

Pak-Afghan Border Management: Assessing Pakistan's Foreign Policy towards Afghanistan (2001-2020)

By

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International Relations (IR)

To

Department of International Relations

FACULTY OF SOCIAL SCIENCES



National University of Modern Languages

Islamabad

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**I dedicate this thesis to the brave souls;
soldiers and civilians alike, who have made
the ultimate sacrifice on the frontlines of the
Pak-Afghan border in the ongoing fight
against terror. Their courage, resilience, and
unwavering commitment to peace and
security shall never be forgotten.**

Abstract

This research study critically examines the pivotal role of Pak-Afghan border management in shaping Pakistan's foreign policy towards Afghanistan over the past two decades. The central thesis posits that the unresolved border dispute, particularly Afghanistan's rejection of the Pak-Afghan border, has been a fundamental driver of Pakistan's diplomatic and security posture. The decision by Pakistan to fence the Pak-Afghan border in 2017 was a calculated response to escalating security threats, including terrorism, illegal migration, and cross-border trafficking. Although widely perceived as a security-driven measure, this action also carried significant foreign policy implications, signaling a shift in Pakistan's diplomatic and strategic approach towards Afghanistan. The border fencing initiative was not merely a safeguard for Pakistan's internal stability but a deliberate effort to reshape bilateral relations with Afghanistan and assert Pakistan's position in regional security dynamics. This study applies Neo-Classical Realism and Border Securitization Theory to critically assess how internal and external factors influence Pakistan's foreign policy decisions regarding the border issue. By integrating these theoretical frameworks, the study highlights how domestic political considerations, historical grievances, and external pressures from regional powers, such as India, have shaped Pakistan's approach to border management and its broader diplomatic stance. Furthermore, this research examines the multifaceted impact of border fencing on Pak-Afghan relations, highlighting its role as a strategic foreign policy tool designed to address immediate security concerns and long-term geopolitical objectives. Key issues such as the War on Terror, the Pakistan-Afghanistan Transit Trade Agreement (APTTA), border fencing, the role of external actors, particularly India, and assertions of successive Afghan Governments have been scrutinized to understand their compounded effects on diplomatic and security dynamics. This study employs qualitative analysis of primary and secondary sources, including official documents and interviews with key stakeholders, to explore how these challenges influenced Pakistan's foreign policy decisions. A Comprehensive Pak-Afghan Border Management Framework (CBMF) has been proposed as a policy recommendation for Pakistan and Afghanistan to mitigate tensions, enhance cross-border cooperation, and address long-standing grievances. By placing the border fencing decision within the context of Pakistan's continually evolving foreign policy, this research undertakes an endeavor to offer a principle perspective on border management as a tool of diplomacy while sheds light on the strategic rationale underlying Pakistan's approach to its bilateral relationship with Afghanistan.

Abbreviations

APTTA	Afghanistan Pakistan Transit Trade Agreement
APS	Army Public School
ASEAN	Association of Southeast Asian Nation
ATA	Anti-Terrorism Act
APTTCA	Afghanistan Pakistan Transit Trade Coordination Authority
CAREC	Central Asia Regional Economic Cooperation
ECO	Economic Cooperation Organization
FATA	Federally Administered Tribal Areas
FDI	Foreign Direct Investment
FC	Frontier Corps
GWOT	Global War on Terror
GHQ	General Headquarters
GATT	General Agreement on Tariffs and Trade
GOP	Government of Pakistan
ISI	Inter-Services Intelligence
IS	Islamic State (Daesh)
IBMS	Integrated Border Management System
KSA	Kingdom of Saudi Arabia
MoI	Ministry of Interior
MOFA	Ministry of Foreign Affairs
MCC	Chinese Metallurgical Group Cooperation

NISP	National Internal Security Policy
NAP	National Action Plan.
NACTA	National Counter Terrorism Authority
PTA	Preferential Trade Agreement
PATA	Provincially Administered Tribal Areas
RAW	Research and Analysis Wing
TAPI	Turkmenistan-Afghanistan-Pakistan-India (TAPI)
TTP	Tehreek-e-Taliban Pakistan
TTA	Tehreek-e-Taliban Afghanistan
TAPI	Turkmenistan Afghanistan Pakistan India
UNHCR	United Nations High Commission for Refugees
US	United States
UNO	United Nations Organization
WTO	World Trade Organization

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Introduction

Over the course of last seven decades, Pakistan and Afghanistan have navigated a complex and turbulent relationship, defined by multifaceted challenges and persistent diplomatic tensions. Pakistan shares a 2610 km long border with Afghanistan that was open and porous until the end of 2016. Pakistan has historically pursued cordial bilateral relations with Afghanistan despite the fact that Afghanistan has always proved to be a challenging neighbor for Pakistan due to its deep and diversified insecurities since 1947.¹ Complications ascended between the two states when Afghanistan negated the entrance of Pakistan in the United Nations, being the only country that opposed admission of Pakistan in the global body. Relationship further deteriorated when Afghan soldiers infiltrated Pakistani territory and attacked tribal regions, posing challenges for Pakistani forces who had to fight against both Indian and Afghan forces on the eastern and western borders. Eventually, Pakistan retaliated in 1949 by attacking an Afghan village, after which the Loya Jirga unilaterally declared all border resolutions with British India null and void.² Because Afghanistan does not recognize the Pakistan-Afghan border as a boundary between two neighbouring states, relationship between the two sides has marked complexity and challenges for decades.

During Bhutto era, Pakistan began long-standing efforts to strengthen relationship with Afghanistan and address all long-standing conflicting issues between the two nations. History indicates that if President Daud and Zulfikar Ali Bhutto had stayed in power a little longer, the likelihood of resolving the Durand line issue would have been much higher, and an outstanding and problematic conflict with Afghanistan would have been resolved. The tragic events of 9/11

¹ Muhammad Karim, "World Powers Rivalry in Afghanistan and Its Effects on Pakistan," *Dialogue (Pakistan)* 12, no. 3 (2017): 250

² Khalid Aziz, "Why the Distance between Pakistan and Afghanistan?," *PIPS Research Journal-Conflict and Peace Studies* 8, no. 1 (2016)

proved to evolve as the defining moment in the bilateral relationship between Pakistan and Afghanistan. The role of Pakistan as a front-line ally of the United States in this War on Terror was followed by a complex correlation, with momentary phases of cooperation between the two states.³ Afghanistan continuously blamed Pakistan for providing safe havens to the Afghan Taliban during President Karzai and President Ghani's regime, whereas Pakistan attributed the deteriorating security situation within its borders as an after-effect of conflict in Afghanistan as well as the implications of hosting a large population of refugees from Afghanistan. Afghanistan has remained a hotbed for militant organizations throughout the conflict,⁴ while Pakistan paid a significant price in terms of its politics, economy, security, and ideological stance.

Pakistan has carried out a number of counterterrorism operations and introduced different legislations related to counter-terrorism, yet widespread issues like militancy have hindered these efforts in the erstwhile FATA region, the porous border, and the presence of safe havens alongside the Afghanistan border, which facilitates militants to carry out their operations inside Pakistan. States of Pakistan and Afghanistan have continually disagreed on managing this border despite several rounds of talks between the leadership of both sides. Afghanistan did not agree to fence the Pakistan-Afghanistan border when President Musharraf proposed it in 2006, nor did it have the capacity to secure the borderline. Furthermore, the legal status of the borderline was also defied as successive Afghan regimes have rejected the border's legality despite international acceptance of the border.

While Pakistan refers to the boundary as the Pak-Afghan border, Afghanistan refers to it as the Durand Line and retains a claim on a territorial segment of Pakistan. Despite overwhelming

³ Shamshad Ahmad, "Post-9/11 Foreign Policy of Pakistan," *Criterion Quarterly* 1, no. 1 (2013)

⁴ Mona Kanwal Sheikh, "Islamic State Enters Al-Qaeda's Old Hotbed: Afghanistan and Pakistan," *Connections* 16, no. 1 (2017): 3-4

opposition from Afghanistan, the fencing project alongside the Pak-Afghan border was initiated in 2017. This significant fencing project stretched across Khyber Pakhtunkhwa (1,230 km) and Balochistan (1,381 km), reflecting Pakistan's intent to restrict unhindered border crossings. Construction of border checkpoints, forts, sophisticated aerial surveillance, and radar systems were also included in the fencing project. Though the project was anticipated to be completed in 2019, harsh weather conditions, as well as tensions on the eastern border, prolonged the timeframe of the project. As of January 2022, approximately 2600 kilometers of border fencing had been completed, with the final 21 kilometers awaiting the consent of the Taliban administration in Afghanistan.⁵ These actions underline Pakistan's steadfast commitment to tackling border-related challenges and fostering regional stability. This study primarily focuses on multifaceted aspects of Pakistan's foreign policy toward Afghanistan from 9/11 till 2020 and assesses how the fencing of the Pak-Afghan border has impacted the bilateral ties between the two states. A thorough analysis of all relevant variables related to the Pak-Afghan border has been conducted to illuminate the multifaceted challenges in the policy discourse between the two sides over the last two decades.

Statement of the Problem

Post-9/11 conflict in Afghanistan has profoundly altered the political, security, and economic landscape alongside the Pak-Afghan border. The region had been identified as a vulnerable hotspot, besieged by a slew of illegal, terrorist, and criminal activities. Terrorism, extremism, drug and weapon trafficking, human trafficking, illegal trade, and unauthorized migration have all contributed to the border evolving into a porous and unstable region. These challenges have had a significant impact on Pakistan's foreign policy towards Afghanistan, necessitating a

⁵ "Remaining Pak-Afghan Border Fence to Be Completed with Kabul's Consent: Sheikh Rashid," *Dawn*, 14 January 2022, Available at <https://www.dawn.com/news/1669407>.

nuanced and strategic approach to dealing with the multifaceted issues disrupting regional stability and security. Another major challenge lies in the recognition of the Pak-Afghan border as an international boundary line between Pakistan and Afghanistan. Despite international recognition, successive Afghan leaders have perpetually contested the legitimacy of the Pak-Afghan border, fostering an ongoing sense of conflict between the two countries. President Musharraf initially proposed fencing along the Pakistan-Afghan border in 2006. However, due to overwhelming opposition from Afghanistan at the time, the project was immediately put on hold. Following the 2014 APS attack, the urgency to address security concerns increased, resulting in the implementation of the National Action Plan (NAP). Pakistan was compelled to take decisive measures against unrestricted border crossings by terrorist groups as part of this plan. As a result, despite fierce opposition from President Ghani's administration, border fencing project was officially launched in 2017. It is worth noting that incidents of unprovoked firing by Afghan forces on teams working to fence the border have also been documented during the installation process. In this background, the study intends to determine the factors leading Pakistan to take on the fencing of the Pak-Afghan border and how it impacted the country's overall security situation. Moreover, the foreign policy of both states towards each other through the prism of political, economic, security, and socio-cultural dynamics in relation to the Pak-Afghan border has been thoroughly addressed. Counter-terrorism legislation and its co-relation with the Pak-Afghan border, as well as the economic and human rights of Afghan refugees based in Pakistan, are discussed, as well as how it has impacted the rationality of bilateral ties between the two sides. Controversies surrounding the Pak-Afghan border and the international practices of border management applied by different states of the world have also been thoroughly assessed. This research study revolves around a fundamental research question: How did factors in Pakistan's

foreign policy towards Afghanistan influence the decision to implement border fencing along the Pak-Afghan border, and to what extent did this alignment with Pakistan's counter-terrorism strategy alter border security dynamics in comparison to post-9/11 policies across political, economic, security, and socio-cultural dimensions? Border Management is being taken as an independent variable in this research study since decision to fence the border was a strategic measure by Pakistan to manage the growing security threats and instability along the border, including terrorism, illegal migration, and cross-border trafficking. This decision reflects Pakistan's intention to assert control and respond independently to the evolving security situation. The border fencing, therefore, becomes a policy tool that directly impacts bilateral relations, security dynamics, and the overall foreign policy trajectory with Afghanistan.

Rationale of the Study

This research study considers a thorough assessment of Pakistan's foreign policy towards Afghanistan, particularly emphasizing the underlying security challenges, counterterrorism dynamics, and geopolitical concerns, thereby leading Pakistan to fence the Pak-Afghan border. The primary rationale for this study encompasses the continually evolving border management and counterterrorism policies and their implications for the diplomatic and security relationship with Afghanistan. One of the main features of this research study was to evaluate the fact if fencing of the Pak-Afghan border was due to the implications of internal security policies or if this decision was an element of a broader foreign policy strategy that was intended to strengthen the dynamics of the bilateral relationship with Afghanistan. Although it is a fact that fencing of the Pak-Afghan border was predominantly a security-driven initiative, this research study assesses how this decision impacted Pakistan's bilateral relationship with Afghanistan through politico-economic and sociocultural orientations. This research intends to cover the gap in

assessing the dynamic relationship underlying counterterrorism obligations and foreign obligations towards Afghanistan by highlighting the challenges in terms of border security, legislative and recognition imperatives pertaining to the Pak-Afghan border, and the overall inferences of border management. Moreover, this study evaluates how the phenomenon of fencing has transformed the security landscape, the immigration of Afghan refugees based in Pakistan, and diplomatic ties between Afghanistan and Pakistan. A comprehensive assessment of border management of the Pak-Afghan border as a security imperative and foreign policy instrument is carried out, with the proposition of a strategic framework for effective governance of the Pak-Afghan border in the future times.

Objectives of Study

- To analyze the impact of counter-terrorism policies on Pakistan's foreign policy toward Afghanistan, specifically in the context of border security and diplomatic relations.
- To investigate the reasons behind Pakistan's decision to implement border fencing along the Pak-Afghan border and the factors driving this security initiative.
- To examine the political, economic, security, and socio-cultural dimensions of the Pak-Afghan border situation and their evolution in relation to border management strategies.
- To figure out a comprehensive border management framework for the Pak-Afghan border in view of the contemporary challenges and global practices.

Literature Review

Literature on the Pak-Afghan border, starting from the 1893 agreement and subsequent developments, legality, and management, is widely available, and various scholars have contributed to various aspects of the border. Understanding Pakistan's experience with Afghanistan can be accomplished by examining the links between the historical past, evolving

international and domestic political landscapes, and intervening factors such as religion in general, national defense perceptions, terrorist activities, and the involvement of two major powers in decades-long military engagements. Each of these factors contributes to a better understanding of how states operate in terms of tactical decisions and strategic choices. An assessment of the literature has been conducted to determine and analyze the key ideas and aspects that contribute to understanding and evaluating the dynamics of the relationship and how they affect Pakistan's actions and behaviors toward Afghanistan. Considerable empirical and analytical analyses of Pakistan's experience with armed conflict and terrorism have been examined to analyze the risks undermining Pakistan's security posture. Literature reviews on border management can be categorized into five broader categories. This involves the concept of border management and its co-relation with security dynamics, migration control, and border policies, trade facilitation and procedures of customs agencies, employment of emerging technological and innovative devices, and the role of diplomacy and international cooperation. This literature review is divided into conceptual and practical parts. In the first part, the conceptual aspect of border management is discussed with arguments and counter-arguments from different academicians on the subject, while, in the second part, the foreign policy of Pakistan and Afghanistan with its multilateral dimensions is discussed. The following is a compilation of the literature reviewed for this research study;

A) Literature on Border Studies

Vladimir Kolossov, in his research article titled “Border Studies: Changing Perspectives and Theoretical Approaches,” argues regarding the continued evolution and developmental dynamics in the realm of border studies since the start of the 20th century.⁶ He contends that post-modern

⁶ Vladimir Kolossov, "Border Studies: Changing Perspectives and Theoretical Approaches," *Geopolitics* 10, no. 4 (2005)

approaches have taken precedence during the last few years while the evolving perspectives of borders vary in different parts of the world. Concurrently, Jopi Nyman, in his research article, provides a thorough analysis of evolving trends in the underlying field pertaining to border studies.⁷ He is of the view that borders as geographical entities continually elicit dynamic experiences for states around the world as their historical, socioeconomic, and strategic importance in modern-day global politics cannot be overlooked.

While taking ahead the argument of Jopi Nyman, Allan Williams, and Teemu Makkonen, in their research article, contend that border region studies primarily comprise four important themes that may include Governance, Development, Cooperation, and Mobility.⁸ The authors are of the view that the importance of border studies in the evolving dynamics of international affairs continues to increase, and despite it being an offbeat field of regional studies, its issues cannot be overlooked in the relationship between the states.

Subsequently, Anna Casaglia, in her research article titled “Interpreting the Politics of Borders,” argued that an intersectional viewpoint is essential to understand the political consequences of international borders, which have been employed to perpetuate inequality.⁹ Borders can be considered as the markers of various levels of socioeconomic processes, while disputes between the states that may involve border crossings and border reinforcements remain consistent. It is critical to assess how nations with important border points in the realm of international affairs perform colonization and delineating functions at the same time.

⁷ Jopi Nyman, "The Ashgate Research Companion to Border Studies," (Taylor & Francis, 2011).

⁸ Teemu Makkonen and Allan M Williams, "Border Region Studies: The Structure of an ‘Offbeat’ field of Regional Studies," *Regional Studies, Regional Science* 3, no. 1 (2016)

⁹ Anna Casaglia, "Interpreting the Politics of Borders," in *A Research Agenda for Border Studies* (Edward Elgar Publishing, 2020).

Moreover, Henk Van Houtum, in his research article “The Geopolitics of Borders and Boundaries,” argues that Borders may be considered one of the most concrete geographic phenomena for states and international organizations.¹⁰ It needs to be acknowledged that the earlier emphasis of border studies was primarily on the informative and exploratory patterns; it has greatly shifted towards the border itself through which the states interact in terms of socio-spatial differences instead of historical dynamics and the evolving dynamics of the territorial line.

Krzysztof Jaskulowski, in his research article, has argued that securitization of borders has certain limits while the phenomenon of migration is dangerous considering the fact that states have managed the phenomenon of immigration through the lens of security.¹¹ Since the risks and ambiguities related to the politics of border studies remain quite enthralling due to the deaths of thousands of migrants every year, there exists a need to contemplate the alternative dynamics to securitization.

Zapata-Barrero, Ricard, and Lorenzo Gabrielli have written a paper in which they argue about the ethical implications of immigration with respect to border politics.¹² The authors contend that states tend to dominate the patterns of security architecture while there exists a growing tendency to assign co-responsibility to managing immigration to the nations of origin.

Concurrently, J. Scott has highlighted that the border politics of the Hungarian government may be one of the examples of how securitization may be employed to support nationalistic

¹⁰ Henk Van Houtum, "The Geopolitics of Borders and Boundaries," *geopolitics* 10, no. 4 (2005)

¹¹ Krzysztof Jaskulowski, "The Securitisation of Migration: Its Limits and Consequences," *International Political Science Review* 40, no. 5 (2019)

¹² Ricard Zapata-Barrero and Lorenzo Gabrielli, "Ethics and the Securitization of Migration: Reversing the Current Policy Framework," in *Handbook on Migration and Security* (Edward Elgar Publishing, 2017).

goals while challenging policies of the European Union.¹³ Roger Mac Ginty, in his research article titled, has contended that the peace agreement concluded regarding the Irish-Northern Irish border clearly indicates how peace agreements tend to eventually result in the de-securitization of borders as well as positive implications for the overall region.¹⁴ While analyzing the patterns of Border Studies In lieu of Comparative Politics as well as the field of International Affairs, it can be highlighted that discussion of postmodern approaches in border studies reveals a move away from traditional, state-centric interpretations while having toward deeper conceptions of boundaries as sites of engagement and contention. This ideological shift can be viewed in the emphasis on socio-spatial inequities as well as the broader implications for state authority and the concept of territorial behavior. These perspectives provide an essential window that allows us to observe how both national and international factors interact while indicating that the concept of border management can potentially foster cooperation as well as create tensions between and amongst the states. Furthermore, the concept of securitization in terms of migration is critical due to its practical and ethical limitations. While the dynamics of securitization create a conflict underlying national security interests and humanitarian challenges, states have to employ a strategy that may create regard for the basic human rights and challenges of human security while simultaneously addressing the complex problems of national security. This literature review further highlights the wider ramifications of these policies, which may encompass their capacity to worsen inequalities while jeopardizing regional stability.

¹³ James W Scott, "Hungarian Border Politics as an Anti-Politics of the European Union," *Geopolitics* 25, no. 3 (2020)

¹⁴ Roger Mac Ginty, "Response to Arie M. Kacowicz's Review of Everyday Peace: How So-Called Ordinary People Can Disrupt Violent Conflict," *Perspectives on Politics* 20, no. 1 (2022)

B) The Concept of Border Management and Its Applicability on the Pak-Afghan Border

In a global era where interconnectedness and integration are critical aspects driving socioeconomic and political development in societies, legislators have become well-aware of the need to assess the requirement for faster transboundary regulations reform to scale back commercial barriers and constraints. The purpose of CBM is to demonstrate how increased border control collaboration can lead to greater regulation efficiency and effectiveness for Customs throughout policymaking and operational activities, both nationally and internationally. This fact is taken in to account by *Tom Doyle*, who in his research article titled “*Collaborative Border Management. Customs and other border management agencies*” is of the opinion that customs as well as other security agencies have served as the regulator of the border.¹⁵ He believes that if correctly developed, executed, and resourced, the collaborative border management (CBM) strategy can deliver a variety of benefits to both the government and the commercial spheres. The international community and institutions must collaborate in order to achieve common objectives that will benefit everyone.

The same concept of coordinated border management is carried forward by *Sandeep Raj Jain* who has carried out a comparative study of Pacific Region.¹⁶ The author contends that because of its recent rapid economic expansion, the Pacific region have nettled the interest of people all around the world. The Economic and Social Commission for Asia and the Pacific (ESCAP) of the United Nations has been working with its member countries to develop solutions to the region's infrastructure and economic challenges. ESCAP has made a number of initiatives to significantly deepen regional economic integration by addressing infrastructure gaps and fixing

¹⁵ Tom Doyle, "Collaborative Border Management," *World Customs Journal* 4, no. 1 (2010)

¹⁶ Sandeep Raj Jain, "Coordinated Border Management: The Experience of Asia and the Pacific Region," *ibid.* 6 (2012)

administrative deficiencies. One of the latter's critical components is border control synchronization. Border delays are a key impediment to the smooth shipping of commodities in the region, and governments in the region are working together to develop solutions to address these issues.

Dr. Johann Wagner has authored a book in which he has assessed the systems of regulating borders, security, and organization that have changed and renewed over the course of thirty years following the unraveling of the Berlin Wall, as well as the tremendous difficulties of the formation of nations in the region of South Eastern Europe following the breakup of the former Yugoslav republics with regard to strategic governance of security.¹⁷ Another concern was the elimination of border surveillance inside the Schengen region as well as the concurrent adoption of appropriate substitute arrangements.

Subsequently, *Mariya Polner* is of the view that legislators are becoming more and more aware of the necessity for swift transnational legislative changes with the objective of removing pointless restrictions and constraints on business.¹⁸ These crucial ideas for transformation and procedures associated with border management have been included by the WCO in its Customs publication under the heading of Coordinated Border Management (CBM). CBM entails outlining how better border agency cooperation throughout the formulation of policies and practical actions, nationally as well as internationally, may contribute to increased governmental effectiveness and productivity. Although the WCO employs the phrase, *Coordinated Border Management*, different international Organizations have come up with their own versions of terminologies which include terms as Integrated Border Management (EU),

¹⁷ J. Wagner, *Border Management in Transformation: Transnational Threats and Security Policies of European States* (Springer International Publishing, 2020).

¹⁸ Mariya Polner, "Coordinated Border Management: From Theory to Practice," *World Customs Journal* 5, no. 2 (2011)

Collaborative Border Management, and Comprehensive Border Management. Despite differences in the terms, the broader meaning and context predominantly remains the same.

Likewise, Demetrios G. Papadimitriou and Elizabeth Collet have presented an innovative framework in their research studies.¹⁹ They are of the view that rapid increase in travel of people across the world has highlighted the weaknesses of the border management while a revised and more efficient border management architecture responds to the competing demands of mobility while subsequently managing the associated risks involved in cross-border travelling. Information and Technology (IT) may be considered as the centerpieces for the revised architecture of a revised border management system. Taking forward the same argument, Gill et al. investigate the manner in which technologies are incorporated into practices related to border management.²⁰ They are of the view that Border management practices are changing as a result of developments in fingerprinting, information analytics, along technologies for surveillance. These advancements boost productivity by enabling continuous surveillance and analysis of predictions. Nevertheless, security of information and privacy ethics continue to be of the utmost importance.

D. M., Chishti, Meissner, D Kerwin and Bergeron, C. have additionally made the case that advancements in technology, which include surveillance by drones along with fingerprinting systems for identification, are essential to improving the safety of borders.²¹ These developments increase the effectiveness of border surveillance operations while providing accurate information, and assuring the security of states. However, countering strong reliance on

¹⁹ Demetrios G Papademetriou and Elizabeth Collett, "A New Architecture for Border Management," *Migration Policy Institute, Washington, DC* (2011)

²⁰ Peter Seeberg and Zaid Eyadat, *Migration, Security, and Citizenship in the Middle East: New Perspectives* (Springer, 2013).

²¹ Doris Meissner et al., "Immigration Enforcement in the United States," *The rise of a Formidable Machinery. Migration Policy Institute. Recuperado de <https://www.migrationpolicy.org/pubs/enforcementpillars.pdf>* (2013)

technology, Andreas Peter remarked that whereas technical advancements offer the potential to enhance the security of borders, they can frequently contribute to a technology trap wherein officials rely extensively on gadgets instead of making investments in complete, human-focused approaches.²² If every attempt concentrated solely upon technologies without considering the fundamental political and socioeconomic variables that affect immigration and illicit trade, the international border surveillance system would turn out to be ineffective.

Ajay Yadav and his corresponding authors have introduced a new concept of employing Internet of Things in order to address the challenges of border management.²³ They are of the view that single-shot multi-box detection system is the most efficient approach for removing components through a photograph or footage. This technique employs only one layer of a neural network to detect objects. The technique uses multiple images to determine the products while providing these individuals with a suitable category label. In order to improve computational aspects efficiency, the suggested approach makes use of more conventional boxes as well as a number of layers of convolutional neural network with multiple layers. Border regions are capable of setting in place bordering management structures for monitoring, such as the border between Pakistan and India. The boundary fence's switch poles could be fitted with detectors and a camera powered by a Raspberry Pi or a live webcam. Subsequently, about 25,000 cameras and sensor assemblies are required. This type of system might be useful during extreme circumstances when it is tough to provide security through manual methodologies.

Subsequently, R. Karthick, P. Selvaprasanth and A. Manoj Prabakaran have also argued on the same concept of employing the technological advances of Internet of Things for border

²² Peter Andreas, *Smuggler Nation: How Illicit Trade Made America* (Oxford University Press, USA, 2013).

²³ Madhuri Muvva et al., "Border Management Using Internet of Things" (paper presented at the 2022 8th International Conference on Advanced Computing and Communication Systems (ICACCS), 2022).

management. They are of the view that multiple situations, which include monitoring, target acquiring, situational consciousness, as well as early cautioning for biological, chemical, radiological, along radiation hazards are being aimed at by nodes of wireless sensor networks.²⁴ Setting up dispersed video surveillance systems under constrained power funding is an especially challenging undertaking when confronted with wireless sensor networks, which are within the field of identifying objects, identification, and monitoring purposes. It has become essential to come up with novel construction methods and layout ideas that can provide multimodal communication detection while still maintaining the alluring low weight, size, as well as energy capacity that are provided by traditional safeguards in order to sustain such features. By collecting and communicating helpful data to gadgets with the capacity for computation to analyze it, wireless sensor networks can close the disconnect between the tangible and reasonable worlds.

