirate within the geography of Afghanistan and harboured no designs on the territories of neighbouring countries. Moreover, the majority of Taliban fighters were Afghans and adhered to the Hanafi school (Rashid, 2022). Taking into account the presence of foreign forces in Afghanistan, Russia, China and Iran supported the Taliban against ISIS. The activities of ISIS in the remote regions of Afghanistan somewhat complicated the Taliban's task; however, since these activities constituted a threat to neighbouring countries, they turned into an opportunity for the Taliban. In other words, regional countries supported the Taliban against ISIS, and thanks to this support the Taliban achieved successes and gains in the fight against ISIS. At that time, the Taliban

were perceived not as a terrorist organization but as a group that would eliminate terrorists. The Taliban's struggle against ISIS and the support extended to them by regional countries not only strengthened the Taliban on the battlefield but also conferred international legitimacy upon them.

Redefining the Enemy in US Foreign Policy and Pursuing a "Policy of Appeasement" towards the Taliban

In the foreign policy of the United States after the Second World War, terms such as "religious terrorism", "Islamic terrorism" and "international terrorism" entered Western political literature. While the US was combating terrorism and other international problems, China expanded its economy by taking advantage of "economic globalisation". China's economic power brought with it a growth in its military and political power, which caused serious concern in the United States. Donald Trump launched an economic war against China based on new trade policies (Malikova, Malikova, & Kotova, 2025). For the Joe Biden administration, China was regarded as America's foremost rival (Ibrahimi, 2022). Strengthening itself against the threats posed by China, the US opted for a "policy of appeasement" towards the Taliban and decided to end the war in Afghanistan. After Donald Trump came to power, the Doha Peace Agreement was signed between the United States and the Taliban on 29 February 2020, under which the US pledged to leave Afghanistan within 14 months, provided that certain conditions were met. In return, the Taliban pledged to sever ties with all terrorist groups, including its ally al-Qaeda, and not to allow such groups to use Afghan territory against the US and its allies. Within the framework of the Doha Agreement, as a demonstration of goodwill and in order to ease the pressure on the Taliban, it was agreed that 5,000 Taliban prisoners would be released in exchange for 1,000 Afghan security personnel. In addition, in line with the agreement, the US halted its operations against Taliban positions and decided to

withdraw from Afghanistan by 11 September without a peace settlement having been reached between the Afghan government and the Taliban (Ibrahimi, 2022). The agreement conferred international legitimacy on the Taliban, and it came to be accepted that the Taliban was no longer a terrorist organization. The Afghan government, on the other hand, was sidelined during the Doha peace process, and, in order to placate the Taliban, the details of the negotiations were not shared with it (Ibrahimi & Saba, 2025).

This US action undermined the legitimacy of the Afghan government. In addition to the international legitimacy it gained, the release of 5,000 prisoners and the suspension of air operations against the Taliban under the Doha Agreement strengthened the group vis-à-vis the Afghan government. Before a peace agreement had been signed between the Afghan government and the Taliban, the US announced that it would withdraw unconditionally. Seizing this opportunity, the Taliban concentrated their attacks first on districts and then on provinces, taking control of cities one after another. Ashraf Ghani's flight paved the way for the Taliban's entry into Kabul, and as a result the organization took control of Afghanistan for the second time. By signing the Doha Agreement with the Taliban, the US signalled that the republican regime it had sought to sustain under Ghani had come to an end.

Conclusion and Recommendations

Owing to its geographical location and strategic importance, Afghanistan has been subjected to numerous foreign interventions throughout history, which have profoundly affected the country's political and social structure. The US intervention in Afghanistan following the attacks of 11 September 2001 led to the removal of the Taliban from power and the establishment of a new political structure. However, the internal conflicts and foreign interventions that persisted over the years, together with the Taliban's recapture of

power, have disrupted Afghanistan's efforts towards development and stability.

The rise of the Taliban, the Soviet intervention, the civil wars that followed and the process of democratic transition have prevented the Afghan people from attaining lasting peace. Although the administrations of leaders such as Hamid Karzai and Ashraf Ghani achieved certain successes through international aid and economic reforms, internal and external threats made it difficult for the country to maintain its stability. While the US intervention toppled the Taliban in the short term, it failed in the long term to secure political stability in Afghanistan. Economic problems and high rates of unemployment and poverty have adversely affected the population's standard of living.

The second period of Taliban rule has marked the beginning of a new era in Afghanistan's international relations, yet it has been confronted with serious economic and political challenges.

The political system in Afghanistan needs to be restructured in a more inclusive and balanced manner, and greater reconciliation must be achieved among ethnic and sectarian groups. Comprehensive economic reforms should be implemented to combat poverty and unemployment, and long-term development strategies, such as infrastructure projects and workforce training, should be formulated.

Investment should be made in the education system, particularly to prepare the young population for a better future, and health services should be improved. Gender equality policies should be implemented to ensure women's participation in social and economic life, progress should be made on women's rights, and, in order to achieve positive long-term outcomes, decisions restricting the education of women and girls should be revoked.

The future of Afghanistan is a complex process shaped by the interplay of internal and external dynamics. For the country's stability and prosperity, both local authorities and the international community must seek solutions through joint efforts. Greater international cooperation is required in the fight against terrorism. The roots of terrorism must be eradicated not only through military interventions but also through diplomatic, economic and social means. Oversight should be strengthened to prevent human rights violations in counter-terrorism efforts, and individual rights and freedoms must be protected while security measures are being taken. To address the root causes of terrorism, education and awareness-raising programmes should be implemented, and violence and hate speech should be combated, particularly among young people.

More inclusive and egalitarian policies should be adopted to prevent discrimination against Muslims. Social tolerance and mutual understanding should be fostered, and the divides between religious and ethnic groups should be narrowed.

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