Sanaa Alimia has analyzed the relationship involving the concepts of surveillance, population control, refugee ID cards as well as the situation alongside the borderline during the first decade of War on Terror.²⁵ During the Soviet-Afghan conflict, Pakistan benefited strategically from a sizable Afghan refugee populace as well as an open and vulnerable Af-Pak frontier; however, since the initiation of GWOT, this seems to be no more the situation. She argues that Afghan refugee identification documents function as monitoring instruments that enable the tangible, sociable, and constitutional marginalization of refugees who are not considered citizens given that international circumstances change. The Pakistani state is in a position to act out the borderline by using such restrictive measures. The oversight of demographic accessibility,

²⁴ Prabakaran Karthick, Manoj and Selvaprasanth, "Internet of Things Based High Security Border Surveillance Strategy," *Asian Journal of Applied Science and Technology (AJAST) Volume 3* (2019)

²⁵ Sanaa Alimia, "Performing the Afghanistan–Pakistan Border through Refugee Id Cards," *Geopolitics* 24, no. 2 (2019)

particularly the movement of citizens along with the implementation of societal marginalization by means of surveillance and verification results in the management of borders, which is an evolving phenomenon. The boundary lines are not completely what defines the boundary between the territories.

Another subject of discussion is Coordinated Border Management through the context of Pak-Afghan border. *Sehrish Qayyum and Umbreen Javaid* have analyzed Pak-Afghan border through the lens of coordinated border management.²⁶ They are of the view that even similar religious identities cannot sustain the notion of ethnically unified identities in states. Open borders are important for trade, progress, and mobility in the context of globalization. There are innovative strategies to promote cooperation rather than continuing prior adversarial policies when dealing with challenging borders like the Durand Line. With the guidance of coordinated management of cross-border challenges, this line of confrontation will change into a path of collaboration. However, *Amina Khan* negates the aforementioned argument by explaining that all of Pakistan's border initiatives have thus far been rejected by Afghanistan.²⁷ Surprisingly, Afghanistan has always responded harshly anytime Pakistan has brought up the subject of border identification, management, or regulation. It is crucial to create an efficient border control system that moves past historical antagonism while move towards cultivating collaborative and cooperative behavior.

While there are arguments in favor of coordinated border management as well as against it and academicians hold strong arguments for it; however, the fact that Afghanistan has remained in a state of conflict for over four decades which had its spillover effects in Pakistan as well,

²⁶ Sehrish Qayyum and Umbreen Javaid, "Coordinated Border Management (Cbm): A Quantum Approach to Resolve Bilateral Conflicts between Pakistan and Afghanistan," *Journal of Political Studies* 24, no. 2 (2017)

²⁷ Amina Khan, "Pak-Afghan Border," *Strategic Studies* 37, no. 3 (2017)

strongly rejects the notion for an open and coordinated border as it eventually becomes the national security issue for Pakistan. *Iram Khalid* in her research article analyzes Pak-Afghan border through security dynamics.²⁸ She thinks that since Afghanistan has showed no interest in guarding its borders, and hence Pakistan has a legal right to continue its border control efforts. However, both states must acknowledge that because of the evolving security environment and the emergence of new terrorist organizations in both states, ties between Afghanistan and Pakistan are prone to complications if both states do not cooperate to protect their territorial integrity.

Amina Khan and Christian Wagner in their article also asserts the fact that one of the main causes of conflicts and nation-building challenges is the Durand Line.²⁹ Unsettled borderline between the two states had first been utilized as a tactic by Afghan governments in their regional plans, while their proposal for a "Greater Pashtunistan" endangered Pakistan's territorial sovereignty until the 1970s. They understand that the Durand Line and other contentious borders may be resolved by creating policies that encourage cooperation rather than continuing with antagonistic practices.

Tariq Mahmood has highlighted another main aspect of Pak-Afghan border in his research thesis.³⁰ He contends that, though problematic Durand line has been considered as the Pakistan-Afghanistan boundary ever since Pakistan's independence, Afghan leaders have repeatedly denied its legality and challenged its legitimacy. Due to this dispute, relationship between the two sides have predominantly remained strained.

²⁸ Iram Khalid, "Confrontation at the Borders: Initiating Border Security Initiatives for Pakistan–Afghanistan Border Management," *Pakistan Vision* 19, no. 1 (2018)

²⁹ Christian Wagner and Amina Khan, "The Changing Character of the Durand Line," *Internationales Asienforum* 44, no. 1-2 (2013)

³⁰ Tariq Mahmood, "The Durand Line: South Asia's New Trouble Spot," (Naval Post Graduate School Monterey CA, 2005).

Naveed. S. Goraya and Muhammad Saleem Mazhar have also contended that this borderline between the two states may be regarded as the base issue of contention between Pakistan and Afghanistan.³¹ They have also focused on the legality of Pak-Afghan border and whether the agreement signed in 1893 is still valid or not. Though the question of legality has been addressed by the acceptance of border in the international community, yet claims of successive Afghan governments on certain territory of Pakistan advances the controversy; making the border dispute irresolvable between two states.

Dr. Lutf-ur-Rehman, who is considered an expert on the subject of Durand Line (Pak-Afghan border) has authored a research paper in which he is of the view that although there are numerous factors influencing Pakistan-Afghan ties, security, autonomy, disputes over borders, and connectivity have consistently been at the highest level of the agenda.³² The boundary controversy continues to be the subject of ongoing discussions and has been largely refuted by academics, lawmakers, and political leaders in Afghanistan. Thus, there are a lot of disputes and unidentified variables around the boundary. To prevent trafficking and unlawful cross-border activity, Pakistan has implemented the Integrated Border Management System. Afghanistan hasn't developed a plan like that. It still rejects the Durand Line while arguing that communication between the two sides should be deemed as highly essential in order to defy the menace of terrorism.

Another perspective to Pak-Afghan border is presented by *Lacin Idil Oztig*. He has comprehended the strategies adopted by Pakistan to address its border challenges. He argued that

³¹ Muhammad Saleem Mazhar and Naheed S Goraya, "Border Issue between Pakistan & Afghanistan," *South Asian Studies* 24, no. 2 (2020)

³² Lutf ur Rehman, "Pak-Afghan Border: Demarcation and Management," *Journal of Contemporary Studies* 10, no. 2 (2021)

fencing of Pak-Afghan border was a defensive strategy adopted by the State of Pakistan while it preferred to kill anyone who illegitimately crossed the boundary.

Dr. Muhammad Tariq and his corresponding authors have applied borderland theory in context of Pak-Afghan border in which they argued that elimination of insurgency and terrorist tendencies on will be accomplished through border management, which includes the deployment of joint security forces from the two countries on both sides of the border as well as negotiation and diplomacy.³³

Dure Shahwar Bano has also assessed the border through the lens of security.³⁴ She highlighted that border security issue is certainly not a new phenomenon. It is one of those contentious issues that has hampered the governance of both states. Rulers of Afghanistan have persistently rejected the status of Pak-Afghan border; thereby, resulting in a power vacuum that is an issue for security and governance of both states.

Dr. Tahira Perveen furthers the argument in her paper by analyzing the need of fencing the border for Pakistan, rather than treating it as the option.³⁵ She highlighted that despite Pakistan Army's full-scale aggressive strikes in tribal areas, the population's persistent perception of fear, mixed with economic insecurity, forced the country to unwaveringly protect her 2610-kilometer western border. A succession of fatal terrorism incidents across Pakistan devastated the state's resolve, prompting the country's defense forces to install defensive fences as a necessity instead of a choice. While fencing of Pak-Afghan border and its multilateral perspectives have been variedly assessed by different authors; it is a fact that after APS attack Peshawar in 2014 and

³³ Muhammad Tariq, Arif Khan, and Bakhtiar Khan, "The Borderland Theory in the Context of Pak-Afghan Border," *Sir Syed Journal of Education & Social Research* 3, no. 1 (2020)

³⁴ Dure Shahwar Bano, "An Enigma of Pak-Afghan Border Security," *Journal of Political Studies, Special Volume* (2019)

³⁵ Tahira Parveen et al., "Security and Economic Prospects of Fencing Along Pak-Afghan Border,"

implementation of National Action Plan (NAP), fencing of the border became a necessity rather than a choice. Though economics between two countries has been severely affected after the fencing, yet the state preferred security over economy. It further needs to be assessed how fencing has impacted the overall economic and security policy of Pakistan towards Pakistan and how terrorism has significantly influenced Pakistan's foreign policy toward Afghanistan.

Gretchen Peters provides an extensive overview of the complex matrix of illegal trade as well as trafficking operations that occur across the boundary between Pakistan and Afghanistan in her comprehensive and meticulously researched study.³⁶ The author clarifies the economic consequences associated with these business processes, particularly the trafficking of illicit drugs, which not merely fuels the international trade in drugs but additionally provides a large portion of the overall funding supporting terrorist organizations. The underlying assumption of Peters' argument is based upon the premise that open borders between Afghanistan and Pakistan encouraged an environment that is conducive for unlawful trafficking. The illicit narcotics trading, especially the production as well as the sale of cocaine, provides a major share of the revenue for militant groups. By controlling the movement of narcotics along with other illicit goods all throughout the international boundary, these Organizations are able to sustain their activities, assemble warriors, and carry out assaults. Peters highlights the requirement for effective border management regulations which includes improved monitoring, stricter regulations regarding customs, including global collaboration with the goal of cutting off these sources of financing. According to her, financial supply is essential for weakening terrorist outfits and fostering regional peace and stability.

³⁶ Gretchen Peters, *Seeds of Terror: How Heroin Is Bankrolling the Taliban and Al Qaeda* (Macmillan, 2009).

Peter's perspective has been questioned by political economist *Vanda Felbab-Brown* in her book.³⁷ Brown focuses on the challenges that counterterrorism missions in Afghanistan face, particularly those that are related to illegal businesses and border trafficking. Even though the author accepts the financial impact of illegal operations like those in illicit substances, she contends that simply concentrating on border management might not prove enough to stop such business operations. She claims that an enormous percentage of the people in Afghanistan depend on the illicit narcotics business, which is ingrained in the native financial system. Randomly harming agricultural producers and neighborhoods as a result of initiatives to eliminate illegal crops or block trafficking routes might cause instability in society and possibly attract more individuals to join extremist Organizations. In accordance with Felbab-Brown's counterargument, a border management strategy that is only focused on regulations may result in unanticipated repercussions. She is in favour of a more sophisticated approach that fuses security forces with socioeconomic growth programmes, which include alternative revenue-generating programmes for drug-trafficking farms. Felbab-Brown contends that it may be conceivable to, over time, lessen the influence that militants have on such operations by resolving the fundamental determinants of participation in unlawful businesses.

C) Foreign Policy of Pakistan and Afghanistan

M. Chris Mason and Thomas H. Johnson collaborated on a research study in which they argued that the Pakistan-Afghan border region has become not only the world's most dangerous frontier but also a difficult border for the United States to achieve its strategic priorities. According to the authors, Notably, some of the borderline territories held by Pashtun tribes essentially perfectly overlap with the region managed by terrorist groups. Due to this critical

³⁷ Vanda Felbab-Brown, *Aspiration and Ambivalence: Strategies and Realities of Counterinsurgency and State-Building in Afghanistan* (Brookings Institution Press, 2012).

factor, the state's approach, which has traditionally minimized various aspects of the conflict, has overlooked much of the violent religious extremism in both countries, as well as the majority of the counterterrorism challenges faced by the US. There is no ideological, religious, or economic danger to the enduring and long-term objectives of United States in the region. The US and the international community must make every effort to empower tribals, while concurrently ensuring that the tribal societies in both southern Afghanistan and Pakistan are peaceful, rather than attempting to expand the central government's reach.

Naeem Ahmed wrote a research article in which he claims that Pakistan's counterterrorism strategy, put in place in the aftermath of the 9/11 attacks, has been ineffectual and harmful in eliminating the militancy throughout the erstwhile FATA region.³⁸ In this regard, he not only outlines and examines Pakistan's counterterrorism plan, but he has also examined numerous reasons that contribute to the ineffectiveness of the country's counterterrorism policy. He has also considered the ramifications of the counter-terrorism policies of Pakistan in terms of domestic as well as the regional security dynamics.

Afghan President Ashraf Ghani has authored a report for the Atlantic Council in 2009. He argues that President Obama pledged his government's commitment towards bolstering the armed forces, management, and financial strength of Afghanistan and Pakistan, characterizing the state of affairs there as catastrophic.³⁹ Consequently, the presidency of Barack Obama has clarified the issue as well as established objectives for American involvement in the surrounding region. Nevertheless, in order to turn such goals into reality, it will be necessary to comprehend the surrounding circumstances, the lessons that were learned from past experiences, along with

³⁸ Naeem Ahmed, "Pakistan's Counter-Terrorism Strategy and Its Implications for Domestic, Regional and International Security," (2014)

³⁹ Ashraf Ghani, "A Ten-Year Framework for Afghanistan," *Washington, DC: The Atlantic Council* (2009)

the most important course of action for the foreseeable future. However, this approach was condemned for failing to deal with stability in the long run and additionally for having a limited emphasis on immediate goals, which prevented a common goal from being achieved. Ali Jalali is of the view that because means and ends of Afghanistan conflict have been blurred due to the absence of a shared and agreed upon vision; the challenges in terms of governance, security and stability as well as the peace in Afghanistan continue to further.⁴⁰ He further argues that in order to achieve those goals, both local and foreign leadership in Afghanistan must agree on the end objective to be achieved and then customize the selected methods; a surge, reconciliation negotiations, and geographical concessions with an objective to suit these objectives.

Sonali Kolhatkar and James Ingalls have authored a book in which they primarily assess the mistreatment of Afghan women to justify the conflict by the American liberals as well as the conservatives.⁴¹ Furthermore, the media coverage of American policies in Afghanistan have been thoroughly discussed as well. The public and media had not given American strategy in Afghanistan much attention since after the 11th of September. Even with promises of democratization and equal rights for women made by the leadership, Afghanistan continues to recuperate from generations of conflict.

Another work on the subject can be quoted of the internationally acclaimed book "*Pakistan: A Hard Country*," by Anatol Lieven, who examines the complex interactions between Pakistan's unique political system, social structures, and security dynamics.⁴² Efficient border management's contribution to the development of constructive relationships between countries represents one of the main points Lieven stresses. He contends that having safe frontiers can

⁴⁰ Ali A Jalali, "Winning in Afghanistan," *The US Army War College Quarterly: Parameters* 39, no. 1 (2009)

⁴¹ S. Kolhatkar, J. Ingalls, and D. Barsamian, *Bleeding Afghanistan: Washington, Warlords, and the Propaganda of Silence* (Seven Stories Press, 2011).

⁴² Anatol Lieven, *Pakistan: A Hard Country* (PublicAffairs, 2012).

serve as a platform for fostering confidence and collaboration amongst neighbouring nations, which he claims in response may unlock the possibilities for productive diplomatic interaction. However, *Sarah Chayes* in her book provides an opposing argument of Lieven's viewpoint. Chayes explores the widespread misconduct that permeates all levels of governance, particularly those located in frontier regions.⁴³ According to her, the advantages of having controlled borders can be undermined by mismanagement as well as an absence of control at the border crossings. Chayes' response concentrates on national structural variables that frequently impair the efficacy of border management. The enforcement of secured border controls may be affected within regions wherein malfeasance is prevalent. Even though there are seemingly protected boundaries, bribery and illegal operations can continue, causing an overall lack of confidence between countries leading towards prospective confrontations. According to Chayes, resolving governance-related problems and fraud is just as important as controlling the borders. Perhaps nations with the safest borders may be unable to promote constructive relationships between countries in the absence of domestic legislative changes.

Marvin G. Weinbaum authored a book titled “Pakistan and Afghanistan: Resistance and Reconstruction” in which he analyzes the issue of Afghan refugees, challenges associated with the Soviet-Afghan conflict, negotiations between Taliban and other warlords in Afghanistan.⁴⁴ Furthermore, the governance system of Pakistan as well as disputes between the two countries seem to be orchestrated against a geopolitical framework. Furthermore, regional as well as global agreements on resettlement and rehabilitation have also been extensively discussed.

⁴³ Sarah Chayes, *Thieves of State: Why Corruption Threatens Global Security* (WW Norton & Company, 2015).

⁴⁴ M.G. Weinbaum, *Pakistan and Afghanistan: Resistance and Reconstruction* (Westview Press, 1994).

Malik Zafar Iqbal wrote a research paper, in which he claims that nearly nine years after 9/11, the US had been still attempting to devise a sustainable counter-terrorism policy.⁴⁵ He contends that, never before has the security of the two nations depended so heavily on cooperation and assistance between them, yet there is a shared skepticism and apprehension from both ends. If Pakistan is to emerge from this struggle as a stable, prosperous, culturally diversified, peaceful, and regionally stabilizing force, the US and Pakistan must set aside their disagreements and reconcile. Ties between Pakistan and United States are nonetheless fraught with trust and distrust, cooperation and discord, agreement and disagreement, accusations and atonement. Despite disagreements in a number of areas, re-emerging mutual interests have pushed the two countries' relationship ever closer. The most recent War on Terrorism has offered a tremendous impetus for enhanced collaboration.

Iram Khalid and Muhammad Iqbal Roy collaborated on a research study in which the authors are of the view that Pakistan managed to regain its status as a frontline state immediately following the 9/11 holocaust and implemented both military and non-military counter-terrorism strategies.⁴⁶ Pakistan has suffered more terrorist attacks than any other country after 9/11, resulting in over 83000 civilian and military deaths. In the face of internal, regional, and global security considerations, In order to effectively combat terrorism, insurgency, and extremism, Pakistan urgently needs considerable legislative improvements, widespread popular support for WOT, and a balancing between civil-military ties.

Rizwan Zeb had presented a policy paper for *The China and Eurasia Forum Quarterly* in which he argued that there were some constructive advancements notwithstanding the tense

⁴⁵ Malik Zafar Iqbal, "An Appraisal of the Afghanistan-Pakistan Strategy to Counter Terrorism," *The US Army War College Quarterly: Parameters* 40, no. 2 (2010)

⁴⁶ Iram Khalid and Muhammad Iqbal Roy, "Pakistan's Military Operations: The Counter Terrorism Strategy (2001-2013) Prospects and Implications," *Journal of the Research Society of Pakistan* 53, no. 2 (2016)

relationship between the two countries.⁴⁷ Volume of bilateral trade between Pakistan and Afghanistan continues to be steadily rising. Additionally, both nations have pledged to strengthen their relations in the areas of sport, culture, and social engagement. One example of this encouraging tendency is the inauguration of the Peshawar-Jalalabad bus route. In addition, Islamabad has begun an array of initiatives in Afghanistan, including the construction of highways, educational institutions, and hospitals as well as the education of Afghan people in various fields. Pakistan is aware of how important stability in Afghanistan is to Pakistan. As a result, it won't destabilize the situation in any way because it will merely spill over towards Pakistan, just like it has happened in past years.

Maliha Zeba Khan wrote the research paper in which she has essentially highlighted the complexities of bilateral ties between Pakistan and Afghanistan.⁴⁸ Although Pakistan's foreign policy underwent substantial changes in the 1990s, the War on Terror and the ensuing Afghan War altered how the government dealt with Afghan issues. The strategic importance of Afghanistan to Pakistan made it hard to ignore the vulnerable security, peace, and stability situation in the country. Pakistan has repeatedly sought to act as a go-between for major actors such as the Taliban, the Afghan government, and the United States of America. It is critical for Pakistan to effectively manage its foreign policy in the surrounding region.

Another prominent subject expert, *Umbreen Javed* wrote a research paper, in which she argued that, despite their close vicinity and shared historical and religious history, she thinks that independent historians have brought attention to the fleeting animosity between Pakistan and

⁴⁷ Rizwan Zeb, "Cross Border Terrorism Issues Plaguing Pakistan–Afghanistan Relations" (paper presented at the China and Eurasia Forum Quarterly, 2006).

⁴⁸ Maliha Zeba Khan, "Pakistan's Foreign Policy Towards Afghanistan since Operation Freedom Sentinel: An Overview," *Margalla Papers* 21, no. 1 (2017)

Afghanistan.⁴⁹ Pakistan's commitment to destroying religious militant organizations and Afghanistan's ongoing rebuilding effort both offer reason for optimism for key stakeholders. In order to provide a roadmap from the colonialism to the post-9/11 current environment in the South Asian region, numerous possibilities for fostering widespread understanding and interstate collaboration, the chronology of diplomatic cooperation has been comprehensively discussed in this article.

Subsequently, *Safiullah Taye & Zahid Shahab Ahmed* have analyzed the multilateral dynamics of relationship between Pakistan and Afghanistan in their research paper in which they are of the view that Regardless of the shared cultural backgrounds between both countries including Pakistan hosting the greatest proportion of Afghan refugees in the world, the character of the relationship between them remains clouded by a sense of mutual distrust.⁵⁰ They behave with greater reason whenever they engage one another in discussions comprising additional nations, particularly related to economics or security, yet relationships between both states are governed primarily by the long-standing residue of distrust rather than by what they consider the need for collaboration. The concern of sacrificing substantial financial and strategic gains from other parties, including China as well as India, in the event of refusing to collaborate on certain issues, is a major factor in the expressions of long-term strategic confidence that involves collaboration from different states.

Former Pakistan's Ambassador to United States *Husain Haqqani* criticizes Pakistan's strategy for dealing with Afghanistan by presenting the argument that intelligence institutions of Pakistan have traditionally sponsored specific extremist organizations in Afghanistan as a means

⁴⁹ Umbreen Javaid, "Analyzing the Dynamics of Pakistan-Afghanistan Relations: Past and Present," *South Asian Studies* 31, no. 1 (2020)

⁵⁰ Safiullah Taye and Zahid Shahab Ahmed, "Dynamics of Trust and Mistrust in the Afghanistan–Pakistan Relationship," *Asian Studies Review* 45, no. 4 (2021)

of gaining regional control.⁵¹ This strategy is based on Pakistani strategic aspirations and has hindered Afghanistan's growth and progress by fostering turmoil there. Analyzing Hussain Haqqani's argument; it could be argued that Pakistan possesses legitimate security concerns considering its geographical location with Afghanistan. Given the growing number of militant outfits and continuing unrest in Afghanistan, Pakistan has reasonable fears. As a result, certain of Pakistan's decisions may be viewed as pragmatic measures to prevent the proliferation of terrorism within its geographical boundaries by merely securing its borders. Pakistan's decision to intervene in the internal affairs of Afghanistan cannot be justified, pertinently when the rationale behind it lies in creating strategic depth and regional influence.

Maj (P) Christopher L. Budihas has authored a monograph in which he argues that Pakistan's dealings with Afghanistan are influenced by its stakes in both her internal and external security, her domestic political framework, and her economy.⁵² Security is Pakistan's primary reason for seeking to rule Afghanistan. To maintain its sovereign identity against the backdrop of a hostile Indian neighbour and counter the extremist outfits within its bordering region, Islamabad must maintain authority over Afghanistan. Furthermore, Islamabad recognizes the fact that without reliable security, it is unlikely to be allowed to prosper financially or realize its ambition to take on the fight against terrorism on an international level.

Steve Coll has written an important book which has gained much popularity amongst the experts of Pakistan and Afghanistan.⁵³ The author renders it brutally evident that the establishment of the United States proved ineffective in analyzing the aspiration of Directorate S

⁵¹ Hussain Haqqani, *Pakistan: Between Mosque and Military* (Carnegie Endowment for International Peace, 2010).

⁵² Christopher L Budihas, *What Drives Pakistan's Interest in Afghanistan?* (School of Advanced Military Studies United States Army Command and General Staff College, 2011).

⁵³ Steve Coll, *Directorate S: The C.I.A. And America's Secret Wars in Afghanistan and Pakistan* (Penguin Publishing Group, 2019).

of the Inter-Services-Intelligence (ISI), which eventually became the very reason of failures in the military operations in Afghanistan. Steve Coll further contends that American war in Afghanistan eventually proved to be a disaster, due to the fact that United States was completely unsuccessful in attaining its objectives in Afghanistan. Likewise, *Adam Roberts* in his paper “*Doctrine and Reality in Afghanistan*” has also argued that fighting a conflict in Afghanistan was never going to be easy for the foreign forces.⁵⁴

A report by Elizabeth Threlkeld and Grace Easterly for USIP argues that the underlying factors of strategic considerations, trading, accessibility, security aspirations and sovereignty may be highlighted as a reason of conflictual relationship between Pakistan and Afghanistan.⁵⁵ Bilateral relations will also have an impact on security, politics, and socioeconomic factors, regardless of whether Afghanistan enters in a phase of deadlock or when an alternative government assumes power.

Likewise, *Christine Fair* in her article argued that Pakistan's poor performance to date has led to worries among world leaders about its willingness and capacity to fend off the extremists and reinstate the application of the law.⁵⁶ In past decades, clandestine campaigns against domestic extremists have been conducted with different levels of seriousness and effectiveness. The cooperation of the Pakistani government in the anti-terror campaign is not popular there. Even worse yet, however, up until the beginning of 2009, Pakistani citizens were reluctant to support the country's own War on Terror notwithstanding the TTP's continued

⁵⁴ Adam Roberts, "Doctrine and Reality in Afghanistan," *Survival* 51, no. 1 (2009)

⁵⁵ Elizabeth Threlkeld and Grace Easterly, *Afghanistan-Pakistan Ties and Future Stability in Afghanistan*, vol. 175 (United States Institute of Peace, August 2021).

⁵⁶ C Christine Fair, "Pakistan's Own War on Terror: What the Pakistani Public Thinks," *Journal of International Affairs* 63, no. 1 (2009)

invasion, their establishment of Shariah-compliant micro-emirates, as well as the rise in acts of suicide bombing in the mainstream cities of the country.

Subsequently, *Neta C. Crawford* has authored a paper in which she argued that conflicting relationship between Afghanistan and Pakistan over the course of last 15 decades has led to the loss of lives from people of both sides.⁵⁷ Since the US government has invested money in the conflict on both ends, the conflicts in Afghanistan and Pakistan continue to be linked, in part due to an open, porous and extremely volatile borderline between these two countries.

Syed Waqar Hussain and his corresponding authors have written a research article in which they are of the view that history has demonstrated that when two countries engage in trading, both nations prosper and that this is not just the case for one country at the expense of the other.⁵⁸ In the 1965 ATA agreement between Pakistan and Afghanistan, Pakistan promised to offer transit services for products imported and sold to Afghanistan. The term transit has become meaningless in the modern age since it has been superseded by the world's greatest trafficking ring. Its negative impacts may be evident throughout the country's macroeconomic and sociopolitical structures, and efforts to combat it have thus far been futile. According to this study, the main causes are embedded in histories, government, theology, culture, politics, leadership, communications, and occasionally even drug smuggling across the Pakistan-Afghan border. To resolve the issue, efforts on all facets are required, including political, military, legal, aggressive, and diplomatic channels.

⁵⁷ Neta C Crawford, "Update on the Human Costs of War for Afghanistan and Pakistan, 2001 to Mid-2016," *Costs of War* (2016)

⁵⁸ Sayed Waqar Hussain, Asmat Ullah, and Bashir Ahmad Khilji, "The Causes of Transit Related Pak-Afghan Cross Border Smuggling," *Dialogue (Pakistan)* 9, no. 1 (2014)

Gideon Rose has written a research paper titled "*Neoclassical Realism and Foreign Policy Theories*".⁵⁹ The author contends that neoclassical realism indicates that foreign policy of a state is governed by its relative material might. According to the thesis, institutionalized influences must be communicated through localized subsystem factors such as decision-makers' assumptions and normative framework; thereby, impacting the notion of national security and foreign policy through an intricate and convoluted pattern. Underlying dynamics involving strategy and power dimensions involve a comprehensive assessment of global and systemic factors through which the realms of foreign policy are perceived and likewise executed.

Gap in the Existing Literature

Scholars and international relations experts have thoroughly examined Pakistan-Afghan relations, their shifting foreign policies toward each other over time, the dynamics of the Pak-Afghan border in terms of management, economic framework, security, visa policies and Pakistan's foreign policy towards Afghanistan, since the fencing of the Pak-Afghan border began in 2017. Furthermore, the underlying challenges of human, drug and weapon trafficking have been addressed by security forces working in border areas, and the results can be seen in a variety of ways. Pakistan's security forces have complete control of the country's tribal agencies. Operations were carried out following the implementation of a national action plan, which has reduced pressure from the borders of the state substantially. A brief comparative study has been conducted to determine how Pakistan's transformed security policy following the implementation of the NAP positively impacted the state's security situation. It is also necessary to investigate the effects of the border fencing on both documented and illegal trade between Pakistan and Afghanistan. Nevertheless, it needs to be highlighted that despite the positive intentions behind

⁵⁹ Gideon Rose, "Neoclassical Realism and Theories of Foreign Policy," *World politics* 51, no. 1 (1998)

border fencing, recent increases in cross-border terrorism in 2023 and 2024 indicate that the outcomes of these efforts have not been fully realized, raising questions about the efficacy of these measures. Moreover, Pakistan's foreign policy towards Afghanistan has evolved over the last two decades, particularly in response to security concerns and regional dynamics. However, the specifics of this shift, whether related to counterterrorism strategies, diplomatic adjustments, or economic policies require further elaboration to clarify the nature of these changes. This research study intends to cover the gap in assessing the dynamic relationship underlying counterterrorism obligations and foreign obligations towards Afghanistan by highlighting the challenges regarding border security, legislative and recognition imperatives pertaining to the Pak-Afghan border, and the overall inferences of border management. A comparative assessment of Pre and post-fencing in terms of politics, economy, security, and culture has been highlighted. Second, what consequences have been drawn on Pakistan's foreign policy due to its counterterrorism policies? Terrorism has had a negative impact on Pakistan, exacerbating the problem of extremism and fifth-generation warfare. It must be thoroughly examined how Pakistan's foreign policy toward Afghanistan has changed during twenty years of conflict in Afghanistan. How has the Pakistan-Afghan border contributed to Pakistan's ever-increasing terrorism, and what steps has Pakistan taken to combat terrorist infiltration? Regarding macroeconomic development, it is also critical to assess the inadequacies of the 2010 trade agreement. Why could this agreement not be fully implemented between both states and what changes would be required in the agreement between both states following the fencing of the Pakistan-Afghan border? It must also be considered, if CPEC project can be further extended to Afghanistan while what economic benefits can be added to the existing revenue generation among the three states, providing an economic boost to Afghanistan's already deteriorating state. After highlighting all of the

fundamental border management issues, this study highlights an extensive border management framework that addresses all of the areas pertaining to border management and highlight certain policy measures that can ultimately boost Pakistan and Afghanistan's economic interdependence. The very focused objective and contribution of this study in the existing literature towards the Pak-Afghan border lies in the development of this framework that addresses all of the conflicting issues between Pakistan and Afghanistan pertaining to the Pak-Afghan border and its management based on factual information and circumstances.

Primary Question of the Study

With this background, the study revolves around the following primary question;

- How did security-related challenges influence the Pakistani decision-makers to fence the Pak-Afghan border and to what extent this arrangement alter border security dynamics?

Research Questions

- 1) How has the historical evolution of Pakistan's foreign policy from 2001 to 2020 shaped its border management with Afghanistan?
- 2) Why did Pakistan resort to border-fencing in the border belt adjacent with Afghanistan post 2017?
- 3) How has border-fencing impacted on Pakistan-Afghanistan bilateral relations post 2017?
- 4) Why is a comprehensive border management plan necessary for Pakistan and Afghanistan?

Hypothesis

Rising instances of cross-border terrorism, illegal migration, drug trafficking and regional security challenges shaped Pakistan's decision to pursue border fencing with Afghanistan.

Research Methodology

This research study assesses the intricacies of Pakistan's foreign policy towards Afghanistan in addition to Pak-Afghan Border Management, with a particular emphasis on the period spanning from the 9/11 attacks in 2001 to 2020. Given the complicated nature of the topic, qualitative method of study has been determined to represent the most effective way to comprehend the intricate facets of the diplomatic relationship as well as border management between the two states. Variables of this study include Pak-Afghan border and foreign policy dynamics. Pak-Afghan Border can be categorized as dependent variable whereas independent variables include Pakistan's Foreign Policy Decisions, Afghanistan's Foreign Policy decisions, Border Security Measures, Economic Agreements, Refugees, International Engagement and Dynamics of tribal administrative units. Co-relation of each of variable with its dependent variable has been extensively analyzed and debated. Furthermore, this study employs an interpretive approach with the aim of comprehending and examining the subjective occurrences, perspectives, and goals of major stakeholders in the border management. A multitude of case studies comprising key events and comparative analysis have been reviewed to provide a thorough comprehension of the subject matter. Secondary as well as the Primary sources of information have been employed to gather data for this research study. Primary sources of information have been gathered through semi-structured interviews with experts on Pak-Afghan issues, particularly those who have knowledge of the operation of the border management mechanism, military analysts, academicians, international experts and policy commentators on Afghanistan, Members of the Chamber of Commerce Khyber Pakhtunkhwa, security professionals as well as intelligentsia, both legal and illegal exporters from Pakistan, and the business community from the Chamber of Commerce. These interviews have been conducted to

analyze various perspectives in terms of foreign policy as well as security and economic policy. Furthermore, document analysis has been carried out in order to effectively analyze the existing information while analyze all the possible related dimensions related to Pak-Afghan border and Pakistan's foreign policy towards Afghanistan. Examples of secondary sources of data include employed for this research study comprise of books, journals, magazines, newspapers, policy papers, research articles, and web - based publications.

For data collection, Local and foreign newspapers as well as official websites of different think tanks were also consulted for the information regarding recent developments about Pak-Afghan border. This includes The News, Dawn, The Daily Times, The Express Tribune, The Frontier Post, The Washington Post, Tolo News, The New York Times, Khaama News etc. Websites consulted for this particular study included Center for Research and Security Studies (CRSS), Pakistan Institute for Conflict and Security Studies (PICSS), Institute of Strategic Studies, Islamabad (ISSI), The Stimson Center and CATO Institute. Data of this research study is subjected to a thematic analysis. Discourse analysis focuses on official discourse disseminated by heads of state, representatives of the council of ministers, senior civil servants, military commanders, as well as more general discussions on security strategy, political opponents, and the mainstream press. Official manuscripts, supportive texts, political texts, speeches, legislative debates, official border agreements between Pakistan and Afghanistan, declarations, media texts which would include field reporting, and opinion columns would all be the subject of discourse analysis. This study is based upon the premise of the pertinent sources within the time frame of 9/11 through 2020. Following the analysis of the qualitative data, an extensive border management framework would be researched using a detailed and in-depth evaluation of the information.

Research Design of the Study

In order to gather the first hand data from the experts of Pakistan and Afghanistan in terms of the complexities associated with border management and foreign policy of Pakistan and Afghanistan; semi-structured interviews have been conducted for this research study. Participants of the interview were selected with great consideration keeping in view that they have either been involved in the policymaking or held a tendency to view the affairs of Pakistan and Afghanistan over the course of last two decades with greatest consideration. While a diverse range of people from Afghanistan were contacted to speak on the subject; contemporary dynamics of Taliban rule in Afghanistan refrained them to engage and provide their perspective. Nevertheless, a balanced approach was adopted in terms of articulating the questionnaire in order to attain the views of the participants without any biases whatsoever. Furthermore, the questionnaire also guided the participants to give their viewpoints on the subject pertaining to the study but were not directly correlated to specific contextual arguments. However, the focus was maintained through pre-prepared questionnaires in order to collect comprehensive and context appropriate data that captures the distinct backgrounds and expertise of all those who participated. Furthermore, the participants were selected from diverse background which included people from academia, experts of Pak-Afghan affairs, military analysts and international experts who have written extensively on the subject. Gathering viewpoint of experts from diverse backgrounds allowed the intersection on policy affairs, security dynamics and controversies surrounding the Pak-Afghan border over the course of last seven decades. Perspectives from every respondent were examined to find fundamental trends and connections between the independent and dependent variables; while furthering the data on this research study. Interview data was further analyzed through thematic analysis while data-oriented

specifics pertaining to Pak-Afghan border and its contextual dynamics have been mentioned to enhance the validity of the research study. Moreover, ethical considerations have been followed for the interview process which are highlighted as follows;

Ethical Considerations of the Study

During the process of data collection, certain ethical standards were followed in order to enhance the credibility of this research study. While the semi-structured interviews have been conducted as the primary source of information; consent of the interviewees was initially taken and they were appraised of the fact that their names would be mentioned in this research study. It was also highlighted that data gathered for this research study would not be used for any other purposes, not it would be provided to any other individual or research organization. Communication for this research study was carried out with complete dignity, transparent manner and honestly, while it has been ensured that this research study is carried out in an unbiased manner.

Significance of Research

This study is important since it clarifies and highlights the underlying reasons for disagreements and conflicts between Pakistan and Afghanistan over the course of last two decades. Understanding these root causes and alternative solutions is an important initial phase in fostering bilateral relationship that has the tendency to lead this bilateral relationship towards security and stability throughout the region. Furthermore, multidimensional aspects of Pakistan's foreign policy towards Afghanistan during last two decades as well as the practical contours of border management along the Pak-Afghan border and how it relates to regional counter-terrorism efforts have been thoroughly assessed to provide valuable insights from the policymakers of both

sides. This thesis will make an effort to include some important perspectives that have not yet been discussed. Since decades, it has been clear that whatever happens in Afghanistan has its direct or indirect implications for Pakistan. The convergence of relations between any two countries is greatly influenced by economics and trade. Cooperation and long-term relationships are critical and urgently required in conflict-affected countries such as Afghanistan and Pakistan. While it may take years for policymakers in both countries to recognize, comprehend, and resolve border issues that are intertwined with Afghanistan's long-term stability, addressing border management issues is critical. Both sides must respect each other's territorial sovereignty since Afghanistan is still recovering from the setbacks of four decades old conflict and any prospects, Pakistan seeks in the region will have a significant impact on Afghanistan. This research could make a significant contribution to understanding various considerations by Afghanistan and Pakistan, as well as highlighting weaknesses in current border management policies and developing foreign policy with Afghanistan based on border issues.

Delimitation of Study

This study is delimited to Torkham and Chaman area of Pak-Afghan border as both these crossing points are considered as significant and a major traffic of both these states pass through these crossings. The literature review from post 9/11 to 2020 has been analyzed in the context of the objectives of the study. Though politics, economy, security and socio-cultural aspects have been analyzed to research and define a comprehensive border management framework, yet except economy and security all the other related dimensions have been analyzed through qualitative data while their quantitative sides are delimited.

Organization of Study

There are nine chapters in this research study in addition to Introduction and Conclusion. A brief summary of these chapters is given as follows;

The introduction of this study comprises of the background and the issue of Pak-Afghan border and foreign policy of Pakistan towards its management. It further describes the various dimensions that are influencing the security dynamics and defense cooperation of Pakistan with Afghanistan. Research Questions, Objectives of the study and Literature Review have been analyzed while the existing literature on Pak-Afghan border management, fencing, foreign policy of Pakistan towards Afghanistan as well as the implications of foreign policy due to Pak-Afghan border have also been analyzed. After conducting an in-depth literature review, literature gap is identified while the contribution of this study is also highlighted. Methodology along with the significance of the study is also explained in the introductory chapter of this research study.

First chapter of this research study highlights the theoretical foundation of this study. Since the research is analytical in nature, findings of this study would be related to Neo-realism which would establish the basis for the applicability of existing border management framework on the case-study of Pak-Afghan border.

In the second chapter, foreign policies of both states are discussed during the defined timeframe of this research study. It is analyzed how War on Terror impacted their relationship while what issues primarily led to decision of fencing by the leadership of Pakistan. Moreover, different phases of foreign policies and their implications have been thoroughly discussed.

Third chapter of this research thesis takes in to account Afghanistan's motivations and preferences regarding the Pak-Afghan border. It has been studied as why Afghanistan gives due

consideration to Durand Line agreement and why are they are culturally sensitive regarding their history. It has also been evaluated as how Afghan Taliban perceive this Pak-Afghan border and why they are culturally and politically sensitive regarding the intricacies of Pak-Afghan border.

Fourth chapter of this research study assesses the foundations as well as the current status of controversy over the border between Pakistan and Afghanistan. A logical analysis is devised as how fencing of Pak-Afghan border had the tendency to influence the national security and foreign policy dynamics, while concurrently playing an instrumental role in the affairs of both states.

In fifth chapter, Counter-Terrorism Policy of Pakistan since 9/11 till 2020 has been discussed while how it has impacted the security patterns, particularly with the reference of Pak-Afghan border. Different operations conducted by the security forces of Pakistan have been discussed briefly while the legislation passed by the Parliament of Pakistan related to terrorism has also been discussed.

The sixth chapter explains that Afghan refugees have acted as a key factor in defining Pakistan's foreign policy towards Afghanistan since last four decades. Socioeconomic and cultural implications on Pakistan due to Afghanistan have been discussed while global examples of the stay of refugees in different host states have been analyzed and a comparative analysis is made with the provisions of Afghan refugees in Pakistan. Legislative aspects of the presence of Afghan refugees in Pakistan has also been explained in-depth.

The seventh chapter of this research study evaluates Pakistan's legal as well as illegal trade with Afghanistan from 9/11 till 2020 in context of Pak-Afghan border and how it has contributed towards destabilization of the border. It is assessed how economic inter-dependence between two

states serve as a tool of secure and controlled Pak-Afghan border, ultimately leading to constructive socio-economic engagement between the people of two states.

Eight chapter of this research study assesses the merger of tribal administrative units with Khyber Pakhtunkhwa province of Pakistan and since its districts are bordered with Afghanistan, implications of merger have been thoroughly analyzed. It is assessed how mainstreaming the tribal region has impacted the socio-economic, cultural as well as judicial system of the region through the context of Pak-Afghan border.

Ninth chapter of this research study highlights a Comprehensive Border Management Framework (CBMF) after thoroughly assessing the Border Management frameworks applied by different states of the world. *Comprehensive Pak-Afghan Border Framework* discusses all the relevant issues pertaining to border management and Pakistan's foreign policy towards Afghanistan in relevance to this border. Global examples of border management have been thoroughly assessed and relevance to the proposed framework has be made through the contextualization of the circumstances on Pak-Afghan border.

Conclusion of this research study highlights how Pak-Afghan border can facilitate Pakistan and Afghanistan in addressing the contemporary challenges and improving the nature of their bilateral relationship towards each other.

Chapter I

Theoretical Framework

This chapter provides a framework for evaluating Pakistan's foreign policy towards Afghanistan, with a focus on the complexities that have shaped the layout of the Pak-Afghan border from 9/11 until 2020. This chapter has two main sections, with the first section explaining theories of Foreign Policy while the second section explaining the frameworks of Border Management have at length in order to highlight the varied perspectives and their application on this pertinent research study. Analysis of these theoretical frameworks has facilitated to evaluate the application of Neo-Classical Realism in lieu of foreign policy between Pakistan and Afghanistan. Furthermore, basis has been established for the application of border securitization theory with the objective to analyze competing perspectives associated with Pak-Afghan border. Integrative approach applied in lieu of both these theories provide a robust foundation for evaluating the security dynamics, strategic challenges as well as the policy dimensions of Pak-Afghan border and Pakistan's foreign policy towards Afghanistan.

1.1. Theories of Foreign Policy

Over time, political thinkers from the 'Realist' school of thought have cobbled together many theories to interpret a specific state's foreign policy behavior in light of the prevailing context at the moment. All these theoretical approaches agree upon certain principles. First of all, human beings find it difficult to survive as individuals and like to operate as a group that is believed to ensure security for individuals belonging to that group in return to their loyalty towards the group. Tribalism is considered an important facet of political and social life.⁶⁰ Second, these

⁶⁰ Robert J Antonio, "After Postmodernism: Reactionary Tribalism," *American Journal of Sociology* 106, no. 1 (2000)

groups indulge in constant struggle to achieve their interest; especially, security or other material resource for attaining relative gain over other groups. Groups remain skeptical about each other's interests and intentions, thus causing uncertainty in their behaviour. Third, to secure the interests or attain the objectives, these groups must acquire power. These principles incorporate writings of social scientists, and military strategists encompassing Clausewitz, S. Churchill, Max Weber and John Mearsheimer.

Most common amongst them has been 'Innenpolitik theories' which assume that domestic factors such as material power, ideologies of state (including political as well as economic), national character, socioeconomic structure and political views of various political groups help in determining the countries' behaviour with other countries.⁶¹ Advocates of this approach argue that behaviour of states having democracy is different than those state which are non-democratic; thus, came into existence "the democratic peace theory" which claims that since 1885, there has been no war between two democracies. There are, however, many variants of Innenpolitik approach that favour different specific domestic aspects but agree upon one thing that the foreign policy is product of states' domestic variables. This foreign policy approach operates from inside to outside and is commonly referred as Classical realism.⁶² There is one problem with this theory though. It fails to identify as to why states having similar domestic structure behave differently and states having dissimilar domestic systems, sometimes, act alike? Answer to this question was found in the works of proponents of another foreign policy theory known as Neorealist theory. It operates from outside to inside. Primarily, international anarchy is treated as main outside or external factor that drives the behaviour of state. Theory is further divided into two categories:

⁶¹ Norrin M Ripsman, Jeffrey W Taliaferro, and Steven E Lobell, *Neoclassical Realist Theory of International Politics* (Oxford University Press, 2016).

⁶² Chris Brown, "Structural Realism, Classical Realism and Human Nature," in *Realism and World Politics* (Routledge, 2010).

namely Offensive and Defensive realism. Both agree that states are unitary and rational actors who long for security but differ over the incentives that the international system provides. One (offensive realism) believes that anarchy is 'Hobbesian' wherein security is scarce which compels states to maximize their respective relative advantage while the other (defensive realism) considers that anarchy is benign that often allows plentiful security where rational states can undertake 'balancing' against the perceived threat rather than indulging in conflict unlike the offensive realists' view where actions of rational state may lead to conflict.⁶³ In the view of offensive realists, differences in internal aspects between states are insignificant as countries in same situation, irrespective of their internal features, may behave similarly due to strong pressure from international system. Countries, sometimes start with defensive motives but owing to the compulsions of international systemic structure may act offensively. According to this foreign policy theory as given by John Mearsheimer, who also named it as offensive realism while calling Kenneth Waltz theory of neorealism as defensive realism, anarchy compels countries to maximize their power through enhancement of their relative advantage thus provoking the conflict. This school suggests that relative capabilities and prevailing international environment of a particular state to evaluate the foreign policy behaviour of that state. Defensive realism school contends that states seek to maximize their respective security to ward off threat from other states in an anarchic environment.⁶⁴ This may, however, lead to 'security dilemma' that in turn can cause accidental conflict but state being a rational actor, mostly seeks to balance the situation through other means.⁶⁵ Critics of these foreign policy theories opine that these theories do not help country to take a wholesome view of the obtaining environment and thus, as an

⁶³ Jeffrey W Taliaferro, "Security under Anarchy: Defensive Realism Reconsidered" (paper presented at the International Studies Association, 40th Annual Convention, Washington DC, 1999).

⁶⁴ Sten Rynning, "Realism and the Common Security and Defence Policy," *JCMS: Journal of Common Market Studies* 49, no. 1 (2011)

⁶⁵ Charles L Glaser, "The Security Dilemma Revisited," *World politics* 50, no. 1 (1997)

independent foreign policy theory (classical and neoclassical realism respectively), push it towards somewhat flawed formulation of external behaviour. Scholars of International affairs have highlighted that even there exist disagreements within the specific theory as well as between the classical and neorealism theories. Neorealists argue about unintentional or accidental conflict generation because of the international system and the consequent impact on states in assessing each other's attitudes to ensuring security for themselves.⁶⁶ The huge material published to study the agreements and disagreement between these theories suggests that classical realism is focused on 'sources and use of national power' while neorealism concentrates on common 'patterns of international behavior. Literature also highlights the inadequacies of these theories. In the early 1970s, Anwar Sadat, Egyptian president, had to decide, under intense domestic pressure, regarding an offensive action against Israel.⁶⁷ He did not consider systemic factors. Similarly, when Argentine President Leopoldo Galtieri was feeling internal pressure against his government, he decided to wage war on the Falkland Islands despite the fact that Britain, besides being a powerful country, was a close ally of the US and furthermore, there was no hope that the former Soviet Union could have come in his support. Both examples amply demonstrate the domestic factors alone cannot help country to determine her foreign policy as systemic compulsions have to be likewise taken in to account. On the other hand, during Cuban Missile crisis, systemic consideration favored an offensive action as neorealist suggest; however, when analyzed by President JF Kennedy in combination with domestic compulsions, he stopped short of war.⁶⁸ Though the neoclassical theory did not exist at that time, however, it proves a

⁶⁶ Arash Heydarian Pashakhanlou, "Comparing and Contrasting Classical Realism and Neorealism," *United Kingdom: Aberystwyth University* (2009)

⁶⁷ Madjdy Kassem, "The Foreign Policy of Anwar Sadat: Continuity and Change, 1970-1981" (University of Oxford, 2013).

⁶⁸ Steven E Lobell, Norrin M Ripsman, and Jeffrey W Taliaferro, *Neoclassical Realism, the State, and Foreign Policy* (Cambridge University Press, 2009).

point that neoclassical realism is more comprehensive theory as it substantially contributed in the formulation of cogent foreign policy behaviour.

Neoclassical realism questions key aspects of aforementioned theoretical approaches. According to them, there are inaccuracies in Innen politik theories as they fail to identify the dominant factor shaping contours of states behaviour over a period of time. Neoclassical realists believe that it is the relative material power of state in comparison to other states which should become the starting point of analysis for studying that state's external behaviour.⁶⁹ However, this variable must be analyzed in conjunction with dynamics of international environment while giving it preference with regards to domestic variable. Neoclassical realists argue that Defensive realism also suffer from an anomaly as its focus on 'response of a state against threat' does not consider the perception of that threat at domestic level by a political leadership. Similarly, offensive realism also fails to incorporate impact of unit level intervening variables while interpreting and responding to external environment.⁷⁰ According to Neoclassical realists, international anarchy is difficult to understand states find it difficult to understand as whether the phenomenon of security is "plentiful or scarce" and need to tread the path very carefully duly examining the available information.

1.2. Salient Features of Neo-Classical Realism

The conceptual framework offered by neorealism is better suited for assessing Pakistan's foreign policy towards Afghanistan. Neorealism, typically referred to as structural realism, highlights with the manner in which self-interest and power dynamics of the state's impact the dynamics in which states engage with each other. It asserts that in an autonomous system, states

⁶⁹ Brian Rathbun, "A Rose by Any Other Name: Neoclassical Realism as the Logical and Necessary Extension of Structural Realism," *Security studies* 17, no. 2 (2008)

⁷⁰ Gustav Meibauer, "Interests, Ideas, and the Study of State Behaviour in Neoclassical Realism," *Review of International Studies* 46, no. 1 (2020)

act to optimize their defense as well as prospects of survival in the global system. In the eighteenth century, the term "*Neoclassical*" was initially used in literature and the visual arts to describe a restoration to the essential principles of traditional Greek as well as Roman artisans. Nevertheless, until recently, the theory's purpose was to integrate neorealism's structural beliefs with classical realism, but never demonstrated, emphasis on domestic politics to construct a theory that was preferable to both. The interest in historical classical realism did not resurface. The emerging renaissance period, which claims that the best way to develop a theory of foreign policy is to reinstate classical realism's perspectives, notably those regarding the importance of international non-structural variables in foreign policy formulation, may influence this discourse.⁷¹ A fusion of classical and neo-realism can be termed as neo-classical realism.

Neoclassical realism evolved as a result of foreign policy studies that assessed the structure of the international system as well as domestic elements and how they interacted. When examining state foreign policy in the context of the global system, neo-classical realism maintains that one must consider both the analytical and introspective strengths of unit level studies classical realists like Morgenthau, Kissinger, Wolfers, and others, including Waltz, Gilpin, and others.⁷² The basic goal of neoclassical realism is to understand how nations' motivations and subjective structures toward the international system, as well as the system's power dynamics, influence their foreign policy. This viewpoint asserts that internal decisions determine a country's foreign policies. A nation's foreign policy is logically determined by the combination of power and interests. Domestically, fear and greed fuel this convergence of power and interest. According to neoclassical realists, a country's foreign policy is determined by its

⁷¹ Steven E Lobell et al., *Neoclassical Realism, the State, and Foreign Policy* (Cambridge University Press, 2009), 254.

⁷² Jalal Dehghani Firoozabadi and Mojtaba Zare Ashkezari, "Neo-Classical Realism in International Relations," *Asian Social Science* 12, no. 6 (2016): 96

relative material might. Because actual political elites and leaders determine foreign policy decisions, their perceptions of relative strength are more important than the actual numbers of forces or resources available to them.⁷³ This means that foreign policy of states may not necessarily closely or constantly mirror objective material power changes in the short to medium term. In addition, those leaders and elites are not always allowed to access and direct national resources as they consider appropriate. Because these attributes determine the fraction of national resources that may be devoted to foreign policy, a state's strength and structure in relation to its society must be considered in a power analysis. The method is used in Neoclassical realism by combining independent and intermediate variables. Neoclassical realism views decision-making under consideration of systemic factors as the most important aspect of foreign policy analysis.

The second intervening component in neoclassical realism is the capacity or relative strength of states in comparison to other states.⁷⁴ So, while neoclassical realists advocate systemic analysis, they do so by assessing the relative strength of each state and the perspectives of those making decisions. Both realism and neo-realism struggle with foreign policy analysis due to their reductionist methods. Neo-realism investigates the challenges of the global system while fully ignoring the consequences at the national scale, while realism considers the unit level of study while totally disregarding systemic implications. Neo-classical realists describe both as incomplete as a consequence. Neoclassical realism is used to alleviate this constraint. In an anarchic international system where self-help is a deciding element in ensuring security, neo-classical realism and neo-realism both argue that states aspire or wield power primarily out of a need for security. As a result, power functions as a means to an end rather than as the ultimate

⁷³ Rose, "Neoclassical Realism and Theories of Foreign Policy," 146.

⁷⁴ Firoozabadi and Ashkezari, "Neo-Classical Realism in International Relations," 97-98.

aim in achieving a sense of security. While neo-classical realism handles two independent variables of unit and structure and their influence on outcomes, which are states' foreign policy actions in the international system, neo-realism simply addresses one independent variable of polarity and one dependent variable of results. Neo-realism investigates how the system's overall affects, restrictions, and incentives influence how states behave collectively. In contrast to Waltz's claim, neo-classical realism may explain how states respond to international system structural constraints depending on their specific circumstances, relative power, and motivations.⁷⁵ A comprehensive systemic theory can explain how various structures exert pressure on states, but it cannot explain how states respond to these demands.

Neo-classical realism emphasizes the crucial role of the state and makes an effort to clarify how and when internal state features affect decision-makers' perceptions of global risks and opportunities and determine their foreign policy. Neo-classical realism's primary objective is to improve the interpretation and analysis of neo-realism by introducing institutional mediators between incentive schemes, institutionalized aspirations, and foreign policy decisions. This is because the leading theorists hold that the international system's structure, such as power dynamics and the severity of external threats, cannot adequately describe foreign policy behaviour patterns.⁷⁶ Combining internal and external variables may provide a more comprehensive insight. One of its merits is that it may be used to examine state foreign policy. The major strength of Neoclassical realism is its simultaneous emphasis on systemic and unit issues, as well as historical validity. Because of its robustness, the theory is more applicable than other varieties of realism. While assessing the theoretical implications of Neo-Classical Realism,

⁷⁵ Md Mahmudur Rahman, "A Review of Neo-Classical Realism and Its Assessment of Independent and Intervening Variables in Foreign Policy Analysis," *International Journal of Politics and Security* 3, no. 2 (2021): 30

⁷⁶ Ibid.

it can be argued that concerns over regional security, such as terrorism, cross-border insurgencies, and geopolitical competition, have greatly impacted both Pakistan's and Afghanistan's strategy towards their borders. Neo-Classical Realism argues that mutually beneficial initiatives for border management are driven by these collective security challenges and underlines the importance of collective security objectives in directing policymaking. Furthermore, the readiness to collaborate on border management efforts is influenced by domestic political variables such as nationalist sentiments, the general public's opinion of border security, as well as the primary concerns of elected leaders. Neo-Classical Realism highlights that while examining border policy and cooperative initiatives, the domestic political climate must be taken into account. In addition, the apparent balance of power in the geographical region and the security conundrums brought on by cross-border threats have an impact on initiatives to improve border surveillance and collaboration. Neo-Classical Realism argues that governments should take lessons from past experiences and adjust their border management strategies in light of past conflicts and attempts at cooperation. This suggests that as both nations gain insight into their contacts and modify their methods correspondingly, regulations pertaining to the border between Pakistan and Afghanistan may change as time passes.

1.3. Distinction between Classical, Structural and Neo-Classical Realism

It is important to clarify the theoretical underpinnings of the framework employed in this research study. Although the application of neo-classical realism enables a thorough understanding of Pakistan's internal and external pressures that reflect its security challenges; nevertheless, it is crucial to distinguish between the variants of realism such as classical realism, structural realism and neo-classical realism. It must be noted that the phenomenon of Classical Realism is primarily attributed to scholars like Thomas Hobbes and Thucydides while it emphasizes upon the instinct nature of human beings, role of leadership and role of morality in

terms of decision-making in foreign policy dynamics. Concurrently, the phenomenon of Neorealism, which is also attributed to as Structural Realism emphasizes upon the structure of the international system, while arguing that states are bound to act in accordance with the dictated patterns of the anarchic global order while overlooking the domestic considerations. Concurrently, the phenomenon of Neo-Classical Realism assimilates the structural features of global order as well as the domestic factors that impact the behavior of the state. This tendency permits for a more thorough and comprehensive approach of the dynamic interplay underlying domestic issues and external factors.

It is pertinent to highlight that the phenomenon of Neo-Classical Realism has been employed in this research study in order to analyze the domestic challenges and the global structure, that have shaped Pakistan's foreign policy towards Afghanistan. Classical Realism cannot be deemed suitable for this research study since it is deemed less effective in taking it to account the on-going security challenges between Pakistan and Afghanistan. This is because it does not sufficiently account for the complex geopolitical environment or the structural forces shaping state behavior. Concurrently, though it is a fact that structural realism provides insights in to the anarchic nature of the global system; thereby, influencing the behavior of state, Neo-Classical Realism has been deemed more fitting and appropriate for evaluating the security challenges associated with the border region of Pakistan and Afghanistan, since it pertinently explains the domestic factors encompassing the national security perceptions and choices made by the leadership, that have affected the foreign policy of both states.

1.4. Application of Neo-Classical Realism in Lieu of Pakistan's Foreign Policy towards Afghanistan under the pretext of Pak-Afghan border

Bilateral Ties between Afghanistan and Pakistan can be assessed using neoclassical realism, and the phenomenon of border management can be conceptually assessed by employing

the border management framework. In this context, neoclassical realism provides a comprehensive lens to examine how Pakistan's foreign policy towards Afghanistan was influenced not only by the external pressures of regional insecurity but also by its internal political, social, and economic realities. In Pakistan, the War on Terror served as the structural imperative that heightened insecurity along the Pak-Afghan border, which then fed into Pakistan's foreign policy decision-making process. The War on Terror exacerbated Pakistan's security concerns, particularly in its border regions, creating a situation where policy responses were not just reactive but shaped by internal demands for stability and security. Neo-classical realism can be highlighted as the outcome of foreign policy analyzes that takes into account both the internal dynamics of the system in addition to the structure of the global framework.⁷⁷ The most common assumption has always been that domestic politics informs and decrees the decisions of foreign policy. Institutional factors such as the politico-economic philosophy, sense of national identity, political partisanship, and socioeconomic framework all influence how states engage with the entire global community beyond their borders. While taking in to account the border management as well as the foreign policy dynamics; owing to the domestic requirements of its citizens, notably indigenous tribes, Pakistan has remained less interested in properly managing the frontier since its independence. Native primitive tribes prioritized a loosely managed border because they regularly managed to cross it unchallenged. In addition, Pakistan's 2610-kilometer border with Afghanistan posed no specific risks. However, Pakistan was compelled to aggressively monitor the border with Afghanistan due to the problems like immigration, cross-border firing, terrorist incursion, and smuggling.⁷⁸ The need for border

⁷⁷ Ashraf and ASM, "The Politics of Coalition Burden-Sharing: The Case of the War in Afghanistan" (University of Pittsburgh, 2011), 30.

⁷⁸ Ashley J Tellis, "Pakistan and the War on Terror," *Conflicted Goals, Compromised Performance*. Washington, DC (et al.): Carnegie Endowment for International Peace 10 (2008): 18-20

fencing emerged as a direct response to these spillover effects and can be seen as a reflection of both the international pressure Pakistan faced from the US and other global powers to control cross-border terrorism, and the internal imperatives of safeguarding the territorial integrity and sovereignty of the state. Neoclassical realism holds that a nation's foreign policy toward a foreign state is impacted by the geopolitical, economic, and sociological factors of that state. Over time, Pakistan's foreign policy toward Afghanistan has always evolved due to the evolving political landscape.⁷⁹ Aside from global security concerns and protracted armed conflicts in Afghanistan, the attitudes of the Afghan government and their leadership toward Pakistan have indeed influenced this shift in foreign policy. Relational metrics can be used to conceptually define the model, avoiding the challenge of theorizing bounds. Therefore, to successfully manage boundaries, numerous delineations, whether tangible or abstract, and characteristics must be understood in their context. The application of border clearance processes by Customs and other entities is strongly challenged since it is claimed how these protocols impede effective border management.⁸⁰ To complicate matters and further worsen them, conventional procedures can be fairly onerous at times, and inefficiencies and weak infrastructure push up expenditures owing to inefficiency. This has curtailed investment opportunities and led to rampant corruption in border control in many countries. These issues disproportionately affect emerging economies. Although Pakistan's bilateral relationship with Afghanistan is steered by its security and economic aspirations, it further takes into account the well-being of people who live in bordering agencies (Former FATA) of Khyber Pakhtunkhwa along the border. However, the issues associated with border management of Pak-Afghan border can be effectively explained by analyzing the

⁷⁹ Imraz Muhammad, Muhammad Tariq, and Saqib Javid, "Pakistan's Foreign Policy Towards Afghanistan: A Case Study of Zia's Regime," *Rashhat-e-Qalam* 3, no. 1 (2023): 32-33

⁸⁰ Guo Li and Na Li, "Customs Classification for Cross-Border E-Commerce Based on Text-Image Adaptive Convolutional Neural Network," *Electronic Commerce Research* 19 (2019): 780-81

theoretical frameworks of border studies and application of a specific theory associated with this research study. A thorough analysis of the theories of border studies is being carried out as follows;

1.5. Theories of Border Studies

In the contemporary realm of International Affairs; Border studies have evolved significantly as a result of the several theoretical frameworks developed by scholars to analyze the multifaceted nature of borders; from their tangible delineation to their resulting implications for society. Among these frameworks, three prominent schools of thoughts which may include functionalist approach, constructivist perspective and critical theories; thereby, offering a perspective on understanding border phenomena. Each framework distinctly provides a distinct viewpoint when it is applied on a specific issue which in this case may be highlighted as the management of border between Pakistan and Afghanistan.

Functionalist perspectives possess their roots in early writings by authors such as Friedrich Ratzel and Richard Hartshorne who have emphasized that borders can be considered as tools for the states to preserve their territorial integrity, authority and regulations.⁸¹ These theories see boundaries as factual and immutable indicators of state sovereignty; thereby, emphasizing their operational, financial and regulatory implications. Functionalist viewpoints highlight state-sponsored attempts to set up border enforcement measures including fencing and border controls in order to maintain security while stopping illicit activity. Example of this can be quoted of the Pak-Afghan border wherein Pakistan fenced the borderline and constructed check posts alongside to ensure that no illegal activity takes place. However, David Newman and Anssi Paasi

⁸¹ Joan Vicente Ruffi et al., "Peripheral Borders, Soft and Hard Re-Bordering in Europe," *Belgeo. Revue belge de géographie*, no. 2 (2020)

have clearly indicated this strategy frequently ignores the evolving and contentious sociopolitical aspects of borders which are particularly important in areas with complicated demographic and historic traditions.⁸² Concurrently, the phenomenon of Constructivism is primarily argued by scholars like Alexander Wendt, Martha Finnemore, Newman and Paasi who are of the view that borders are immobile and can be highlighted as socially established areas that may be influenced by relationships amongst the bordering nations, local populations residing in the border regions as well as the international players.⁸³ Attila Fabian is of the view that dialogue, the concept of socialization and continued cooperation between bordering states have the tendency to enhance cooperation in the security communities.⁸⁴ Assessment of Pak-Afghan border in this context highlights conflicting narratives and ethnic loyalties that have substantially impacted its operational dynamics from Pakistan as well as the Afghanistan's side and the perceptive dynamics of the region. Although constructivism emphasizes upon the cultural identity, social context and power relationships influence the dynamics of borders; it concurrently lacks the philosophical clarity needed to tackle real-world issues like drug trafficking, smuggling and border enforcement challenges. Furthermore, the power structures and cultural as well as the historic traces that underlie borders may be examined by critical theories that include the postcolonial and securitization approaches. Scholars like Henk van Houtum and Etienne Balibar have highlighted how borders frame and enhance the authoritative national interests of the states while exclude people and thereby maintain inequality within the society⁸⁵. Ole Waever, Jaap de Wilde and Barry Buzan developed thesis regarding securitization whose emphasis has remained

⁸² David Newman and Anssi Paasi, "Fences and Neighbours in the Postmodern World: Boundary Narratives in Political Geography," *Progress in human geography* 22, no. 2 (1998)

⁸³ Anssi Paasi, "From Bounded Spaces to Relational Social Constructs: Conceptualisation of the Region in Geography," in *The Multidimensionality of Regions in World Politics* (Routledge, 2020).

⁸⁴ Attila Fábián, "Constructivist Views of Cooperation Along the Border," *Acta Universitatis Sapientiae, Economics and Business* 1, no. 1 (2013)

⁸⁵ Rodrigo Bueno Lacy and Henk van Houtum, "Europe's Spectacular Borderlines: On Refugee Camps, Banlieues and Other Spaces of Exception," (2024)

upon the method through which governments justify drastic steps to deal with and manage border concerns by framing them as fundamental threats to national security of the state.⁸⁶ This viewpoint is especially pertinent to the Pakistan-Afghan border wherein strategic choices have been primarily driven by narratives about terrorism and cross-border militancy. Scholars like Didier Bigo have contended that securitization frequently puts state security ahead of human security which eventually has a detrimental financial and social effect on communities residing alongside the border region.⁸⁷ It is an established fact that these ideas have offered conflicting yet complementary perspectives on the Pak-Afghan border. Critical theories, especially securitization critiques the framing of border concerns in terms of security challenges whereas the phenomenon of Constructivism illuminates the socio-cultural and identity-related problems. Moreover, functionalism highlights the regulatory activities of states. The most pertinent paradigm for examining the Pak-Afghan border is Border Securitization theory which emphasizes the interaction between security requirements and sociopolitical factors. Simultaneously, it addresses the consequences for human rights, ensuring stability throughout the region as well as the local economic development while apprehending how security narratives influence border policy. However, respective theoretical frameworks related to border management needs to be analyzed in-depth in order to assess as why these frameworks do not pertinently explain the situation alongside the Pak-Afghan border.

1.6. Integrated Border Management (IBM) Framework

This framework is a system of border management that emphasizes collaboration amongst multiple state agencies. Its objective is to promote legal trade as well as mobility across

⁸⁶ Barry Buzan and Ole Wæver, "Macrosecuritisation and Security Constellations: Reconsidering Scale in Securitisation Theory," *Review of international studies* 35, no. 2 (2009)

⁸⁷ Didier Bigo, "Globalized (in) Security: The Field and the Ban-Opticon," in *Terror, Insecurity and Liberty* (Routledge, 2008).

borders with an emphasis on control and security. The IBM Architecture comprises features that involve the management of risks, and the exchange of information, including collaboration amongst the stakeholders.⁸⁸ Turkey has applied IBM as its border strategy to address the issues of migration with Syrian immigrants. Nevertheless, employing the IBM Framework on the Pakistan-Afghanistan border in relation to foreign policy poses challenges. Implementation is hampered by Afghanistan's precarious security environment, which is characterized by continued hostilities and terrorist activities. In addition to geopolitical as well as demographic strife, Pakistan and Afghanistan's long-standing animosity makes it difficult for the two nations to work jointly and develop a cooperative relationship. Throughout the rugged, mountainous border region between Pakistan and Afghanistan, there are numerous sizable populated villages. C of the difficult surroundings, it is challenging to construct tangible infrastructure which includes roadways, surveillance equipment, and communication lines. Any technological devices that are put in this region become significantly more challenging for them to upkeep and operate during extreme weather conditions. Furthermore, Drones, gadgets, and other monitoring technologies are essential in enhancing border management effectiveness. Nevertheless, reliable electrical power and connectivity to the internet are sometimes lacking in the bordering region. It is expensive and computationally challenging to install and sustain sophisticated monitoring systems in such isolated and disconnected places. Furthermore, there are a lot of difficulties in analyzing and interpreting data because of the continuous requirement for tracking large areas of territory in real-time. There are also a lot of unofficial and unauthorized crossing locations along the border. Community members frequently use these paths for social connections, transit, and business. To keep track of and regulate these unofficial entries by technological methods,

⁸⁸ Deniz Sert, "Turkey's Integrated Border Management Strategy," *Turkish policy quarterly* 12, no. 1 (2013): 174

sophisticated biometric authentication systems and safe record-keeping processes are needed. It is a difficult issue to create a reliable technological solution to control such unofficial routes while guaranteeing the free movement of authorized products and personnel. Furthermore, Real-time exchange of information and smooth interchange between government agencies and departments in Pakistan and Afghanistan is crucial for the establishment of an efficient IBM framework. The integration of disparate systems utilized by many institutions, safeguarding data, and the development of procedures for exchanging sensitive data present technological hurdles. It is difficult to create standardized technical communication channels and regulations to facilitate information interchange while working with two independent countries that have different administrative processes and technological capabilities. Developing infrastructures global collaboration, and investing heavily in innovative technologies are all necessary to overcome these technical impediments, which makes implementation of this IBM framework on the boundary between Pakistan and Afghanistan exceptionally challenging.

1.7. Collaborative Border Management

Collaborative Border Management is another theoretical perspective that has been applied on different border situations across the world. According to the Collaborative Border Management (CBM) Framework, the neighboring states have to collaborate and interact extensively to efficiently handle their interconnected frontiers.⁸⁹ CBM aims to deal with frequently encountered issues, promote exports, and reduce threats to security via cooperative initiatives, sharing of data, and mutual trust. CBM faces numerous challenges even if it possesses the ability to alter the Pak-Afghan border dynamics.⁹⁰ Because of the complex geopolitical environment and conflicting goals of international and regional actors associated with Afghanistan's affairs, cooperation, and

⁸⁹ Polner, "Coordinated Border Management: From Theory to Practice," 51-52.

⁹⁰ Zahid Shahab Ahmed and Farooq Yousaf, "Pashtun Jirgas, Their Potential in Pak-Afghan Reconciliation and National Reconstruction," *South Asia Research* 38, no. 1 (2018): 59-60

trust between varying sides is challenging to accomplish. The creation of effective collaboration processes is further hindered by unrestricted borders, and illicit transactions, including threats to international safety and security. Ample bandwidth and flawless internet access are a pre-requisite for the immediate exchange of data between Pakistani and Afghan border control authorities as a means for the establishment of an efficient CBM framework. Nevertheless, bandwidth is scarce and connection to the internet is unreliable in numerous borderline locations. Inadequate connectivity for data impedes the prompt sharing of data, delaying borderline incident response times. In these isolated and neglected areas, putting in place fast-speed communication networks is a difficult technological undertaking that calls for a large financial commitment and extensive preparation and they will remain susceptible to militants in the region; who have depicted a history of attacking the state infrastructure. Furthermore, the border region is known for its varied and difficult topography, which includes mountains, streams, and deserts. High temperatures and prolonged rainfall are examples of severe weather that can harm technological devices and interfere with network communications. It is very complicated to set up and sustain detectors, networks for communication, and monitoring platforms which are capable of withstanding these environmental challenges. Furthermore, the challenging terrain poses challenges for the efficient installation and calibration of monitoring equipment, hence affecting the overall reliability and dependability of the CBM system. Biometric technology is frequently used by CBM systems to securely identify and authenticate people entering the country. The integration of biometric technologies, such as facial recognition fingerprint software, poses technological difficulties with regard to the administration of databases, precision, and efficiency. Because formats for data, processing methods, and data security regulations vary between Pakistan and Afghanistan, it can be difficult

to ensure flawless connectivity and synchronization of databases containing biometric information between the two countries. A major technological challenge involves creating a single, safe biometric authorization system that meets the legislative and technological standards of both states. Considering the aforementioned challenges, it can be assessed that the application of CMB is not suited to the case of Pak-Afghan border management.

1.8. Borderland Theory

The third theoretical perspective is the borderland theoretical framework, which examines the socioeconomic, political, and cultural aspects of territories that are bordered by other states. It draws attention to the fact that how easily permeable borders exist as well as how intimately communities engage with them.⁹¹ Based on the perspectives of this theory, communities in borderlands frequently possess unique identities and passions that have been shaped by their closeness to borders, while subsequently recognizing that borders are flexible.⁹² Although Borderland Theory provides interesting insights into the Pak-Afghan border environment, the application of this theory on various perspectives of the Pak-Afghan border and Pakistan's foreign policy fails to provide the complete picture. The extremely uncertain security environment alongside the bordering region, past hostilities between Pakistan and Afghanistan, and terrorist attacks across borders hinder the possibility of establishing robust and cohesive borderland communities.⁹³ The influence of foreign actors and their associated strategic objectives in the region adds another layer of complexities to the multilateral dynamics of Pak-Afghan border in general, rendering the settlement and development of communities living alongside Pak-Afghan border as challenging. The Borderland Theory presents complex problems

⁹¹ Nancy A Naples, "Borderlands Studies and Border Theory: Linking Activism and Scholarship for Social Justice," *Sociology Compass* 4, no. 7 (2010): 507-08

⁹² J Oscar, *Border People: Life and Society in the Us-Mexico Borderlands* (University of Arizona Press, 1994).

⁹³ Ayaz Ahmad and Asghar Khan, "Integration through Language in the Pak-Afghan Borderland: The Interplay of Past Legacies, Present Realities and Future Scenarios," *Central Asia Journal* 79 (2016)

underlying the Pak-Afghan border due to the large number of cross-border informal financial markets, the variety of cultural and linguistic communities living there, and the continuing conflicts for humanitarian reasons. To handle these intricacies, one needs advanced monitoring systems, multilingual technological solutions for communication, and creative approaches regarding resource allocation and delivering services. These difficulties make it difficult to implement the Borderland Theory in this particular region. Following infographic highlights, why Borderland theory may not be applicable to the dynamics of Pak-Afghan border.



Borderland Theory vs. Ground Realities: Why the Pak-Afghan Border Defies Traditional Models

It needs to be further ascertained that the security-driven realities of the Pakistan-Afghan border do not align with the fundamental assumptions of Borderland Theory, even though it offers valuable insights into cross-border identities and financial transactions. A securitized view of the border, as opposed to a demographic or socioeconomic one, is necessary due to the region's ongoing instabilities, frequent terrorist attacks, and Pakistan's strategic foreign policy objectives.

In this context, National Security considerations have consistently outweighed the integration of cultures and interdependence in economics, while Borderland Theory downplays their significance.

Furthermore, Borderland Theory assumes a level of fluidity and permeability that does not seem practically possible given the circumstances along the Pakistan-Afghan border. Cross-border immigration was common and the Durand frontier was permeable in the past, but this pattern was drastically changed in the wake of 9/11. Pakistan made a conscious effort to fortify its borders with fence construction and stringent military patrolling as a result of growing concerns about illicit trafficking in drugs, arms, illicit trade, and incursion of militant groups. This move toward Securitization highlights a divergence from the theory's concept of versatile and adaptive borderland dynamics. Resultantly, the rigorous safeguards employed by Pakistan in the border region restrict the use of Borderland Theory as the main framework for comprehending state conduct in this particular context. Furthermore, Borderland Theory frequently emphasizes the possibility of reciprocal growth, beneficial cross-border interactions, and composite sociocultural zones. However, rather than collaboration or integration, the Pak-Afghan border has been marked during the time under consideration by mistrust, diplomatic disputes, and blame-shifting between Islamabad and Kabul. In contrast to fostering relationships within the cross-border community, Pakistan's foreign policy, which was influenced by its National Security Doctrine, placed more emphasis on the building of distinct and enforceable borders, counterterrorism efforts, and political control over border regions. The goals of Borderland Theory are still mostly idealistic and do not accurately represent the current state of policy in an extremely contentious and highly structured context. Although social, economic, and cultural facets of border regions are highlighted by Borderland Theory, it is unable to adequately

convey the highly militarized as well security-focused reality of the Pakistan-Afghan border. The essential tenets of Borderland Theory are seriously challenged by the state's emphasis on territorial control, National Security dynamics, and Counterterrorism initiatives. Assessment of this theoretical framework highlights that it is not suited for this research study. The Border Securitization lens provides a more precise and comprehensive framework for evaluating the Pak-Afghan border region and its interrelated dynamics.

1.9. Salient Aspects of Border Securitization Theory

Border Securitization Theory provides a compelling framework for evaluating the dynamics of how states tend to create and preserve borders as the fundamental areas of securitization. This framework has its foundations in the broader securitization framework and was primarily developed by distinguished scholars of international affairs including Japp de Wilde, Barry Buzan and Ole Waever. These authors have highlighted as how the states have the tendency to portray issues related to the borders as existential threats while Politicians most oftenly rely on intensified dynamics of the borders to justify drastic measures that may be considered as well beyond administrative practices.⁹⁴ Physical fencing of the border, monitoring and surveillance technologies as well as the militarization of the bordering areas are some of the steps that are considered essential by the states and, therefore, are implemented as policy measures. Nevertheless, it needs to be highlighted that the role of actors can be considered as one of the most crucial aspects of this theory. Barry Buzan and Waever have highlight important securitizing players who are in the position of decision-making with reference to border-related challenges which may encompass the governmental officials, troops and sources within the

⁹⁴ Thierry Balzacq, "Securitization Theory," *How security problems emerge and dissolve* (2011)

media forums.⁹⁵ Subsequently, Didier Bigo elaborates on this by pointing out the "*Ban-Opticon*" strategy which has combined limiting population growth and tracking it with border securitization.⁹⁶ Bigo further criticizes the growing use of technological approaches which encompasses the drones and biometric identification systems; thereby, contending that such strategies frequently put state-centric security prior to basic rights and freedoms enjoyed by individuals. Moreover, Human Cost of Border Securitization theory can be highlighted as one of the key factors that has been highlighted by scholars like Étienne Balibar and Henk van Houtum.⁹⁷ Balibar has critiqued upon the fact that since people living alongside bordering areas suffer the most due to the harsh and stringent policies; there is continued discrimination and inhumane behaviour in the application of securitization paradigm. Subsequently, Van Houtum has emphasized upon the fact as how stringent security measures dehumanize people by criminalizing and enforcing discriminatory laws against anyone who traverse international boundaries; irrespective of the fact is these people are investors, businessman, immigrants or refugees. These viewpoints draw attention to the moral conundrums and sociological repercussions that effectively come with securitization of the borders. Furthermore, this theoretical framework also emphasizes how the processes of securitization cause borders to change in real time and proactively. Borders have remained political and sociologically determined points of continued interaction and disagreements between states and people instead of merely considering them geographical boundaries. This approach is disputed by Ton van Naerssen and Henk van Houtum who argue that securitization rhetoric frequently obscures the societal and historical richness of borders by confining them to straightforward contradictions of

⁹⁵ Buzan and Wæver, "Macrosecuritisation and Security Constellations: Reconsidering Scale in Securitisation Theory."

⁹⁶ Bigo, "Globalized (in) Security: The Field and the Ban-Opticon."

⁹⁷ Henk Van Houtum and Rodrigo Bueno Lacy, "The Autoimmunity of the Eu's Deadly B/Ordering Regime; Overcoming Its Paradoxical Paper, Iron and Camp Borders," *Geopolitics* 25, no. 3 (2020)

imminent risk and security.⁹⁸ They contend that this reductionist attitude undermines the prospect of comprehensive and inclusive border governance. Subsequently, Roxanne Lynn Doty who has studied the relationship between identity politics and border securitization offered an alternative and critical viewpoint. Doty contends that nationalistic discourses are frequently strengthened by securitized borders whereas the "othering" of people over national boundaries may be employed to strengthen their political influence domestically. This viewpoint is consistent with the criticisms of Balibar and Bigo who have highlighted that the metaphoric and practical elements of securitization and have contended that borders are no longer places of dialogue and cooperation instead they evolve and become the tools of authoritative control by the state.⁹⁹ Likewise, the effects of border securitization on interactions between the states demonstrate its global ramifications. Example can be quoted of bilateral relationship between Pakistan and Afghanistan wherein diplomatic tensions have been exacerbated by the securitization of the border region, which has eventually led to greater deployments of troops and fencing. Although such securitization measures solve pressing and immediate security challenges; scholars like Astri Suhrke and Barnett Rubin contend that their implementation frequently ignores the root causes of insecurity which predominantly include financial turmoil, ineffective governance and conflicts between the ethnic groups. In terms of its critique; it has been argued that this theoretical framework primarily misses the agency of non-state actors which may include the international organizations, communities living alongside the border region and pertinent elements of the civil society. Moreover, continued focus on threat perception creates an increasingly securitized environment wherein the decision-makers are more focused on resolving the issues and persistent challenges through the lens of security rather than

⁹⁸ Henk Van Houtum and Ton Van Naerssen, "Bordering, Ordering and Othering," *tijdschrift voor economische en sociale Geografie (Journal of economic & social Geography)* 93, no. 2 (2002)

⁹⁹ Ibid.

focusing and resolving them through implementation of comprehensive solutions in order to attain sustainable dynamics throughout the border region.¹⁰⁰ Conclusively, it can be argued that Border Securitization theory offers an insight framework wherein discourse on security dictates the patterns of policymaking and overall discourse. Securitization of Pak-Afghan border can be effectively understood through this framework since it comprehensively addresses the security challenges. Application of Border Securitization theory on the various dynamics of Pak-Afghan border is being comprehensively discussed as follows;

1.10. Application of Border Securitization Theory on Dynamics of Pak-Afghan Border

Over the course of last two decades; borderline between Afghanistan and Pakistan has evolved as a region of critical significance for the people as well as the states of Pakistan and Afghanistan due to an intricate and dynamic interplay of state sovereignty, evolving security challenges and cross-border engagement between the two sides. Front line engagement of Pakistan in GWOT had further enhanced the significance of this border as permeable and fluid nature of this border made it a threat for the national security dynamics of Pakistan. Issues like cross-border terrorism, illegal immigration and smuggling had made it difficult for Pakistan to deal with the security challenges bared by the state. Hence application of this theory is justified keeping in view the facts that border securitization is motivated by the sense of existential dangers with security concerns of the state objectives justifying exceptional initiatives against the backdrop of basic humanistic liberties and cooperation across borders.

Decision of Pakistani state to fence its border while construct check posts can be constructively assumed through the underlying assumptions of Border Securitization theory since

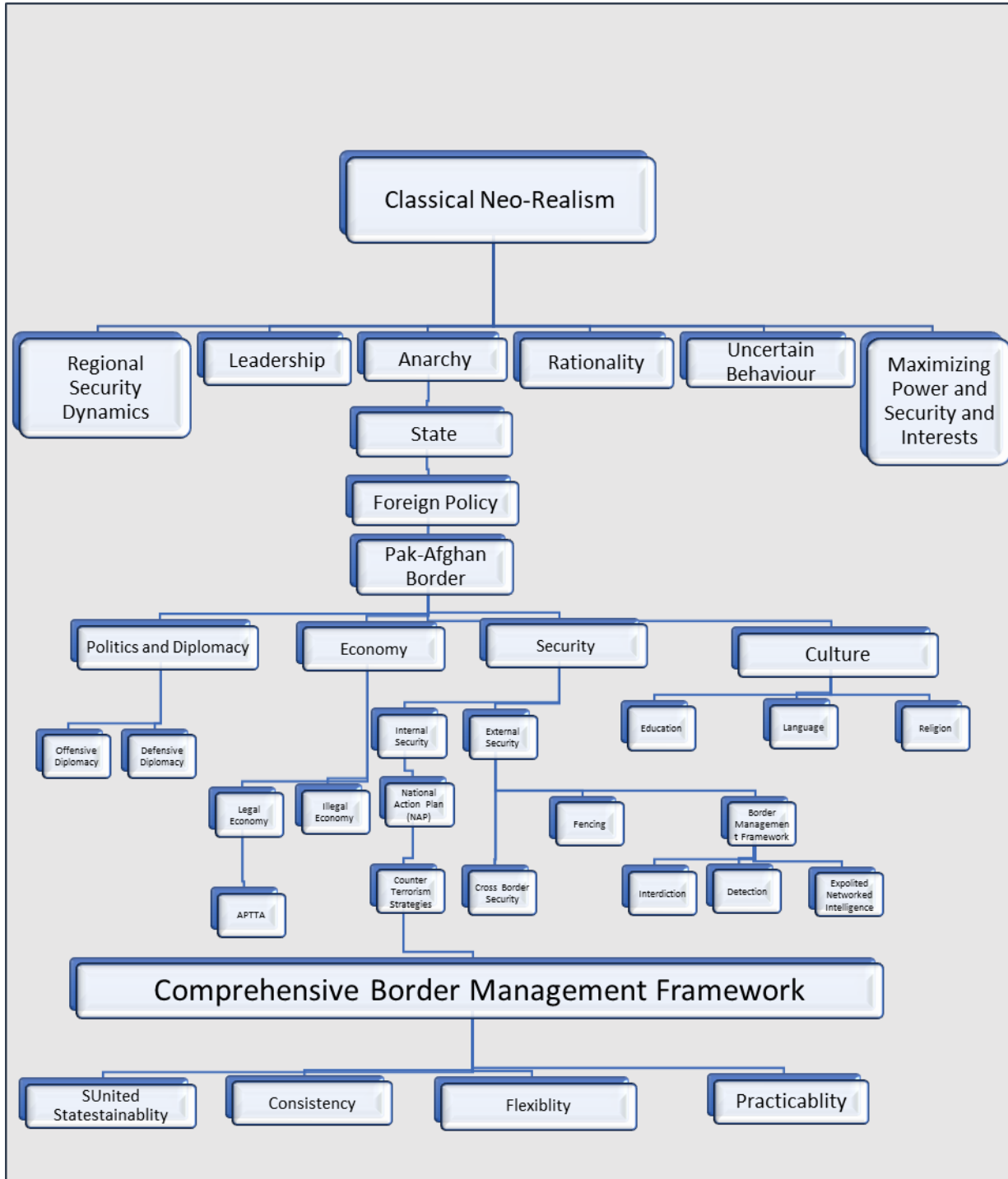
¹⁰⁰ Henk Van Houtum, "The Mask of the Border," in *The Routledge Research Companion to Border Studies* (Routledge, 2016).

strengthening the security of border can be highlighted as a direct and effective response to the pertaining issues of terrorism, trafficking and illegitimate movement of people, with members of TTP and other terrorist groups taking advantage of an open border and posing threats to both states simultaneously. One way to counter these evolving challenges was by means of securitizing the Pakistan-Afghan border which essentially made it last line of defense against international security challenges such as cross-border terrorism and illegal immigration.¹⁰¹ Although this theoretical framework emphasizes the dynamics of security; it subsequently draws attention to the political and social forces at play. Native groups residing close to the border region are significantly impacted by these securitization efforts as many of them have socioeconomic and cultural ties in the erstwhile FATA region. This perspective holds that although border acts as both; a line of defense for the armed forces of Pakistan and a location for sociocultural and economic interactions; nevertheless, tensions usually develop between the necessities of masses and the essential security imperatives of the country. The implementation of strict border control procedures has resulted in the marginalization of these populations whose survival is primarily dependent on the movement across both sides of the borders.¹⁰² Moreover, application of this theoretical framework also highlights the regional as well as the global implications of border management. Pakistan's relationship with Afghanistan is primarily influenced on its decisions regarding the Pak-Afghan border; however, its relationship with CA states and Russian Federation are also impacted by it since Afghanistan serves as a gateway to CA region. Securitization and fencing of Pak-Afghan border has substantially impacted the trade, people to people ties, regional cooperation and broader security dynamics. Comprehensive

¹⁰¹ Ayesha Jamil, "Securitization of Refugees in the Host State: A Study of Afghan Refugees in Pakistan" (Middle East Technical University, 2022).

¹⁰² Siân Herbert and Iffat Idris, "Effects of Pakistan-Afghanistan Borderlands Instability on Stability and Security in Pakistan," (2024)

application of Securitization process has implications for domestic as well as international factors; however, the political process of the state and bilateral ties between both states guides overall decision-making regarding the border. It must further be highlighted that intricacies of the Af-Pak border necessitate a sophisticated strategy that strikes a compromise between threats to national security in conjunction with socioeconomic realities of the societies residing alongside border region as demonstrated by the perspectives offered by Border Securitization Theory. This framework opens the door to the concept that security, diplomacy and regional cooperation must all be integrated while maintaining the general well-being of the societies in the region with the objective of effectively addressing the challenges pertaining to Pak-Afghan border. Therefore, a thorough and comprehensive Border Management system should be long-lasting, adaptable and consistent while taking into account both short-term security risks and goals for long-term growth. Such an arrangement must be feasible, versatile enough to change with evolving strategic circumstances, and have the capacity enough to promote cooperation between Pakistan and Afghanistan as well as with other nations throughout the region in order to offer an achievable approach that lessens disputes while promotes durability. Infographic of this strategy has been highlighted as follows;



Theoretical Model of Comprehensive Border Management Framework

Chapter II

War on Terror: Pakistan's Foreign Policy towards Afghanistan (9/11-2020)

This chapter takes in to account the key events of bilateral relationship between Pakistan and Afghanistan during the timeframe of this study and how War on Terror has impacted the nature of relationship. This chapter has been categorized in to two distinct categories, with the first category aptly explaining the foreign policy between the leadership of Pakistan and Afghanistan over the course of last two decades while the second section highlights the intervening conflicting factors that have shaped the bilateral relationship between the two sides. A detailed analysis of President Karzai and President Musharraf era will be carried out. It will be thoroughly analyzed how interaction and decisions of both these leaders impacted the nature of bilateral relationship. Furthermore, the nature of relationship with Afghanistan during the civilian government of Pakistan led by President Zardari will be briefly analyzed. How APS attack transformed the nature of relationship during Prime Minister Nawaz Sharif era and the role played by Pakistan to facilitate peace process of Afghanistan will also be analyzed in-depth. Indian involvement in Afghanistan and its campaign against Pakistan using Afghan soil will be thoroughly discussed. Moreover, the emergence of PTM as an organized campaign against Pakistan and its institutions and the assessment of backing it was receiving from anti-Pakistan elements will be carried out. Conclusively, this chapter discusses the foreign policy decisions by the state of Pakistan and its implications for maintaining its cordial and amicable relationship with the successive governments of Afghanistan.

The Twin Tower attacks on September 11, 2001, constituted a watershed moment in global politics, reshaping not just the global order but also the fundamental foundation of foreign policy

in many countries throughout the world.¹⁰³ Without seeking diplomatic legitimacy or the support of its allies, US promptly began expanding its military might, resulting to an unending War on Terror.¹⁰⁴ The attack and its subsequent foreign policy decisions by US had drastic implications for Pakistan as well, as the US asserted that extremists who already had conducted acts of terrorism on the US soil had received adequate training in erstwhile FATA.¹⁰⁵ Resultantly, Pakistan was obliged to modify its stance and support the US in overthrowing the Taliban administration in Afghanistan.

Foreign Policy and National Security dynamics of Pakistan have historically been fixated on India; nevertheless, twin-tower attacks on US soil transformed Pakistan into a front-line state in defending US geopolitical interests.¹⁰⁶ Pakistan already had suffered greatly during the period of Cold War; therefore, with the sole objective of preventing international sanctions, the country required to defend itself against a slew of claims while also seeking greater collaboration from friendly states. Furthermore, it is also perceived that President Musharraf led military-political regime in Pakistan was more in favor of supporting the United States in its aspirations of attacking Afghanistan, in order to draw socioeconomic support while concurrently validate the dictatorial regime. Given this, General Pervez Musharraf established the groundwork for a strategic engagement between the US and Pakistan, committing to work together to combat terrorism and nuclear proliferation risks.¹⁰⁷ Afghanistan has been at the epicenter of Pakistan's foreign policy since 1947 as it had a long border adjacent to tribal zone of Pakistan. Notably

¹⁰³ Savannah Cellocco et al., "The Afghanistan-Pakistan Case: A Reverse Exodus of Afghan Refugees," 18-20

¹⁰⁴ Hal Brands and Michael O'Hanlon, "The War on Terror Has Not yet Failed: A Net Assessment after 20 Years," *Survival* 63, no. 4 (2021): 38-40

¹⁰⁵ Khan Zeb and Zahid Shahab Ahmed, "Structural Violence and Terrorism in the Federally Administered Tribal Areas of Pakistan," *Civil Wars* 21, no. 1 (2019): 16-17

¹⁰⁶ Vinay Kaura, "India's Pakistan Policy: From 2016 'Surgical Strike' to 2019 Balakot 'Airstrike'," *The Round Table* 109, no. 3 (2020): 278

¹⁰⁷ Abhishek Kaicker, "Pakistan and Democracy: Before and after Musharraf," *Asia Pacific Foundation* (2007): 8

since Pakistan ended up fighting a proxy conflict and accomplished the capitalist fortitude to contain Communist expansionist policies in South Asia as a leading force in the fight against the Soviet attack in Afghanistan.¹⁰⁸ It has risen to prominence as an important regional player. However, as the Soviet Union decided to withdraw from Afghanistan, so did the US' involvement and support, resulting in a political impasse in the region. The events of 9/11 also rendered diplomatic backing for the Taliban in Afghanistan challenging for Islamabad.

2.1 Twin Tower Attack and Pakistan's Response; New Phase of Pakistan's Afghan Policy

Four terrorist attacks in the US on September 11, 2001, pierced the fabric of the world's major powers, ushering in a new era for the twenty-first century. In these attacks, almost 3000 deaths were reported and another 8000 were injured.¹⁰⁹ This heinous incident took the US leadership by surprise, showcasing new measures to revitalize and reestablish the country's reputation as a global superpower. As the US decided to invade Afghanistan in retaliation, it gave Pakistan a very stark choice:

“Either be with US or be against US ”.¹¹⁰

Because of this international exposure, Pakistan was obligated to act as a non-NATO collaborator in order to act accordingly and achieve the US objectives in South Asia.¹¹¹ A new chapter in Pakistani foreign policy, particularly with regard to its policy toward Afghanistan begun as a result of the country's involvement as a major ally of the United States. Professor of Anthropology at Boston University Thomas Barfield while commenting on the situation argued

¹⁰⁸ Milton Bearden, "Afghanistan, Graveyard of Empires," *Foreign Aff.* 80 (2001): 4-6

¹⁰⁹ M Sara Rosenthal, "The End-of-Life Experiences of 9/11 Civilians: Death and Dying in the World Trade Center," *OMEGA-Journal of Death and Dying* 67, no. 4 (2013): 334-36

¹¹⁰ Reporter, "The Bush Doctrine," review of Reviewed Item, *Newspaper*, Issue Date 2002, Available at <https://carnegieendowment.org/2002/10/07/bush-doctrine-pub-1088>.

¹¹¹ Umbreen Javaid, "Pakistan's Non Nato Ally Status," *Asian Profile* (2005): 54

that United States never maintained a unified approach towards Pakistan. There was a disconnect between the Embassy, the military and the civilians working on various dimensions of Afghan conflict. On the other hand, successive Afghan governments have viewed Pakistan as the main spoiler in the Afghan conflict since Pakistan has continuously supported the Taliban. As long as the Taliban were supported by Pakistan, it was impossible to conclude the insurgency and create a stable government in Afghanistan.¹¹² Pakistan modified its Afghan strategy after carefully weighing the implications of its pro-Taliban posture, which was pushing the state away both from partners as well as adversaries in the region. Pakistan, but at the other hand, seemed to have a fundamental national interest in Afghanistan's security, unity, and national sovereignty, as years of conflict had intensified terrorism and extremism, endangering Afghanistan's fragile economy and transformation to a contemporary democratic state. Pakistan decided to support the international coalition in the aftermath of the US-led military strike on Afghanistan on October 7, 2001, by providing information, an air corridor, and installations for operational support and recuperation.¹¹³ Pakistan attempted to negotiate an agreement between the Afghan Taliban and the United States in the hope to prevent a conflict. Former CIA Director George Tenet discusses Pakistan's attempts to have an exchange with the Afghan Taliban in order to prevent the atrocities. He asserts that discussions between Robert Grenier and Mullah Akhter Mohammed Osmani, the Taliban leader, were organized by Pakistan in order to achieve a settlement.¹¹⁴ Sources claim that on September 17, 2001, Leader of the Afghan Taliban Mullah Omar was approached in Kandahar by a high-level team led by Pakistani spymaster Lt. Gen. Mahmood Ahmed (DG ISI), who convinced him to turn over bin Laden in order to prevent major

¹¹² Thomas Barfield, "Professor of Anthropology," *Boston University (Interviewed through Whatsapp)* (7 February 2023)

¹¹³ John Quigley, "The Afghanistan War and Self-Defense," *Val. UL Rev.* 37 (2002): 543-44

¹¹⁴ Sir David Omand, John Prados, and Rhodri Jeffreys-Jones, "The Embattled Helmsman: George Tenet's Years at the Cia," *Intelligence and National Security* 24, no. 2 (2009): 296-98

consequences from the US invasion.¹¹⁵ Yet the US had decided to invade Afghanistan and so it initiated its attack in Afghanistan by targeting the Taliban facilities. Majority of Al-Qaeda fighters had scattered and vanished in rural areas due to the demolition of training sites; while many of them had fled to erstwhile FATA in Pakistan as well as the rural areas of Iran. Eventually, Afghan Taliban were defeated on November 13th, 2001, and the capital, along with other important cities of Afghanistan eventually tumbled.¹¹⁶ Following a humiliating conquest of the Afghan Taliban, powerful states were able to take action in Afghanistan and safeguard their geopolitical aims and objectives.

Subsequently, a gathering of notable Afghan tribal chiefs was convened by the United Nations in Germany (Bonn Accord), in which Hamid Karzai was selected as the head of a caretaker government in Afghanistan. This government had a mandate of six months, and it began on December 22, 2001, following the defeat of the Taliban and Kabul's capitulation.¹¹⁷ Pakistan endorsed the caretaker government, and Hamid Karzai visited Pakistan on a state visit in February 2002, reviving diplomatic ties between the two countries.¹¹⁸ Pakistan accorded political and economic support to the new Kabul government, led by Mr. Karzai.¹¹⁹ After the presidential elections were successfully concluded, President Musharraf was the first head of state to visit Afghanistan. Following the Taliban's downfall, many people backed the Karzai government with the expectation of guaranteeing their physical security and improving their economic circumstances. Even though the situation in some parts of the country improved,

¹¹⁵ Zia Ur Rehman, "Exposing the Karachi-Afghanistan Link," *Report for the Norwegian* (2013): 4-6

¹¹⁶ Joan Fitzpatrick, "Sovereignty, Territoriality, and the Rule of Law," *Hastings Int'l & Comp. L. Rev.* 25 (2001): 306

¹¹⁷ Markus Feilke, "German Experiences in Police Building in Afghanistan" (paper presented at the GRIPS State-Building Workshop, 2010), 4-5.

¹¹⁸ Shahnawaz Muhammad Khan, Syeda Fizzah Ali, and Muntazir Ali, "Pakistan's Foreign Policy: Quarterly Survey: January–July 2009," *Pakistan Horizon* 62, no. 2/3 (2009): 4-5

¹¹⁹ Zubia Ikram, "Special Survey: Pakistan-Afghanistan Relations after 9/11," *ibid.* 59, no. 1 (2006): 18

the same could not be said for the rest of Afghanistan, especially peaceful and quiet provinces such as Nangarhar and Bamian, wherein no development activity took place, were not reaping the benefits of peace. Drugs offered autonomous sources of funding to antigovernment factions while subverting administration from within, while bad governance and endemic corruption persisted to be a major challenge across the country. The ambitions of the Northern Alliance members of the cabinet quickly worsened the friendly relationship between the two countries.¹²⁰

Ties between Pakistan and Afghanistan quickly deteriorated and President Karzai, who was perceived as a pro-Pakistan Afghan leader, started to harshly criticize the policies of Pakistan and accused it of supporting the cross-border attacks.¹²¹ Except perhaps Hamid Karzai, the Bonn Conference failed in recognizing powerful communities of Afghanistan. This oversight proved disastrous, as it eventually led to the emergence of a renewed Afghan insurgency. One of the other Bonn objectives that proved to be misguided was keeping Pakistan out of the system; and therefore, out of any reconstruction efforts. Bilateral ties between the two sides remained deteriorated, with each suspecting and accusing each other of sponsoring terrorists on the other's soil. While assessing these dynamics through Neo-Classical Realism, it can be argued that while systemic pressures such as the U.S.-led War on Terror and international expectations shaped the strategic imperatives of both states, domestic political constraints, elite perceptions, and historical grievances heavily influenced their foreign policy decisions. In the early years after 2001, Pakistan's support for the Karzai government reflected a pragmatic approach dictated by systemic pressures, particularly Washington's expectations of cooperation in stabilizing Afghanistan. However, domestic political considerations in Pakistan, including the military's

¹²⁰ Ahmed Rashid, *Descent into Chaos: How the War against Islamic Extremism Is Being Lost in Pakistan, Afghanistan and Central Asia* (Penguin UK, 2012).

¹²¹ Safdar Sial, "Pakistani-Afghan Relations after Karzai," *The Norwegian Peacebuilding Resource Centre*. Retrieved May 8 (2016): 1-2

historical ties with Afghan factions and the perceived threat of Indian influence in Afghanistan, prevented a full embrace of the new Kabul administration. Similarly, Karzai's initial pro-Pakistan stance was overshadowed by the power struggle within his government, especially with Northern Alliance members who viewed Pakistan as an adversary. As trust eroded, both states resorted to self-help measures, Pakistan through border fortifications and engagement with select Afghan groups, and Afghanistan through strengthening alliances with India and seeking international support against Pakistan's alleged interference. The border skirmishes and mutual accusations of sponsoring insurgencies underscore how elite perceptions and internal political dynamics shaped foreign policy decisions, often in ways that contradicted systemic incentives for cooperation. Pakistan's focus on border management, including fencing efforts, can be seen as an attempt to assert control over its security environment, yet Afghan resistance—rooted in its historical claim over Pashtun territories—highlighted the interplay of nationalism and state survival. The failure of both countries to harmonize counter-terrorism efforts despite shared external threats reflects the core tenet of Neo-Classical Realism: that domestic political structures and elite calculations mediate the influence of international pressures, often leading to suboptimal policy outcomes. While structural realities dictated a need for cooperation, distrust, internal political competition, and divergent strategic goals ultimately ensured that Pakistan and Afghanistan remained locked in a cycle of suspicion, conflict, and half-hearted reconciliation efforts, preventing a stable bilateral relationship from emerging despite their common struggle against terrorism. Afghanistan's President, Hamid Karzai, visited Pakistan in 2006 and met with Pakistan's Prime Minister, Shaukat Aziz.¹²² The Pakistani Prime Minister expressed his serious concerns over Afghan militants infiltrating Pakistan and wreaking instability during one-on-one conversation with Afghan President Hamid Karzai. According to Pakistan, Afghan authorities

¹²² Zeb, "Cross Border Terrorism Issues Plaguing Pakistan–Afghanistan Relations," 71-73.

were supporting Pakhtoon leaders in their effort to free the tribal regions of Pakistan. Afghan President Hamid Karzai alongside 40 other Afghan Nationals attended the funeral of Abdul Wali Khan; depicting his support for Pashtuns of the region.¹²³ Bilateral relations were at an all-time low at the time. According to Afghan President Hamid Karzai, who had previously issued a threat to Pakistan, the Afghan government will direct its troops to cross the Durand Line and attack Pakistan.¹²⁴ Pakistan publicly stated in response to this statement that if Afghanistan attempted any such thing, Pakistan would retaliate forcefully. While both governments targeted border infiltrators and terrorists, the relationship between the two states failed to improve, resulting in numerous minor problems. In 2007, trust was at an all-time low, and tensions between the two countries were adversarial. Pakistan was constructing military installations along the border with Afghanistan at the time.¹²⁵ As per Pakistani officials, these locations were selected on Pakistani territory. On the other hand, Afghan officials indicated that these checkpoints were on their jurisdiction, thus they did not permit Pakistan to construct them. Tensions between the two countries increased over the construction of a post, and then both countries exchanged fire on the border. In this incident, one Pakistani soldier was injured and thirty-two Afghan soldiers were died. While relations between the two countries were deteriorated during to the death of Afghan soldiers, an effort was made to improve them through bilateral negotiations. President Hamid Karzai visited Pakistan in 2007 and held a meeting with his Pakistani counterpart. During this visit, both countries strove to strengthen bilateral ties. The challenges and prospective solutions for improving bilateral ties were thoroughly examined by

¹²³ Muhammad Idrees and Manzoor Ahmad Naazer, "The Dynamics of Pak-Afghan Relations: An Analysis of (Mis) Trust between the Two Countries from 2001-2018," *Journal of Humanities, Social and Management Sciences (JHSMS)* 3, no. 1 (2022): 528-30

¹²⁴ Muhammad Q Janjua, "In the Shadow of the Durand Line: Security, Stability, and the Future of Pakistan and Afghanistan," (Naval Postgraduate School Monterey CA, 2009), 72-73.

¹²⁵ Naveed Anjum, Muhammad Shoaib Malik, and Fazal Rabbi, "Mistrust Factor in Pak-Afghan Fluctuating Relations since Beginning," 51

both rulers. In addition, Afghan President Hamid Karzai met with Pakistani Prime Minister Mir Zafarullah Khan Jamali. During their visit, the heads of states signed a range of political, socioeconomic, and cultural agreements. During this time, the relationship between the two countries began to improve. Both governments came to an agreement that terrorists would not be permitted to use one another's territory as bases for attacks. Pakistan has helped Afghanistan in a variety of ways, including road construction, media literacy, postal services, communications, and power production. Yet it needs to be highlighted that; despite being allies in the War on Terror, Pakistan and Afghanistan's counter-terrorism efforts failed to align harmoniously due to deep-rooted historical tensions, particularly over the Pak-Afghan border and divergent national interests. Both nations struggled to reconcile their positions on border management. Afghanistan's refusal to recognize the border as an international boundary between the two sides remained a significant source of discord. Efforts to bridge differences were sporadic and often undermined by mutual suspicion, with each side accusing the other of harboring or sponsoring terrorist groups. While Pakistan took steps toward border management, including fencing, to curb terrorism and illegal cross-border activities, Afghanistan's resistance, fueled by its geopolitical alliances and the refugee issue, prevented substantial progress. The mutual distrust, compounded by external pressures and the complex dynamics of the War on Terror, hindered any meaningful collaboration on border management or the normalization of bilateral relations, thereby echoing the trust deficit that has long characterized the relationship between the two countries.

A. The Zardari Era and Ties with Afghanistan

In 2008, Pakistan sent a special invitation to Hamid Karzai so he could attend Asif Ali Zardari's inauguration as President of the country.¹²⁶ Following the election of Pakistan's President Asif Ali Zardari, both governments made significant efforts to enhance economic cooperation and overcome bilateral issues of mistrust. Both states worked hard to enhance their diplomatic cooperation, and in 2010, they consented to a Memorandum of Understanding on a Transit Trade Agreement between Afghanistan and Pakistan.¹²⁷ Considering the nature of their prior relationship, the trade deal between the two states was a positive indicator. Both nations agreed to build tight ties between print and digital media as well as to step up their cooperation in a number of sectors as part of this agreement. Both nations agreed that Pakistan would broadcast entertainment and other cultural programs in Pashto. The two countries also decided to increase their railway cooperation. Pakistan went above and beyond in its ongoing efforts to strengthen bilateral ties by providing 2000 scholarships to Afghan students.¹²⁸ The primary objectives of such actions were to increase interpersonal communication and bilateral trustworthiness. In 2010, the business community of both states established a joint Chamber of Commerce to enhance economic cooperation. Both states made numerous substantial attempts to expand bilateral trade during this time. Through these arrangements, the United States of America also helped both nations increase their confidence in each other. 2011 saw further strengthening of ties and a development in mutual trust between the two economies. They became closer as their

¹²⁶ Khan, Ali, and Ali, "Pakistan's Foreign Policy: Quarterly Survey: January–July 2009," 5-6.

¹²⁷ Gulshan Sachdeva, "Afghanistan and Pakistan Sign Trade and Transit Agreement," *published on*, 1 September 2010, Available at <https://www.cacianalyst.org/publications/analytical-articles/item/12120-analytical-articles-cacianalyst-2010-9-1-art-12120.html>.

¹²⁸ Sadia Dilshad, Rukhsana Durrani, and Sehrish Javed, "Experiencing Higher Education by Afghan Refugees: A Case Study from Pakistan," *sjesr* 4, no. 2 (2021): 197-98

trust and understanding improved, and they once again inked a transit trade agreement to advance their mutual trade.

Relations between Afghanistan and Pakistan were cordial prior to a minor incident in February 2011 that turned into a bloody conflict. An army checkpoint in Gurbuz District was attacked from an Afghan soldier, sparking a violent confrontation between the two sides. In this incident, one Pakistani soldier and seven Afghan soldiers lost their lives. During this time, neither side made any viable attempt to improve the relationship. A few months later, on April 28, 2011, another crisis erupted between them. Twelve Afghan soldiers and one Pakistani soldier were killed in this conflict.¹²⁹ The conflict began when an Afghan soldier crossed the Durand Line and killed two Pakistani security personnel. Pakistani officials claim that Afghanistan launched unprovoked missiles against their forces, causing substantial damage to Pakistani land. Pakistan claimed that Afghanistan was acting in conformity with the aspirations of anti-Pakistan coalition forces. Relations between the two states remained strained, but they intensified on May 2, 2011, when the US of America killed Osama Bin Laden in Pakistan.¹³⁰ Following this incident, Afghanistan charged Pakistan yet again of sponsoring terrorism in that country and providing refuge for terrorists. Following this incident, trust between both the two countries was eroded, and anytime a terrorist act occurred in Afghanistan, they simply blamed Pakistan, and vice versa. As a result, there were a lot of misapprehensions between the states. While addressing the contextual relationship between Pakistan and Afghanistan, Associate Professor at University of Management and Technology, Lahore, Dr. Syed Khurram Shehzad argued that;

¹²⁹ Qaiser Butt and Iftikhar Firdous, "Pak-Afghan Relations: Border Clash Mars Peace Overtures," *The Express Tribune*, 28 April 2011, Available at <https://tribune.com.pk/story/157727/afghan-forces-attack-pakistan-army-check-post-4-wounded/>.

¹³⁰ Savera Shami, "Portrayal of United States in Pakistani Print Media after Osama Bin Laden's Killing (May-July 2011)," *International Journal of Humanities and Social Science* 3, no. 21 (2013): 180

“See-Saw trend in Pak-Afghan ties is due to the fact that due to the western influence in Afghanistan followed by the Indian involvement in the country during President Karzai and President Ghani regime impacted the situation. India had a significant presence in the region. Moreover, the diplomatic statements from the Afghan leadership, particularly the Afghan Intelligence Chief Amrullah Saleh were against Pakistan despite continuous efforts from Pakistan to improve the nature of relationship. It is believed that fencing of Pak-Afghan border has passively impacted the nature of relationship; however, this is primarily due to the political and economic factors. Smuggling was stopped. Unchecked to and fro movement was stopped and hence people reacted to it. Extremism also furthered because of political instability in Afghanistan. Since geostrategic situation as well as the allies changed after the cold war in the region; hence, Pakistan was perceived negatively”.¹³¹

The comment re-emphasizes the argument that unstable relationships between Pakistan and Afghanistan are, driven by a variety of situational factors. Even though Pakistan had made multiple efforts at reconciliation, relations were strained by the strong hostility from Afghan leadership. It is also a fact that the relationship during the said timeframe faced serious challenges as Pakistan witnessed serious internal security challenges. Regular bomb blasts in mainstreams cities of Pakistan were followed by attacks and chaotic environment in the frontier region. It can be analyzed that ties between Pakistan and Afghanistan during Zardari era were driven by intricate factors of presence of international forces in Afghanistan, the geopolitical and

¹³¹ Dr. Syed Khurram Shehzad, "Associate Professor at University of Management and Technology Lahore," *Interviewed through Whatsapp* (6 March 2023)

regional ambitions of Pakistan as well as national security concerns influencing a delicate equilibrium of traditional diplomatic strategies and friable border management.

B. Ghani-Nawaz Era

When coalition forces confirmed their pullout from Afghanistan in 2014, the relationship between the two countries deteriorated. The situation appeared to worsen during this period as all of Afghanistan's neighbors appeared to make an attempt to protect their regional interests.¹³² President Ashraf Ghani pledged to improve ties with Pakistan after being elected president of Afghanistan. In an effort to resolve misunderstandings between the two nations, Nawaz Sharif, the prime minister of Pakistan at the time, visited Afghanistan at the invitation of the Afghan President.¹³³ In order to effectively counter terrorism, both leaders made a decision at this conference to strengthen both military and intelligence collaboration between their respective countries. In order to initiate bilateral defense relations, a group of Afghan army cadets were sent to Pakistan for training. Furthermore, Afghanistan's President made a bold declaration at a conference in Beijing, stating that the government had made strategic reforms and that Pakistan is Afghanistan's first of five foreign policy spheres. This statement significantly improved relations between Afghanistan and Pakistan. The fourth circle was assigned to India by the Afghan president. Relations between the two countries strengthened after this declaration, and representatives from both governments made visits to the other state. Pakistan contributed \$2 million to Afghanistan's infrastructure development in 2014 and began assisting with the

¹³² Huma Qayum and Muhammad Tariq, "Afghanistan-Pakistan Relations During Ashraf Ghani Era," *Rashhat-e-Qalam* 3, no. 1 (2023): 22-23

¹³³ Sune Engel Rasmussen and Jon Boone, "Afghanistan and Pakistan Thaw Relations with Pledge to Fight Terrorism Together," *The Guardian*, 12 May 2015, Available at <https://www.theguardian.com/world/2015/may/12/afghanistan-and-pakistan-thaw-relations-with-pledge-to-fight-terrorism-together>.

infrastructure development.¹³⁴ While Prime Minister Nawaz Sharif was much enthusiastic of pursuing strong politico-diplomatic ties with Afghanistan; security situation changed drastically.¹³⁵ APS Attack on 16th December, 2014 altered the entire trajectory of bilateral ties between the two states. According to Pakistan, armed terrorists crossed the Torkham border from Afghanistan into Peshawar. This was one of the most heinous acts in Pakistan's fight against War on Terror, with militants viciously massacring about 150 innocent children. State leaders, national and international media as well as people from across the world expressed their grief on this sad incident. A National Action Plan (NAP) was devised soon after this incident as political and military leadership of the country engaged in a constructive dialogue to decide the future course of action.¹³⁶ Tensions between the two nations flared when Pakistan destroyed homes of Afghan people in Torkham. As a result of these incidents, Pakistan officially closed its border with Afghanistan. There had been a lot of resentment between the two nations in that timeframe. Afghanistan was furious because Pakistan decided to build a gateway at the Torkham border. Bilateral relationship remained difficult until 2015, with mistrust between them being the primary factor. Pakistan had also accused Afghanistan of always favoring India and acting against it at India's request. The first impact of unfriendly ties was on bilateral trade between the two countries.¹³⁷ Reason for decline in trade were border restrictions brought on by a minor border conflict. On August 23, 2015, an Afghani rocket strike killed four Pakistani soldiers. It was reported that terrorists fired shots into the Khyber Agency from the Afghanistan side, hitting

¹³⁴ Amjad Ata, Adeel Rao, and Saba Hadayyat Ali, "Problematics of Pak-Afghan Relationships," *Journal of Professional Research in Social Sciences* 9, no. 2 (2022): 56-58

¹³⁵ Khalid A Mufti, Ali Ahsan Mufti, and Michaeline Bresnahan, "The Army Public School Massacre in Peshawar, Pakistan," *an International Perspective on Disasters and Children's Mental Health* (2019): 63-64

¹³⁶ Waseem Ullah, Sajad Rasool, and Asif Salim, "Perils and Prospects of National Internal Security Policy and National Action Plan," *Gomal University Journal of Research* 32, no. 1 (2016): 75-76

¹³⁷ Mir Sayed Shah Danish et al., "Afghanistan as an Emerging Regional Energy Hub," *Journal of Sustainability Outreach* (2020): 10-11

an 8,000-foot-high Pakistani outpost at Akhandwala Pass.¹³⁸ The terrorist act occurred one day following Ghani's reaffirmed call for that Pakistan to embrace concept of terrorism for acts committed within the country just like it would for those committed outside of it. Pakistan undertook unprecedented measures to reestablish bilateral relations in 2016, promising \$500 million in infrastructure assistance to Afghanistan. According to the Afghan president, Pakistan seems to be the mastermind behind the Taliban and negotiations with Pakistan must be avoided at all costs. He also highlighted that Afghanistan does not any further expects Pakistan to bring Taliban to the negotiating table.¹³⁹ At the time, misinformation was rampant, and both sides blamed each other whenever a terror attack occurred in any state. For example, without conducting a full investigation, Afghanistan held Pakistan responsible for the deaths of 30 people in two suicide attacks near the Afghan parliament in 2017. Though Taliban had accepted responsibility of this attack.¹⁴⁰ This was a particularly aggravating aspect because no government may charge another with anything without providing evidence. As a result, the interaction between the two sides remained adversarial throughout most of the time. In February 2017, armed forces of Pakistan and Afghanistan had a brief physical confrontation. According to Afghan accounts, the Pakistani military bombarded Afghanistan, prompting tens of thousands of people to flee their homes and villages. The attack happened near the Chaman border in Afghanistan, forcing the security forces to evacuate the villages.¹⁴¹ Research Fellow at CATO Institute United States, Sahar Khan during an interview on the said subject argued that;

¹³⁸ Tahir Khan, "Four Pakistani Soldiers Killed in Afghan Rocket Attack: Ispr," *The Express Tribune*, 23 August 2015, Available at <https://tribune.com.pk/story/943312/four-pakistani-soldiers-killed-in-cross-border-shelling-ispr>.

¹³⁹ Amin Nojan, "Why Ghani's Pakistan Outreach Failed," 7 May 2016, Available at <https://gandhara.rferl.org/a/afghanistan-pakistan-ghani-pivot/27721629.html>.

¹⁴⁰ Hamid Shalizi, "Taliban Attack near Afghan Parliament Kills More Than 30," *Reuters*, 10 January 2017, Available at <https://www.reuters.com/article/us-afghanistan-blast-idUSKBN14U1DL>.

¹⁴¹ Asad Hashim, "Pakistan-Afghanistan Crossing Closed after Border Clash," *Al Jazeera*, 6 May 2017, Available at <https://www.aljazeera.com/news/2017/5/6/pakistan-afghanistan-crossing-closed-after-border-clash>.

“President Ashraf Ghani was very much skeptical of Pakistan as he didn’t like that Afghanistan was viewed by NATO and United States through the lens of Pakistan. He was very focused on strengthening democracy and implementation of Constitution across Afghanistan. Primarily, the relationship between Afghanistan and Pakistan during Ghani regime cannot be witnessed as a see-saw trend; rather, it was tendency of a downward relationship. Neither President Ghani or President Karzai wanted any involvement of Pakistan in the internal affairs of Afghanistan; however, since Pakistan was holding negotiations with Taliban on behalf of United States, it continued to be a subject of conflict between the two neighboring states”.¹⁴²

While the successive governments of Pakistan made its efforts to strengthen the nature of relationship with Afghanistan, one after another conflicting challenges deteriorated the nature of relationship. Pakistan had stated its willingness to efficiently manage the Pakistan-Afghanistan border. Pakistan and Afghanistan began discussing tracks two and three of the peace process after comprehending the detrimental impacts; this tragedy had on their bilateral relationship. Pakistan and Afghanistan agreed to hold frequent meetings of their respective Director Generals in order to keep matters peaceful along the border. Border checks are mostly not frequent, but Pakistan had intensified them to complement the military bases it has constructed for border fortification. According to Pakistan, numerous smugglers and terrorists who cross the border, pose diverse and significant challenges for the country.¹⁴³ Foreign intervention in their bilateral relationships seems to be the main source of their fundamental disagreements. India and the US

¹⁴² Sahar Khan, "Research Fellow at Cato Institute United States," *Interviewed through Whatsapp* (10 March,2023)

¹⁴³ Yousaf Ali et al., "Evaluation of Effectiveness of Fence on a Country’s Border: A Case Study of Pak-Afghan Border Fence," *Journal of international migration and integration* 22 (2021): 774-75

have frequently imposed their influence on Afghanistan based on their distinct ambitions and priorities. Addressing the severity of the relationship between Pakistan and Afghanistan, Interim Foreign Minister of Pakistan, Ambassador Jalil Abbas Jelani (Retd) argued that;

“Pakistan faced a number of challenges in the last two decades viz a viz Afghanistan due to a number of factors; Both Presidents, Hamid Karzai and Ashraf Ghani's self-centered policies, their anti-Pakistan biases, pandering to anti-Pakistan Afghan elements, provision of undue space to India and its intelligence Agency RAW, provision of safe Haven to anti-Pakistan entities such as BLA, BRA, TTP. Following Taliban take over our relations with Afghanistan have improved but not stabilized due to the fencing issue, TTP activities against Pakistan ”.¹⁴⁴

The Ambassador primarily argued Pakistan’s official stance; overlooking the factual inaccuracies in the bilateral relationship. Pakistan faced significant threats borders in addition to the presence of militant groups within its territorial boundaries. Relationship was primarily dictated by pessimism; even after the exit of US forces from Afghanistan on 30th August, 2021. US and India excessively pressured Afghanistan to take stern military action against Pakistan anytime Afghanistan and Pakistan attempted to repair relations and improve their partnership.¹⁴⁵ Another significant issue that both states are coping with is terrorism. Pakistan has been addressing the problem with a strategic approach and it has carried out numerous missions to defeat terrorists on its territory. On one hand, the Pakistani military undertook the largest military operation against terrorists in Pakistan, Zarb-e-Azab while on the other hand, Afghanistan continues to

¹⁴⁴ Ambassador (Retd) Jalil Abbas Jelani, "Former Foreign Secretary of Pakistan," *Interviewed through Whatsapp* (24 January 2023)

¹⁴⁵ Iftikhar Ahmad Yousafzai and AZ Hilali, "India’s Role as a Determinant in Pakistan-US Relations (2005-2015)," *Review of Applied Management and Social Sciences* 4, no. 1 (2021): 287-88

remain insecure and became the largest hub of militant groups.¹⁴⁶ Moreover, millions of refugees live in Pakistan, added to the problems of Pakistan. According to Pakistan's security officials, these immigrants have been continuously engaged in terrorist activities across the country.¹⁴⁷ There are various lingering concerns between the two nations that must be addressed immediately. It is the only way forward for both countries and they must work together to resolve these issues amicably. Any third country should not be allowed to interfere in their bilateral relations, else their relationship will continue to be strained.

2.2 Indian Involvement in Afghanistan and Implications for Pakistan

Historic accounts highlight that successive Indian governments have been favoring the Kabul regimes since 1992.¹⁴⁸ In the event of a conflict, the Pashtunistan conundrum provided India with the prospect of potentially encircling Pakistan between two fronts. After the Mujahedeen seized power in Kabul in 1992, almost everything transformed in Afghanistan's politics. The separation between Gulbuddin Hekmatyar's party and the other factions was prompted by internal disagreement. India then sponsored everyone and anyone who opposed Pakistan. In the fifteen days that followed Kabul's seizure by the Taliban in September 1996, New Delhi expressed its sympathy and grief over the death of former Afghan President Najibullah. It was later reported in Afghanistan's leading Newspaper, Tolo News, that Pakistan's Intelligence agency, ISI, was responsible for the death of President Najibullah.¹⁴⁹ However, no counterargument was

¹⁴⁶ Javaid, "Operation Zarb-E-Azb: A Successful Initiative to Curtail Terrorism," *South Asian Studies* 30, no. 2 (2020): 44

¹⁴⁷ Pushpita Das, "Border Management and Threats to Internal Security," *Electronic Journal of Social and Strategic Studies* 2 (2021): 90-92

¹⁴⁸ Barnett R Rubin, *The Fragmentation of Afghanistan: State Formation and Collapse in the International System* (Yale University Press, 2002).

¹⁴⁹ Tolo News, "Researchers Blame Pakistan's Isi for Death of Ex-President Najibullah," 26 September 2016, Available at <https://tolonews.com/afghanistan/researchers-blame-pakistans-isi-death-ex-president-najibullah>.

presented, nor any official statement was given by Pakistan in response to this claim.¹⁵⁰ India quickly turned into a powerful ally of the Northern Alliance.¹⁵¹ Given this unique context, Pakistan was likely to be concerned by India's determination to rejoin the Afghan conflict.

Soon after, Pakistan and India started swapping accusations of espionage and terrorism. Particularly, the establishment of Indian consulates in Afghanistan had strained the relationship between the two countries.¹⁵² The Pakistani government publicly stated its serious reservations regarding Indian activities along the Pakistan-Afghanistan border on multiple occasions. So rather than concentrating on providing humanitarian relief to Afghan citizens, Indian consulates were involved in assisting the terrorist groups for facilitating the clandestine anti-Pakistan operations of RAW.¹⁵³ Pakistan accused India of carrying out terrorism and sabotage on Pakistani territory, as well as forging Pakistani currency.¹⁵⁴ On September 1, 2003, the Indian consulate in Jalalabad was attacked. Pakistan was enraged by Kabul's strong pledges that no anti-Pakistani operations would be tolerated on its soil. The Balochistan crisis heightened tensions between the two sides. On August 13, 2004, after decades of denying the existence of the Balochistan Liberation Army, the Chief Minister of Balochistan, Jam Muhammad Yusuf admitted that 40 terrorist cells were reportedly being controlled by Indian intelligence services throughout Baloch province.¹⁵⁵ The Pakistani press kept repeating the assertions whenever it was

¹⁵⁰ Frédéric Grare, "Pakistan Afghanistan Relations in the Post 9/11 Era," *Carneige Endowment for International Peace South Asia Project*, no. 72 (2006): 11

¹⁵¹ D Sathyanarayanan, "Analyzing India-Afghanistan Relations: 1996–2014," (University of Madras Chennai, 2015), 17-18.

¹⁵² Iram Khalid, "The New Great Game in Afghanistan: Role of India (a Pakistani Perspective)," *South Asian Studies* 26, no. 2 (2020): 244-45

¹⁵³ APP, "India Sponsored Terrorism, Invested \$3b in Afghanistan to Destabilise Pakistan," *The Express Tribune*, 11 September 2021, Available at <https://tribune.com.pk/story/2319710/india-sponsored-terrorism-invested-3b-in-afghanistan-to-destabilise-pakistan>.

¹⁵⁴ Safdar Hussain and Dr Muhammad Ijaz Latif, "Issues and Challenges in Pakistan-Afghanistan Relations after 9/11," *South Asian Studies* 27, no. 1 (2020): 93-94

¹⁵⁵ Mir Sherbaz Khetran, "Indian Interference in Balochistan," *Strategic Studies* 37, no. 3 (2017): 118-19

feasible, claiming that proof of the involvement of Indian consulates in the long-standing troubles of Balochistan had been established. During two decades of conflict in Afghanistan, Pakistan repeatedly made accusations against India, alleging that it had fostered unrest in tribal administrative units, where the Pakistani Army was encountering intense opposition from the native Taliban and Al Qaeda.¹⁵⁶ It asserted that Indian consulates in Southern Afghanistan have indeed been giving funding in addition to ammunition and firearms to terrorist organizations, which now has determined to escalate the turmoil and terrorism in the tribal region. At the Sharmel Sheikh Conference in Egypt on July 16, 2009, Yousuf Raza Gilani, gave his Indian counterpart the relevant documentation of India's meddling in Baloch affairs.¹⁵⁷ The evidence also featured the identification and photos of Indian government representatives who met with Brahamdagh Bugti, a Baloch dissident, as well as some other militants both in Afghanistan and while they were visiting India. Brahamdagh Bugti has been reported to carry out Indian objectives in Balochistan, following which he was reported to apply for Indian asylum.¹⁵⁸ RAW was training thousands of Balochis in Afghanistan as India was continuously supporting the Baloch conflict and castigating Afghan border security forces officials.¹⁵⁹ These charges were hard to prove or disprove rationally. India not only maintained amicable relations with all Afghan governments until the fall of Najibullah's administration in 1992, when it was replaced by a mujahedeen government, but also actively invited, supported, and provided for Baloch

¹⁵⁶ Umbreen Javaid, "War on Terror: Pakistan's Apprehensions," *African Journal of Political Science and International Relations* 5, no. 3 (2011): 128

¹⁵⁷ Manzoor Ahmad Naazer, "The Issue of Jammu & Kashmir and Indian Surrogate Warfare against Pakistan," *Asian Journal of International Peace & Security (AJIPS)* 3 (2019): 33-34

¹⁵⁸ Abdul Hai Kakar, "Balochistan Separatist Leader Seeks Indian Asylum," *Gandhara*, 19 September 2016, Available at <https://gandhara.rferl.org/a/pakistan-balochistan-bugti-asylum-india/28000283.html>.

¹⁵⁹ C Christine Fair, "India in Afghanistan and Beyond: Opportunities and Constraints," *Available at SSRN 1681753* (2010): 8-12

terrorists in the mid-1970s. Upon Taliban's downfall, India established strong and formal diplomatic ties with the country and provided military assistance.¹⁶⁰

Following the withdrawal of US troops, India has pledged to stay by the Afghans, claiming responsibility for the state's governance, peace and stability. India strongly motivated the Afghan government dominated by the coalition. In 2005, India urged Afghanistan to join SAARC, and the country became the organization's eighth member in 2007.¹⁶¹ In the battle against militants, both countries intensified their security and defense collaboration. After all these attacks, India accused the Pakistan's Intelligence agency ISI of harboring these terrorist attacks,¹⁶² despite the fact that the responsibility was most oftenly claimed by Afghan Taliban.¹⁶³ By May 2011, India was the top development donor in the region with a contribution of \$ 2 billion per annum. Indian firms were also interested in mining the iron ore in Hajigak mines in Bamiyan province of the country.¹⁶⁴ Afghanistan and India forged a strategic partnership agreement in 2011, which improved the relationship between the two countries.¹⁶⁵ This was the very first strategic agreement between Afghanistan and India, following the Soviet invasion of Afghanistan in 1979. The agreement provided Afghanistan with macroeconomic support and training of its law-

¹⁶⁰ Reyaz Ahmad Ganaie and Muzaffar Ahmad Ganaie, "India's Afghanistan Policy: A Quest for Strategic Space Post the Us Withdrawal," *Humanities and Social Sciences Communications* 9, no. 1 (2022): 4-5

¹⁶¹ Zahid Shahab Ahmed and Musharaf Zahoor, "Afghanistan in Saarc: A Critical Assessment of Organisational Expansion," *South Asian Survey* 22, no. 2 (2015): 172

¹⁶² PTI, "2008 Indian Embassy Attack in Kabul Sanctioned by Isi, New Book Claims," *The Economic Times*, 23 March 2014, Available at <https://economictimes.indiatimes.com/news/politics-and-nation/2008-indian-embassy-attack-in-kabul-sanctioned-by-isi-new-book-claims/articleshow/32548268.cms>.

¹⁶³ News Wires, "Taliban Claims Responsibility for Attack Outside Indian Embassy," *France 24*, 8 October 2009, Available at <https://www.france24.com/en/20091008-taliban-claims-responsibility-attack-outside-indian-embassy->.

¹⁶⁴ Sanjeev Miglani, "Indian Firms Eye Huge Mining Investment in Afghanistan," *Reuters*, 14 September 2011, Available at <https://www.reuters.com/article/afghanistan-india-idAFL3E7KB02A20110914>.

¹⁶⁵ Yow Peter Raiphea, "India-Afghanistan Strategic Partnership: An Analysis of India, Afghanistan and Pakistan Perspectives," *International Journal of Scientific and Research Publications* 3, no. 4 (2013): 2-4

enforcement agencies.¹⁶⁶ Since Afghanistan shared strained relationship with Pakistan during the said time-frame; such statement from President Karzai is obvious; particularly when international forces were fighting an active conflict in the region with Pakistan as its front-line ally. However, criticizing Pakistan's relationship with Afghanistan on Indian soil also depicted the outrage of Afghan President. Afghan President was viewing India to evolve as its strategic ally in the region and though both sides were amicably benefitting and attaining their said objectives; they were unsuccessful in mainstreaming and ensuring the long-term continuity of the relationship. While as Afghanistan remained critical of Pakistan; India regularly blamed Pakistan of sabotaging its operations in Afghanistan. Indian Ambassador to Kabul stated that;

"Those who oppose India's development work in Afghanistan have frequently targeted our facilities. The strike had no bearing on India's development aid or commitment to Afghanistan's reconstruction and rebuilding".¹⁶⁷

Furthermore, despite Indian claims, it is clear that India's involvement in Afghanistan served the covert goal of limiting and restraining Pakistan's regional supremacy. Any advantage Pakistan enjoys in the region is considered unacceptable by India. Pakistan has repeatedly accused India of instilling separatist in Balochistan and training militants to carry out terror attacks in Sindh, Khyber Pakhtunkhwa, and Balochistan. But at the other side, India is apprehensive that so-called Pakistani-backed militants may attack its security personnel on its territory.¹⁶⁸ While India had been spending more than \$2 billion per annum on the reconstruction and developmental

¹⁶⁶ Qasim Nauman, "Pakistan Appears More Isolated after India-Afghan Pact," *Reuters*, 5 October 2011, Available at <https://www.reuters.com/article/us-afghanistan-pakistan-india-idUSTRE79411G20111005>.

¹⁶⁷ India Gazette, "Indian Consulate in Afghanistan Attacked by Gunmen," *India Gazette*, 24 May 2014, Available at <https://web.archive.org/web/20140524044348/http://www.indiagazette.com/index.php/sid/222273053/scat/701ee96610c884a6/ht/Indian-consulate-in-Afghanistan-attacked-by-gunmen>.

¹⁶⁸ APP, "Attacks from Afghan Soil Have Indian Involvement: Sartaj Aziz," *Dawn*, 12 January 2015, Available at <https://www.dawn.com/news/1156539>.

activities in Afghanistan over the last two decades, Pakistan has repeatedly voiced its concerns. On multiple occasions, India had tried to sabotage the Afghan peace process as well and implicate Pakistan for the instability in Afghanistan, yet it predominantly remained unsuccessful in achieving its objectives.¹⁶⁹ Nevertheless, several long-standing unaddressed tensions between the two countries have made it impossible for any of them to live peacefully and collaborate for the growth of their people. India is pursuing a strategy of keeping lasting relationships with nations like Iran and Afghanistan in order to strengthen its global influence, limit its arch rival Pakistan, and contain China as a rising economic superpower. India is determined to using more soft power in Afghanistan while the Taliban are in control, however it is bound to face severe impediments. As per reports and evaluations of experts, with Taliban's conquest of Afghanistan, much of the advantages of New Delhi's two-decades of support would be beyond its control; nevertheless, it is also a fact that interests are not permanent in international relations and Afghan Taliban may cooperate with India, if interests of both sides align in the future times.

A) PTM and Support from Anti-Pakistan Elements

Naqeebullah Mehsud, a young Pashtun from Waziristan FATA, was assassinated in Karachi on January 13, 2018.¹⁷⁰ Naqeeb's second name, Veer, was well-known as he was a social media influencer. He and his two companions were kidnapped by authorities, but they were freed after a few days. Naqeeb was held in prison and tortured and was eventually murdered in a staged encounter. His three other companions were also murdered in a police interaction after this. Mehsud had aspired to establish his shop in Karachi's Sohrab Goth, but his ambition was not

¹⁶⁹ Islamuddin Sajid, "Pakistan Says India Wants to Spoil Afghan Peace Process," *Anadolu Agency*, 17 September 2020, Available at <https://www.aa.com.tr/en/asia-pacific/pakistan-says-india-wants-to-spoil-afghan-peace-process/1975944>.

¹⁷⁰ Kamran Saddique, "Pashtun Tahafuz Movement Restoring or Destroying Pashtoon's Pride; Social Media and International Media Coverage," 727

fulfilled.¹⁷¹ Death of Naqeeb Ullah Mehsud spurred an organized long march across the state known as the Pashtun Long March, which included a sit-in by Pashtun activists. The PTM movement began as a way of encouraging Pashtuns throughout Pakistan. The organization was originally named as Mahsud Tahafuz Movement and was founded by Manzoor Pashteen along with his eight other companions in May 2014.¹⁷² The movement was transformed in to PTM after the brutal killing of Naqeebullah Mahsud and was later evolved in to Pashtun Tahafuz Movement in January, 2018. The organization began long marches and demonstrations to express their profound dissatisfaction and discontent with the state policies in the Pashtun belt and tribal administrative areas. They frequently used social media to communicate with Pashtuns from all around the world and launch campaigns against the state of Pakistan. While there were several efforts from the Government of Pakistan as well as from the leadership of armed forces to resolve their issues through dialogue, PTM continued to further their anti-state efforts and held demonstrations in various cities of the country. The very fact that these demonstrations were joined by thousands of people showed the strength in their stance as well as differences of Pashtun population with the state. However, the issue intensified, when PTM commenced openly chanting anti-Pakistan and anti-army slogans in their protests which created and furthered anti-Pakistan atmosphere within the society at large. These happenings were also closely monitored by anti-Pakistan elements and they started supporting this movement. Ultimately, Maj General Asif Ghafoor, then DG ISPR (Media wing of the armed forces) openly called the leadership of PTM and warned them of repercussions of being played at the hands of anti-Pakistan forces. During his press conference, General Asif Ghafoor categorically highlighted the funding

¹⁷¹ Zainab Akram, Hina Arfeen, and Khadija Karim, "Exploring Reasons Behind Joining English Language Centers (ELC): A Case Study of Pashto Speaking Undergraduates in Quetta City," *Pakistan Journal of Educational Research* 1, no. 2 (2018)

¹⁷² Aasim Sajjad Akhtar, "The War of Terror in Praetorian Pakistan: The Emergence and Struggle of the Pashtun Tahaffuz Movement," *Journal of Contemporary Asia* 51, no. 3 (2021): 516-18

received by PTM from NDS and Raw.¹⁷³ Since ISPR spokesperson had categorically highlighted the funding received by PTM for their campaign; there was excessive debate on the subject regarding the said issue. PTM leadership was regularly invited by the Afghan leadership while their stance was supported which gave traction to the argument that PTM was infuriating anti-Pakistan sentiments amongst the tribal youth.¹⁷⁴

While PTM still continued their critical narrative after this press conference, their tone was lowered down. Despite the fact, that PTM has two representatives in the National Assembly of Pakistan, they have been unable to address and resolve their issues constitutionally. PTM has continued to support any activity across Pakistan that has remained critical of state and they have established their reputation as the supporters of left-wing in Pakistan.¹⁷⁵ While Afghanistan has remained predominantly unstable during the establishment phase of PTM, President Ghani categorically supported the stance of PTM, while PTM also holds an active support amongst the activists of Afghanistan as well. However, Pakistan warned President Ghani against interfering in the internal affairs of Pakistan.¹⁷⁶ Yet due to more pressing issues, PTM did not affect the nature of Pak-Afghan bilateral ties for a very long time.

B) The Afghan Peace Process and Role of Pakistan

By early 2002, Taliban leadership was expecting an offer from Kabul (presumably for power distribution), but it never materialized. In 2001, the US chose Hamid Karzai to lead Afghanistan, anticipating that the Taliban might have been entirely destroyed and no longer constituted a threat

¹⁷³ Hasib Danish Alikozai, "Pakistani Activist Rejects Charges Foreign Spy Agencies Funding His Group," *Voice of America* (VOA), 7 May 2019, Available at <https://www.voanews.com/a/ptm-pakistan-pashteen/4906873.html>.

¹⁷⁴ Ibid.

¹⁷⁵ Qamar Jafri, *The Pashtun Protection Movement (Ptm) in Pakistan* (International Center on Nonviolent Conflict, 2021), 10-12.

¹⁷⁶ News Desk, "Pakistan Cautions Afghan President against 'Interfering' in Internal Matters," *The Express Tribune*, 27 January 2020, Available at <https://tribune.com.pk/story/2145347/pakistan-cautions-afghan-president-interfering-internal-matters>.

to the country's peace and stability.¹⁷⁷ It was a major miscalculation just on part of US and Afghan leadership. They not only misjudged the Taliban, but they also misinterpreted Pakistan's stand in the entire situation. Taliban forces regrouped themselves and resumed armed resistance against Afghan government and coalition troops. 2008-2009 is considered as the deadliest timeframe, with the greatest number of fatalities amongst US as well as the NATO forces.¹⁷⁸ The peace process was acclaimed in 2010 as a means of bringing an end to insurgency and bloodshed in Afghanistan, yet Afghan politicians and senior officials remained suspicious of Pakistan's intentions. Afghan officials believed the ISI was giving sufficient ammunition and weaponry support to Taliban militants.

From 2006 until 2014, Hamid Karzai repeatedly asked Islamabad for help in mediating peace talks with the Taliban, but he was unsuccessful due to Pakistan's lack of compliance. Karzai's attempts were unsuccessful, and he was unsatisfied with the efforts done by Pakistan for peace and reconciliation in Afghanistan. He blamed Pakistan for the instability that had already enveloped in Afghanistan. President Karzai attempted to pacify sensible Taliban through secret negotiations, but his efforts were predominantly foiled.¹⁷⁹ There hadn't been much success. A comprehensive Program for Strengthening Peace was established in 2005 to attract the fighters and the leadership of Taliban.¹⁸⁰ Later on, in 2006, around 2,600 soldiers were issued certification letters.¹⁸¹ The vast majority of them had not been active since 2001, with most of

¹⁷⁷ Larry Goodson, "Afghanistan's Long Road to Reconstruction," *Journal of Democracy* 14, no. 1 (2003): 84

¹⁷⁸ John O'Loughlin, Frank DW Witmer, and Andrew M Linke, "The Afghanistan-Pakistan Wars, 2008-2009: Micro-Geographies, Conflict Diffusion, and Clusters of Violence," *Eurasian Geography and Economics* 51, no. 4 (2010): 440-42

¹⁷⁹ Muhammad Idrees, Ashfaq Rehman, and Manzoor Ahmad Naazer, "Afghan Peace Process and the Role of Pakistan in Engaging the Stakeholders," *Liberal Arts and Social Sciences International Journal (LASSIJ)* 3, no. 2 (2019): 26-28

¹⁸⁰ Mona Kanwal Sheikh and Maja Touzari Janesdatter Greenwood, *Taliban Talks: Past Present and Prospects for the Us, Afghanistan and Pakistan* (DIIS Report, 2013).

¹⁸¹ Ibid.

them living as refugees and wanting to return to their homeland. Furthering his efforts, President Karzai has made public statements in support of peace. In January 2006, he issued a public statement to Gulbuddin Hekmatyar, and Mullah Omar urging them to return and spend their lives in peace, however his gestures may have been misconstrued.¹⁸²

It was being generally speculated that Pakistan retained the key to unlocking the Afghan conflict and paved the path for national reconciliation. United States, Saudi Arabia, and Pakistan officially launched a programme in 2006. President Karzai affirmed in an October 2010 interview that unofficial communications with the Taliban had been ongoing for some time. He did, however, enact prerequisites on the Taliban, such as acknowledging the legislation, laying down their weapons, and parting ways with Al Qaeda. President Karzai went much farther, proclaiming that a national peace Jirga, will be summoned to assist advanced discussions with the Taliban. Militants kept demanding that foreign forces US withdraw from Afghanistan in addition to deposition of Karzai's government. Moreover, the Afghan constitution must be amended to create a complete Islamic republic. Afghan political activists were of the view that the Afghan government should negotiate with Pakistan rather than the Taliban. As long as Pakistan does not put pressure on the Taliban to negotiate, these demands will be impossible to meet.¹⁸³ In late 2008, President Karzai and Taliban leaders met in Saudi Arabia for political consultations. Although not much had changed, this became one of the first attempts at a large settlement. The US declined to endorse or participate in the dialogues in any manner. According to Afghan authorities, Pakistan was still refusing to engage in the peace negotiations.

¹⁸² Saba Imtiaz, "The Outcomes of the „Taliban" (paper presented at the Paris Meeting on Afghanistan “. Report, Al Jazeera Centre for Studie, <http://studies.aljazeera.net/ResourceGallery/media/Documents/2013/1/24/2013124113525174580The>, 2013).

¹⁸³ Thomas Waldman, "Reconciliation and Research in Afghanistan: An Analytical Narrative," *International Affairs* 90, no. 5 (2014): 5-6

Ashraf Ghani Ahmadzai and Abdullah Abdullah formed the National Unity administration in December 2014. Soon after taking charge, President Ghani made contact with Islamabad in order to continue discussions on a peace agreement.¹⁸⁴ President Ghani believed that by attempting to serve as a sort of transit route between Central and South Asian states, Afghanistan would eventually be able to develop its economic system. Politicians in Afghanistan appeared to be accepting the idea that peace could not be achieved without Pakistan. Despite the backlash of political strategists, Ghani took the risk and accepted the responsibility of trusting Pakistan. Ghani was indeed viewed by them as a witless gambler with a flawed political remembrance.¹⁸⁵ Several contend, nevertheless, that Ashraf Ghani's foreign policy was indeed divided into two components: economic and political. His political priority does seem to be general reconciliation with Pakistan rather than peace with the Taliban. His long-term objective was to strengthen ties with Pakistan for landlocked Afghanistan.¹⁸⁶ In order to advance and fortify Pakistan's economic system, Ghani wants to achieve economic objectives with their help. The peace process led by President Ashraf Ghani was in fact the only way to stabilize Afghanistan for long-term peace and development of the state as well as the region. The same logic that supported Karzai's policy "*Pakistan is the problem, and Afghanistan will not be stable unless Pakistan changes its attitude*" was basically used to fully back President Ghani's projections.¹⁸⁷ Ghani maintained his political ties with Pakistan in the same way as President Karzai did. Unlike Karzai, Ghani regularly argued that there was an undeclared war-like situation between Pakistan and Afghanistan, instead of the Taliban insurgency being the major concern. In contradiction to Karzai, who attempted to compel and persuade Pakistan to cooperate, Ghani attempted to

¹⁸⁴ Thomas Barfield, "Compromise in Kabul," *The Cairo Review of Global Affairs*, no. 15 (2014): 34

¹⁸⁵ Ibid., 36.

¹⁸⁶ Ibid.

¹⁸⁷ Moed Yusuf, "Ashraf Ghani's Pakistan Outreach: Fighting against the Odds," (2015): 4-5

persuade Pakistan to accept the transition by attempting to address its concerns about Afghanistan in such a way that respected interests of both the governments.¹⁸⁸ Ghani realized that a substantial military, which was also directly funded by the US military services, would eventually burden the state's budget. However, if the insurgency was being put down and the economy was robust enough to absorb the poorly armed troops, then the Afghan National Security Force (ANSF) could only be downsized. An effective peace process would be beneficial in accomplishing this objective. As a result, the Taliban's cease-fire had already been observed. Following an initial session in China, a second, more extended round of consultations was held at Murree, a popular vacation location in Pakistan near Islamabad. Nawaz Sharif, Pakistan's Prime Minister, and Ashraf Ghani, Afghanistan's President, both risked substantial amounts of political capital to support the talks. As it was later revealed, the Taliban leader, Mohammad Omar, had been deceased for more than two years. Following his death, the peace initiative was shelved.

C) Peace Dialogue between Taliban and the United States (2018-2020)

Peace talks between Afghan Taliban and the United States of America finally began in Qatar for the first time on October 12, 2018.¹⁸⁹ Issues between the two sides were discussed as several rounds of talks actually occurred between the Taliban and the US. In August 2019, the US and the Taliban continued to hold their eighth round of talks in Qatar.

In September 2019, Zalmay Khalilzad during an interview with Afghanistan's local media outlet confirmed that the US and the Taliban had entered into an agreement that had been

¹⁸⁸ Ahmed Ali Naqvi, "Pakistan-Afghanistan Relations Post 2014: Impacts on Pakistan's Security," *Journal of Political Studies* 22, no. 1 (2015)

¹⁸⁹ Sharif Amiry, "A Summary of the Peace Process," *Tolo News*, 20 March 2020, Available at <https://tolonews.com/afghanistan/summary-peace-process>.

awaiting President Trump's approval.¹⁹⁰ The Taliban publicly stated on September 18th, 2019 that their door is always open if Trump makes a decision to resume peace negotiations in the future. Subsequently, the US Department of State issued a statement highlighting that the Afghan government as well as its electoral bodies are reminded to employ every possible step for ensuring elections that are free and impartial.¹⁹¹ The peace process was resumed in December of 2019.¹⁹² A seven-day provisional truce was announced while after several rounds of negotiations, Zalmay Khalilzad announced that he and the Taliban had reached an agreement.¹⁹³ Compliance must be established in such a case. The US had agreed to withdraw 5,000 troops within 135 days after signing the prospective accord. The Taliban, on the other hand, promised that Afghanistan would not be used as a staging ground for global terrorist activities and that it would begin discussions with the Ghani administration about the country's genuine political future. A group of veteran US diplomats serving in Afghanistan have labelled the peace accord a "Hurry to Trump". The Taliban's disintegration into Al Qaeda was already greeted with skepticism. The civil war in Afghanistan was anticipated to ignite once more. That is Afghanistan's stability. Numerous CIA and Pentagon officials were also dissatisfied with the agreement's terms. At the very same time, President Ghani administration expressed their fears about the agreement and rejected it, trying to claim that the new agreement would not guarantee that the Taliban kept their promises after US troops left.¹⁹⁴ The gratification of the Kabul government wasn't included in

¹⁹⁰ Ibid.

¹⁹¹ Tolo News, "Us Calls for Credible Elections in Afghanistan," *Tolo TV Network*, 18 September 2019, Available at <https://tolonews.com/afghanistan/us-calls-credible-elections-afghanistan>.

¹⁹² News Agencies, "First Round of Resurrected Us-Taliban Peace Talks Open in Qatar," *Al Jazeera*, 7 December 2019, Available at <https://www.aljazeera.com/news/2019/12/7/first-round-of-resurrected-us-taliban-peace-talks-open-in-qatar>.

¹⁹³ Jibran Ahmad Abdul Qadir Sediqi, "U.S., Taliban Plan to Sign Accord after Planned Week-Long 'Reduction in Violence'," *Reuters*, 21 February 2020, Available at <https://www.reuters.com/article/uk-usa-afghanistan-talks-idUKKBN20F0WN>.

¹⁹⁴ Center for Preventive Action, "A Failed Afghan Peace Deal," *Council on Foreign Relations*, 1 July 2020, Available at <https://www.cfr.org/report/failed-afghan-peace-deal>.

this agreement. As per experts, Khalilzad hoped to establish Kabul's confidence in between each meeting only with Taliban while representing the US in the negotiations. In such a scenario, the Afghan government may be unable to continue operating with absolute trust in the US. Despite Khalilzad's assertion that he was not an Afghan government official, Kabul forced the Taliban to speak with them. By the start of the negotiations, the Afghan government promised to release 5,000 Taliban prisoners in swap for 1000 government soldiers apprehended by the Taliban in a prisoner swap. The agreement between the US and Taliban was ultimately signed on 29th February, 2020 in Doha, Qatar.¹⁹⁵ Representatives of neighboring states of Afghanistan, including several other states attended the event. With the agreement, the Taliban achieved a major objective of getting a firm date for the withdrawal of foreign forces. The worth of the agreement for Pakistan was in the potential outcome of a peaceful resolution that might solidify Pakistan's influence over Afghanistan while also reaping the benefits from its allies in Afghanistan. The US was also anticipated to remunerate Pakistan's collaborative efforts. President Ghani was adamant about not releasing Taliban fighters from Afghan prison camps. As a matter of fact, he was of the view that the terms of the agreement must go into effect once the Taliban has also pledged a complete ceasefire. Terms of the agreement were not fulfilled as mentioned accordingly, as prison swap was due to happen by 10th March, while intra-Afghan negotiations were to start afterwards however, prisoner swap was completed from both sides by 3rd September, 2020.¹⁹⁶

The Afghan government and Taliban representatives resumed direct negotiations on September 12 in Doha, Qatar, after a six-month gap brought on by political strife in Kabul and

¹⁹⁵ Shereena Qazi, "Afghanistan's Taliban, Us Sign Agreement Aimed at Ending War," *Al Jazeera*, 29 February 2020, Available at <https://www.aljazeera.com/news/2020/2/29/afghanistans-taliban-us-sign-agreement-aimed-at-ending-war>.

¹⁹⁶ Ayaz Gul, "Afghan Prisoner Swap Ends, Peace Talks to Finally Begin," *Voice of America (VoA)*, 3 September 2020, Available at https://www.voanews.com/a/south-central-asia_afghan-prisoner-swap-ends-peace-talks-finally-begin/6195397.html.

unrelenting bloodshed. Ever since, negotiations have proceeded slowly, and conflict has escalated in several districts of Afghanistan. A political shift in the US caused the discussions to break off again after three months of formulating a three-page set of guidelines for the talks. When Joe Biden was elected president, it was thought that American policy toward Afghanistan would transform. The US appears to just have stepped up efforts to negotiate an intra-Afghan settlement as intra-Afghan discussions had reached a deadlock between the Afghan Taliban and the Afghan government. To begin negotiations, the US appeared to have drafted a provisional peace deal with a wide range of options, including that of the establishment of an immediate transitional government, which Afghan President Ashraf Ghani reportedly said to just had opposed. The objectives of these initiatives were to conclude in a high-level summit on Afghanistan in Turkey in April 2021, but the Taliban declined to attend and had repeatedly refrained from taking part in such conventions. States from all over the world questioned what form of democratic government, if any, could have placated both the Afghan government in power and the Taliban, who may have not provided any further details about their plans for Afghanistan's future than the establishment of an Islamic government. While American soldiers were retreating from Afghanistan, neighboring countries and the P5 continued their futile attempts to mediate a settlement between the Afghan government and Afghan Taliban. The newly elected President of the US announced that the withdrawal of US forces from Afghanistan will be completed by September 11, 2021, however, the situation changed drastically as Taliban marched into Kabul in mid-August 2021, concluding their conquest of Afghanistan and ushering in a new phase for what has been the world's most dangerous conflict in recent times.¹⁹⁷

Although the West considers Pakistan to be one of the Taliban's most important benefactors, this

¹⁹⁷ Rahim Faiez Ahmad Seir, Tameem Akhgar and Jon Gambrell, "Taliban Sweep into Afghan Capital after Government Collapses," *AP News*, 16 August 2021, Available at <https://apnews.com/article/afghanistan-taliban-kabul-bagram-e1ed33fe0c665ee67ba132c51b8e32a5>.

does not indicate that Pakistan is indifferent about the Taliban taking full control of Kabul. Over the years, different terrorist groups, notably Afghan Taliban operating across the Afghan border have impacted negatively on the peace and security of Pakistan.

The elimination of Al Qaeda and ISIS-K by the new Kabul government appeared to be in Pakistan's best advantage. As a consequence, Pakistan wants the Taliban to act aggressively and prevent Afghanistan from regressing into an anarchical zone. The refugee crisis is Pakistan's other major concern.¹⁹⁸ The country has to choose between a difficult path to peace and a return to civil war. The latter will have terrible consequences for the Afghan people, as well as indirect consequences throughout the region and even further afield. The flow of refugees, drugs, weapons, and transnational terrorism from a destabilized Afghanistan harms Afghans and also the rest of the civilized world, notably Pakistan. The selection of either choice by the Afghans will be determined by how the international world responds to Afghanistan's new political reality, as well as how the Taliban chooses to handle their country. The rapid downfall of Ghani's administration has shown beyond a shadow of a doubt that Pakistan was not to blame for the government's inadequacies. Strangely, some voices in Washington and other European capitals continue to hold Pakistan responsible for the failures in Afghanistan. Nevertheless, demonizing Pakistan would be not only incorrect, but it also undermines the ethos of global cooperation needed to halt the cycle of violence that has decimated Afghanistan.

Foreign policies of Pakistan and Afghanistan predominantly remained critical during two decades of War on Terror. While Afghanistan has been openly blaming Pakistan for its instability, successive governments of Afghanistan lacked the capacity and will to stop the

¹⁹⁸ Saleha Mohsin, "U.S. Freezes Nearly \$9.5 Billion Afghanistan Central Bank Assets," *Bloomberg*, 18 August 2021, Available at <https://www.bloomberg.com/news/articles/2021-08-17/u-s-freezes-nearly-9-5-billion-afghanistan-central-bank-assets#xj4y7vzkg>.

country from becoming a breeding ground of terrorists and militants. Objectives of US in this region can also be termed as one of the reasons of strain ties between Pakistan and Afghanistan as economic support to Afghanistan was predominantly being given by the US as well as other western states. Indian objectives in Afghanistan, carried out through its consulates and embassies were predominantly aimed at creating instability in Pakistan in addition to development projects that were being carried out to create a soft-image amongst the people of Afghanistan. Though, there have been consistent efforts from both sides to improve relationship and overcome differences through dialogue and negotiations, an atmosphere of severity has prevailed in most of the times. Pakistan's efforts in facilitating the peace talks were also viewed through the prism of suspicion and distrust from Afghanistan as well as US while subsequently it was asked to do more. Hostile approach of President Karzai and President Ghani towards Pakistan as well as Indian influence on the power brokers of Afghanistan diminished any efforts of bridging gaps between two neighboring states. It is definitive that any happening in Afghanistan has its direct implications on Pakistan and vice versa and two decades long conflict in Afghanistan has proved this notion.

Chapter III

Navigating Afghanistan's National Interest and Strategic Aspirations: Historic and Political Perspectives on Pak-Afghan Border

This chapter takes in to account the political, historic and ethno-nationalist aspects pertaining to Afghanistan's National Security, its foreign policy as well as its strategic interests pertaining to Pak-Afghan border. This chapter has been categorized in to two distinct categories, with first category explaining the in-depth and detailed history of Durand Line and the motivations of Afghan leadership over the course of last two centuries. The second category explains the nationalist sentiments of Afghanistan in recent times and how the leadership of Afghan Taliban shaped Afghanistan's border policy with Pakistan. Long-standing discussion regarding the Pak-Afghan border emphasizes its importance in terms of border's policy and its disputed validity. History of Durand Line and its associated regions will be mentioned in order to assess the troubled relationship of Afghanistan with British India and the Soviet Federation. Furthermore, this chapter will also assess as how nationalistic sentiments and political aspirations have subsequently influenced Afghanistan's border in successive governments despite ideological disagreements amongst themselves. A thorough and comprehensive analysis of Afghanistan's strategic dynamics and its security aspirations will highlight why border control has remained important for the Afghan policymakers in terms of preserving its national sovereignty and what have been the key underlying issues between both governments that have refrained them to cooperate despite having corresponding objectives. Additionally, a thorough analysis of Afghanistan's perspective will ascertain how the Taliban government typically achieves its

geopolitical objectives by attempting to gain regional autonomy in order to ascertain how they have influenced border policy.

3.1 Debate on ‘Durand Line or Pak-Afghan Border’

Durand Line was an international border that separated Afghanistan from British India and was demarcated in 1893 between King Abdur Rehman and Sir Durand from the Commonwealth.¹⁹⁹ This borderline between the two sides has remained a source of conflict for Afghanistan with British India as well as the succeeding state of Pakistan. State of Afghanistan views the Durand Agreement as an agreement signed by Amir Abdur Rehman under serious duress and compulsion which eventually create suspicions about its legal binding. Barnett Rubin and Thomas Barfield contend that Afghanistan considers the Durand line as a representation of its fight for territorial integrity and sovereignty rather than just a boundary.²⁰⁰ Subsequently, the people of Afghanistan say that since the Durand Agreement was a bilateral accord between Government of Afghanistan and British India; its effect does not pass on to the state of Pakistan and hence this agreement has expired following the creation of Pakistan. However, it needs to be highlighted that Afghanistan’s rejection of Durand Line is primarily rooted in its concept of National Sovereignty, Identity and contentious narratives surrounding the historic mythologies.

William Maley is of the view that Afghanistan’s quest to advocate, defend and subsequently uphold the rights of communities living on both sides of the border may be attributed in part to its failure in recognizing the border. This has remained consistent with Afghanistan’s assertions regarding the Pashtun region of Pakistan which its successive leadership is of the view that it was unfairly divided. Stephen Tanner has addressed this issues by highlighting the fact that

¹⁹⁹ Saman Pari, "Anglo-Afghan Treaties, Accords, Agreements, Memoranda, Conventions, Engagements, Protocols (1809-1930) Impacting Pak-Afghan Relations: A Way Forward," *The Journal of Humanities & Social Sciences* 31, no. 2 (2023)

²⁰⁰ Thomas Barfield, "An Islamic State Is a State Run by Good Muslims: Religion as a Way of Life and Not an Ideology in Afghanistan.," *Remaking Muslim politics: pluralism, contestation, democratization* 15 (2005)

Afghanistan's border policy has remained a broader reflection of its fight for the attainment of autonomy and Sovereignty throughout the region with what it perceives as an outside dominance over its rightful territorial areas.²⁰¹ Afghanistan's attitude regarding the Durand line has called in to question the legislative validity of colonial agreements. Chris Mason have highlighted that, successive governments of Afghanistan have repeatedly questioned the legality of the border under the norms of international law.²⁰² They frame this border as an unlawful colonialist intrusion that was made by the British rulers without the formal consent of the Afghan people. However, as highlighted in the previous chapter; global powers recognize the existing border between Pakistan and Afghanistan as the legitimate borderline between Pakistan and Afghanistan. Fencing of border has further strengthened this claim despite the fact that former Presidents of Afghanistan, Hamid Karzai and subsequently Ashraf Ghani were completely against this policy. This discussion is further heightened by analyzing the security aspect of Pak-Afghan border. Afghanistan believes that the Durand Line's porousness contributes to instabilities by allowing insurgents to travel without restriction which has jeopardized its internal security. While the same allegations are made by Pakistan as well due to Afghanistan's instability and lawlessness; acceptance of effective border management system remains a challenge for Afghanistan due to the sociocultural and economic sensitivities of the region. Antonio Giustozzi emphasizes that Afghanistan's attempts to impose effective management throughout the bordering areas are hampered by its perception of the border as a lingering issue that intensifies militant behavior and tribal relationships.²⁰³ Debate over the recognition of the border from Afghanistan as Pak-Afghan border will continue until and unless both sides

²⁰¹ Stephen Tanner, "Indomitable Afghanistan: Oft-Called the" the Graveyard of Empires," the Wild Region Now Known as Afghanistan Has Foiled Would-Be Conquerors for Millennia," *Military History* 26, no. 3 (2009)

²⁰² Thomas H Johnson and M Chris Mason, "Terrorism, Insurgency, and Afghanistan," (2007).

²⁰³ Antonio Giustozzi, "Afghanistan: Transition without End: An Analytical Narrative of Afghanistan," (2008)

negotiate a bargain in terms of this recognition and make it acceptable for communities on both sides.

3.2 History of Durand Line Agreement- Government of British India, Soviet Union and Afghanistan

History of Durand line dates back to its establishment as the borderline between Afghanistan and British India. History has shown that this land has been ruled by different dynasties one after the other; yet, the leaders who were capable and strong enough to protect the interests of tribes have continued to rule it. The British arrived in India for business and trade; yet, with the passage of time, they consolidated their position and power and became prominent in the political affairs of the state. They used their presence and power to stop the Soviets advance towards India and the Indian Ocean. However, in the middle was Afghanistan, and the British had no agreed-upon border with them, but their efforts to defend India and the British position against the Russians resulted in "The Great Game" in the region.²⁰⁴

On November 15, 1814, England and Persia signed the Treaty of Tehran.²⁰⁵ The treaty's provisions clearly demonstrated that the British were concerned about the advancement of Russians towards India. Aside from other provisions in the treaty that benefited Britishers, the Persians agreed to assist British forces in the event of a war. However, the British became concerned about the Persian Empire's motives and ties with the Russians following the Endeavour's attempt to seize control of Herat. Lord Auckland attempted to establish friendly relations with Afghanistan's Amir in September 1836 in order to secure the interests of Britishers in the region. He sent Captain Alexander Burnes as an Ambassador to Afghanistan. The situation worsened in 1837 when the Persians blocked Herat at the will of the Russian Ambassador. The

²⁰⁴ Malcolm Yapp, "The Legend of the Great Game" (paper presented at the Proceedings-British Academy, 2001).

²⁰⁵ Mansoureh Ebrahimi and Kamaruzaman Yusoff, "On Iran's Eastern Borders: Origins and Consecutive Treaties with the British During the Nineteenth Century," *The Dynamics of Iranian Borders: Issues of Contention* (2019)

British warned the Persians that force would be used and dispatched a naval force to the Persian Gulf. While in Kabul at the time, Alexander Burnes requested that the Afghan Amir establish his power in western Afghanistan and take appropriate action against the Persians in Herat.²⁰⁶ Even though Dost Muhammad desired control and power in Herat, he also asked for the restitution of the trans-Indus territory from the Sikhs as a condition of joining the British cause. Lord Auckland was unwilling to accept the Afghan Amir's terms at the expense of the Sikhs, whom he considered his most loyal collaborators.

The British refusal to accept Dost Muhammad's demands, combined with Russian overtures and promises, resulted in a tripartite union in 1838 between Lord Auckland, Ranjit Singh, and Shah Shuja, i.e. the British Governor General of India, the Sikh ruler, and the deposed Amir of Afghanistan. On the other hand, the Persians returned from Herat, but Auckland was unimpressed by the Amir of Afghanistan, so he replaced the aggressive Dost Muhammad with the gracious Shah Shuja.²⁰⁷ This became the primary reason for the First Anglo-Afghan War (1838-42).²⁰⁸ Amir Dost Muhammad died in 1863. His son Slier Ali rose to power in 1870. In the interim, the second Anglo-Sikh war occurred in 1848-49, as a result of which the British became direct neighbors with the Afghan government as the plain areas of present-day KP came under British control with the annexation of Punjab. Following the War of Independence in 1857, Britishers gained direct control of United India. In England, two schools of thought emerged regarding policies for Central Asia and Afghanistan. The first was cross-border policy and the second was forward policy.²⁰⁹ Talks were held between Soviets and Britishers about

²⁰⁶ James Alfred Norris, *The First Afghan War 1838-1842* (Cambridge University Press, 1967).

²⁰⁷ Munawwar Khan, "Anglo-Afghan Relations, 1798-1878, with Particular Reference to British Policy in Central Asia and on the North-West Frontier of India" (Newcastle University, 1950).

²⁰⁸ Mehdani Miloud, "British Interventions in Afghanistan and the Afghans' Struggle to Achieve Independence (1838-1921)," *University of Oran 2* (2015)

²⁰⁹ Archibald P Thornton, "British Policy in Persia, 1858-1890. I," *English Historical Review* (1954)

Central Asia, and it was agreed that a neutral zone should be established in the region with Afghanistan being the most appropriate location. Oxus was accepted as Afghanistan's undefined northern boundary as per the agreement of 1837. A boundary line was recognized between the Soviets and the Afghan government. Additionally, Russia's formal exclusion of Afghanistan from its sphere of influence was acknowledged. However, neither the British nor the Russians consulted the Amir when formulating the agreement. However, circumstances changed dramatically in 1874, when the British government changed and conservatives took power. With the change in government, policies changed, and forward policy was implemented. However, as it came into existence, the tension increased. Although Afghan Amir attended a conference in Kabul in 1876, he was more inclined toward the Russian bloc. With the objective of leading an independent position for Afghanistan; he not only refused to end dialogue with the Russians, but also refused to consider an English mission in Afghanistan. Even then, a mission led by Neville Chamberlain left for Afghanistan on August 25, 1878.²¹⁰

However, Afghan soldiers at the Khyber Pass refused to allow entry into Afghanistan. The act of the Amir of Afghanistan was considered impolite, and Governor General Lord Lytton and the Secretary of State believed it was necessary to teach the Amir of Afghanistan a lesson for his actions. The Britishers asked the Afghan Amir for an apology and acceptance of the mission in Kabul; otherwise, he would be considered an enemy. An eighteen-day ultimatum was issued, and after it expired, a war was fought over Afghanistan. It was attacked on three fronts: Khyber Pass, Kurram Valley and Bolan Pass. Amir died in 1879. And his son entered into negotiations with the British, resulting in the Gandamak Treaty.²¹¹ He agreed to all of the British demands and

²¹⁰ John Rossi, "The Liberal Leadership and the Afghan War, August-December 1878," *Canadian Journal of History* 8, no. 2 (1973)

²¹¹ Gul Hasan, Jalal Faiz, and Ali Azeem, "British Balochistan: A Study of the Role and Impact of Judicial Commissioners under Colonial Rule," *Annals of Human and Social Sciences* 4, no. 2 (2023)

gave them Kurram Valley, Pishin, Sibi and the Khyber Pass. Missions were also deployed in Afghanistan, specifically in Kabul, Qandahar, and Jalalabad. Everything was back to normal until an unexpected rebellion broke out as a member of the British mission was assassinated. English forces were quickly mobilized, and Afghanistan was re-occupied. Yaqub Khan was exiled to India. However, tribal disputes quickly escalated, and the situation became extremely dangerous. Britishers considered appointing someone as Amir of Afghanistan who would be acceptable to both British and Afghans. Finally, Abdur Rehman was appointed as Amir of Afghanistan on 22nd July, 1980. Amir Abdur Rehman restored law and order in Afghanistan. Although the British were unable to achieve their objectives and the Gandamak Treaty was declared null and void. However, British control over Kurram and Bolan Pass had now been established.

Afghanistan proved to be a buffer state between British rule and Russian rule, with its borders not yet clearly demarcated, creating an uneasy situation at times. However, the Russians continued to advance towards Afghanistan, occupying Merv in 1884.²¹² They were now eyeing Punjdeh, which was Afghanistan's territory under the 1873 treaty. Despite efforts to peacefully resolve the dispute, the Russians eventually occupied Punjdeh on March 30, 1885. By negotiating, Amir Abdur Rehman suggested that the Russians could keep Punjdeh while Afghanistan would control the Zulfiqar Pass. The Russians accepted the suggestion, and in July 1886, a boundary commission was formed to establish the border between Russia and Afghanistan.²¹³ The commission took two years to demarcate the boundary between the two states, and on June 12, 1888, the boundaries between Russia and Afghanistan were finally

²¹² Assist Prof Dr Memet YETİŞGİN, "The Anglo-Russian Rivalry, Russia's Annexation of Merv and the Consequences of the Annexation on Turkmens," *Ahmet Yesevi University Board of Trustees*, no. 40 (2007)

²¹³ Adam Jolly, "The Central Asian Paradigm in Anglo-Russian Relations, 1885–1895" (University of East Anglia, 2022).

confirmed. The boundary with Russia was demarcated, but the boundary with British India remained disputed, and there were areas where both sides had competing claims. Amir Abdur Rehman was deeply concerned about the British intentions on the eastern and southern sides of the border. So he was very conscious of his interactions with the British. Amir wanted to settle his border disputes with the British, so he requested that a British mission be sent to Kabul in October 1888, but the mission did not arrive.²¹⁴ In his letter, Amir Abdur Rehman had stated that;

“He had set out boundaries with all his neighbours, it was necessary to set out the boundary with British India so that the Boundary line should be marked out around my dominions as a wall for protection”.²¹⁵

In 1890, Amir wrote a letter to Salisbury, the Secretary of State for the Indian subcontinent who responded by asking Amir to settle disputes between the Afghan and Indian governments with the nominated Indian officials. Lord Lansdowne wrote to Amir, informing him that he had appointed Lord Roberts as the head of mission on behalf of his government. However, Amir was dissatisfied with the appointment made by the English government because Lord Roberts had fought the second Anglo-Afghan war against the Afghans in Afghanistan, and due to his involvement in the Hazara war, Amir believed it was an inappropriate time for the mission to convene and thus postponed it.²¹⁶ The British government was unhappy with Amir's delaying tactics, so the Viceroy sent him a letter that Amir considered to be a practical ultimatum. It was stated that the Indian government could not wait for indefinite promises of an uncertain date and would therefore reach its own conclusion on the specific time. The viceroy's letter worried Amir

²¹⁴ Maximilian Drephal, "The British Legation in Kabul: The Coloniality of Diplomacy in Independent Afghanistan, 1922-1948" (Loughborough University, 2015).

²¹⁵ H.W. Alikuzai, *A Concise History of Afghanistan in 25 Volumes* (Trafford Publishing, 2013).

²¹⁶ A. Forbes, *The Afghan Wars, 1839-42 and 1878-80* (Seeley, 1892).

Abdur Rehman. He took quick action to alleviate the situation so that it did not get out of hand. The Amir wrote a letter to the viceroy informing him that Mr. Pyne, one of the Englishmen in the Amir's service was going to see him to make all necessary arrangements for the mission. This letter was also posted with the intention of satisfying the Indian government rather than taking any serious action on the matter. Another letter was given to Mr. Pyne for the Foreign Secretary, Sir Mortimer Durand and he was instructed to proceed slowly and do his best to delay or postpone the mission for a few days so that Lord Robert, whose departure from India was approaching, would not be a part of the mission and could depart for England. In his letter to the Viceroy, Amir also requested that he send him the proposed map with marked boundaries indicating which areas the British would keep under their influence and control.

Amir was successful in his delaying strategy. Lord Robert departed for England. Amir Abdur Rehman immediately invited the mission to negotiate the boundary dispute. Amir was also dissatisfied with the marked boundary map that was sent to him, as the areas of Waziri, New Chaman, and the railway station there, Bulund Khel, Chaghi, the entire area of Mohmand, Chitral, and the areas in between were marked as Indian territory. The Amir expressed his concerns to the viceroy, telling him that it would be in his best interests not to take these areas from him because they would be useless to both of them if they were under English control. The British may use force to control them, but if they are attacked by a foreign enemy, these tribes will be his worst enemies. He also stated that by reducing the area of frontier tribes, who are people of my nationality and religion, you will lower my esteem and weaken me, which will be detrimental to your government. The British Government was completely rigid and intolerant in taking the alleged tribal areas that, despite honoring and considering Amir Abdur Rahman's recommendation, it expelled its officials from Bulund Khel and Wana Zhob using force and the

threat of arms. In such difficult circumstances, the mission led by Sir Mortimer Durand left for Peshawar on September 19, 1893 and arrived in Kabul for the winter on 2nd October.²¹⁷ Sir Mortimer Durand's mission to Afghanistan in 1893 was successful despite the difficult circumstances because of his brave decision to enter Afghanistan unaccompanied and as a guest of Amir Abdur Rehman. The Mission was received with respect and a welcoming gesture while the dialogue took place in a peaceful and friendly environment. The dialogue was successful, as evidenced by the official agreement signed by Amir Abdur Rehman and Sir Henry Mortimer Durand on November 12, 1893, known as the Durand Line Agreement.²¹⁸ On the one hand, Sir Durand's service is regarded as the pinnacle of all his services in the Indian subcontinent, and he left British India with the highest reputation, but on the other hand, the people of Afghanistan never pardoned Amir Abdur Rehman for giving away Afghanistan's land, which its government and people continue to claim till to date.

Durand line, which eventually extended 1519 miles had the immediate effect of removing Afghanistan's control over a number of small areas previously governed by its respective Amir. More importantly, it subjectively distinguished the Pashtun population of the entire region between Afghanistan and British India.²¹⁹ As an ethnic group, the Pashtuns occupied a large area stretching from Peshawar to Kabul in the east and from Qandahar and Helmand to Quetta in the south. Since Pashtuns had been the ruling ethnic group in Afghanistan since the mid-eighteenth century, Afghan Amirs frequently emerged as notable leaders of the entire Pashtun population despite the fact that they no longer were official rulers and had no official positions. By 1893, relationship between Afghanistan and British India were deteriorating rapidly, and British high

²¹⁷ Simon Gray, "Dr Ja Gray (1858–1929)–Surgeon to Hh the Amir of Afghanistan," *Journal of Medical Biography* 31, no. 1 (2023)

²¹⁸ Salman Anwar, Asiya Bibi, and Nouman Khan, "Durand Line Agreement 1893: Myths and Reality," *Review of Applied Management and Social Sciences* 3, no. 3 (2020)

²¹⁹ Satinder Kumar Lambah, "The Durand Line," *Indian Foreign Affairs Journal* 7, no. 1 (2012)

command was considering a border line settlement.²²⁰ For defense reasons, the British needed to scientifically define a border between the two countries. In a letter to the Amir of Afghanistan, the Viceroy of India stated that regardless of whether he agreed to the proposal, it was critical for British India to decide which regions should and should not be part of Afghanistan. Finally, the British government decided to make some territorial adjustments. With the adjustment and agreement to the boundary line, both sides agreed that none of the contracting parties would interfere with the tribes who live on the other side of the Durand Line, as the newly demarcated boundary was to be recognized. Furthermore, the Amir was promised a continuous supply of ammunition and guns, and his annual funding was increased from 12 to 18 lakh rupees. The delimitation of the Durand Line became a key bone of contention between Great Britain and Afghanistan, and on the part of Great Britain, it essentially represented a rebirth of the interventionist strategy. C.C. Davies argued that;

“The new boundary line was not based upon sound topographical data...In all probability political considerations produced this sacrifice of ethnological requirements”.²²¹

History of Durand line and its associated regions has been mentioned to highlight that the State of Afghanistan had remained in conflicting situations throughout the 18th century while Amir Abdur Rehman had welcomed the British mission in Afghanistan gracefully to negotiate on the terms of the Durand Agreement. He had been receiving financial as well as the military assistance from the British government as well while no duress or pressure seemed to have been mentioned in the historic documents nor the terms of the Durand Agreement highlight any sort of

²²⁰ Salman Bangash et al., "The Durand Line Agreement (1893): Delimitation and Demarcation of The'frontier Line': A Critical Appraisal," *JL & Soc'y* 40 (2010)

²²¹ C Collin Davies, "Afghanistan: From Darius to Amanullah. By Lieut.-General Sir George Macmunn. 8vo, Pp. 12, 359. London: G. Bell and Sons, 1929. 21s," *Bulletin of the School of Oriental and African Studies* 5, no. 4 (1930)

pressure on the Government of Afghanistan. Although relationship between the State of Afghanistan and the British India had remained troubled until 1947 with evolving conflicts and provocative incidents on the border; nevertheless, the Durand Line boundary decided in 1893 remained intact until the partition of the British Sub-Continent.

3.3 Political Aspirations and Nationalism in Afghanistan's Border Policy

Nationalistic sentiments and political aspirations of Afghanistan have remained deeply rooted in Afghanistan's border policy since 1947 as successive leadership of Afghanistan has made consistent efforts to influence the Pashtuns. Afghan rulers have been portraying this subject as an issue of National Pride and Sovereignty since their territorial assertions and repeated acts creating tensions on the Pak-Afghan border have refrained the governments from maintaining cordial and friendly diplomatic ties.²²² This viewpoint is based on the idea that Afghanistan has historically been a sovereign state that has resisted outside influence, with the border disputes of the state serving as a symbol of its internal conflict. The rejection of the Durand Line, which is seen as a remnant of oppressive colonial rule that compromises Afghanistan's territorial integrity, has been frequently attributed to Afghan nationalist sentiments. This rejection is in compliance with the broader political goal to bring the Pashtun people together, which the people of Afghanistan view as separated by an artificial border established during the period of colonization. Afghanistan's border strategy reflects its desire for both more regional authority and more control over cross-border trends.²²³ The border regions, which are saturated with ethnic and traditional relationships, constitute an emblematic and geopolitical manifestation of Afghan sovereignty. This perspective is driven by the desire to establish Afghanistan's political power in

²²² Tayyab Ishtiaq et al., "Fragmented Identities: The Impact of Ethnic Divides on Afghanistan's Political Instability," *Journal of Management Practices, Humanities and Social Sciences* 8, no. 3 (2024)

²²³ Christopher W Blair, "Border Fortification and Legibility: Evidence from Afghanistan," *American Journal of Political Science* (2024)

these regions and preserve influence in its interactions with Pakistan. Consequently, by encouraging the Afghan state to fight back against any external efforts toward establishing the Durand Line as a permanent border, nationalism enhances the Afghan state's perceptions of oneself as the protector and defender of Pashtun solidarity and autonomy within the region. Afghanistan's border policy is a convergence of nationalism and political ambitions, with the rejection of the Durand Line serving as a pillar of its identity and geopolitical strategy. Afghanistan's perspective on regional trends and its strategy with regard to its ties with Pakistan are still shaped by this position, which is based on past disagreements and ambitions for statehood.

3.4 Role of Afghan Taliban (TTA) in Shaping Afghanistan's Border Policy

Evaluating the border relations of the Afghan Taliban through the realm of regional and international entities reveals an increasingly intricate interaction of socioeconomic and ideological disagreements. Afghan Taliban recognize the geopolitical ramifications of their position, even as they oppose Pakistan's unilateral enforcement of border controls in an attempt to demonstrate their claim to statehood and nationality. Kristen and his corresponding authors has pointed out that the resistance of the Afghan Taliban to fencing as an attempt to portray themselves as defenders of Afghan sovereignty against externally enforced borders in order to win acceptance from both Afghan and tribal sources.²²⁴ Events like cross-border firing and straining relationship with Pakistan, as well as delays to shipments across the border, have brought attention to the Taliban's strategic use of the Afghan border as a negotiating weapon. In addition to leveraging these trade patterns to placate frontier people dependent upon this

²²⁴ Kirsten E Schulze, Thomas Ruttig, and Georgetown Protection, "Have the Taliban Changed?,"

socioeconomic lifeblood, their goal is to establish financial dominance over Pakistan for Afghan objectives by dominating important trade through international channels.²²⁵

Evaluating the border relations of the Afghan Taliban through the lens of Neoclassical Realism reveals that their actions are shaped by both systemic pressures and domestic constraints, illustrating a dynamic interplay between national interests and international influences. While the Taliban resist Pakistan's unilateral border enforcement to assert sovereignty, their broader geopolitical maneuvering reflects an attempt to balance internal legitimacy with external power dynamics. Neoclassical Realism posits that states' foreign policies are not solely dictated by the anarchic international system but are also filtered through domestic political structures and elite perceptions. The Taliban's strategic use of the Pak-Afghan border as a negotiating tool aligns with this framework, as their resistance to fencing is not merely an ideological rejection of imposed borders but a calculated move to maintain domestic cohesion and tribal support while simultaneously leveraging trade dependencies for financial advantage over Pakistan. This perspective explains why, despite their nationalist rhetoric, the Taliban continue to engage in pragmatic diplomacy that ensures their survival while signaling defiance to external pressures. Similarly, their ambivalent stance covertly supporting the TTP while maintaining selective cooperation with Pakistan demonstrates a balancing act between ideological commitments and *realpolitik*. Their border policies, rather than existing in isolation, are shaped by historical grievances, evolving power structures, and a need to assert control over Afghanistan's geopolitical standing. Thus, the Taliban's border strategy embodies a complex fusion of strategic autonomy, state-building efforts, and a broader contestation of influence in the

²²⁵ Syed Rizwan Haider Bukhari et al., "Assessing the Impact of the Taliban's Return to Power in Afghanistan on Pakistan's National Security and Foreign Policy," *Qlantic Journal of Social Sciences* 5, no. 4 (2024)

region, consistent with Neoclassical Realism's assertion that a state's actions are driven by both external systemic forces and internal political imperatives.

The Taliban are attempting to strengthen their internal base without completely cutting off ties with Pakistan, which is reflected in their duplicitous approach. Furthermore, the Taliban's tactical objectives, like their thirst for regional dominance, have a complex connection to their statements and actions toward the Pak-Afghan border. By opposing border control, the Afghan Taliban presents Afghanistan as an autonomous nation that can run its own businesses on its own. Giustozzi believes these acts are motivated by nationalistic emotions; these actions also reinforce Afghanistan's position as an international power prepared to resist outside demands by sending a message to its neighbors. Since the rise of Afghan Taliban as the rulers of Afghanistan; the Taliban have demonstrated through their actions that they do not want Pakistan's involvement in their political as well as socioeconomic affairs which remains the right of every sovereign nation; yet, its attitude and policies have also depicted that it wants to pursue strained relationship with Pakistan by supporting TTP and creating tensions alongside the border region. It is an established fact that Afghan Taliban's long-term goals for the Pak-Afghan border continue to involve a complex fusion of pragmatic government, nationalistic glee and political commitment. Their approaches are likely to evolve to take into consideration the intricate geopolitical and institutional factors that have influenced Afghanistan's border policy for many years as they negotiate all of these challenges. Given this, it can be perceived that the Taliban's influence on Afghanistan's border policy is not in a vacuum; rather, it is a prolongation of the country's ongoing fight for identity, belonging, autonomy, and regional standing.

Chapter IV

Controversy Over Pak-Afghan Border: Pre and Post Fencing

This chapter takes into account a brief overview of the historical background of the British Sub-Continent and Afghanistan border. This chapter has been categorized in three distinct categories. The first category explains the controversies surrounding the Pak-Afghan border, while how the legal status of this border has affirmed its status as a legitimate boundary line between the two states. The second category of this chapter pertains to the dynamics of Pak-Afghan border from 2001 up until 2016. Last category of this chapter explains the dynamics of border post fencing period while a comparative analysis has also been drawn in terms of pre-fencing and post-fencing period. Legal status of Pak-Afghan border has been thoroughly analyzed while controversy surrounding Pak-Afghan border from 1947 till 1979 has been discussed in order to provide a detailed background and reasons of the fencing project. Overview of Pak-Afghan relationship has been mentioned in this chapter with regards to border fencing. Specifics of border fencing which includes the cost, installation of technological equipment, the construction of forts and boundary line has been categorically analyzed. Conclusively, a comparative analysis has been carried out in terms of politics, economics, security and socio-cultural impacts with respect to pre and post fencing period.

Since 1947, the relationship between Pakistan and Afghanistan has predominantly remained strained due to disagreement on the recognition of the border as an international boundary between the two states. Border security has traditionally been associated with a state's sovereign

control over its citizens and territory.²²⁶ Most borders serve as a display of state power by restricting the flow of individuals and commodities across state borders via border controls and immigration procedures. Passport control checkpoints evaluate border crossers' legitimacy by verifying their identity documents and visas, which helps them distinguish between those who have the proper documentation versus those who do not. Illegal border crossers are either jailed or removed after being caught. In order to avoid having their citizenship status officially investigated, undocumented migrants attempt to cross a state's jurisdiction covertly. As a result, states that want to defend their borders against unlawful border crossers implement additional security measures both inside and outside of passport inspections. Border reinforcing measures may have major effects on unlawful border crossers by forcing them to take less desirable and frequently more dangerous routes. For example, there have been fences along the US-Mexico border since 1993, forcing illegal Mexican immigrants to cross rivers, hillsides, and valleys to avoid the barriers.²²⁷ When the border fences were built, the number of migrant deaths at the border significantly increased as a result. While some countries choose to construct physical barriers to prevent unlawful border crossings, others prefer to use push-back strategies along their coastlines. In 2009, Italy sent boats filled with asylum seekers to Libya as it is a common launching ground for immigrants crossing borders illegally in Africa.²²⁸ This approach was maintained by Italy in 2015, at the height of Europe's migrant crisis. In July 2018, a global outrage erupted over Italy's refusal to let the ship *Aquarius*, which was carrying over 600

²²⁶ Corey Johnson et al., "Interventions on Rethinking 'the Border' in Border Studies," *Political geography* 30, no. 2 (2011): 62

²²⁷ Wayne A Cornelius, "Death at the Border: Efficacy and Unintended Consequences of US Immigration Control Policy," *Population and development review* 27, no. 4 (2001): 664

²²⁸ Elisa Vari, "Italy-Libya Memorandum of Understanding Italy's International Obligations," *Hastings Int'l & Comp. L. Rev.* 43 (2020): 106-08

migrants who had been rescued at sea, disembark.²²⁹ Australia frequently detains and sends back asylum applicants and had to bear international pressure for a long time over its controversial asylum policies until it ended in 2021.²³⁰ For the surrounding countries of Thailand, Indonesia, and Malaysia, this method served as an example. Most of the time, refugee boats are so overcrowded that they could capsize. Asylum seekers run the risk of being tortured, killed, or subjected to unjust trials even if they make it through the dangerous voyage and are deported back to their home countries.²³¹ Pushback tactics are more assertive than fencing, which takes a more passive and guarded stance. States may not aim to kill illegal border crossers when they employ passive and proactive techniques, but doing so may have unintended effects because it may encourage the circumstances that would result in their deaths. States may impose "shoot-to-kill" policies as a form of border control at the very extreme end of the spectrum.

A shoot-to-kill policy is an offensive tactic that guarantees instantaneous demise to the people who opt to cross the border.²³² It is a border reinforcement strategy that is unique from others in that it relies on physical force to halt unauthorized personnel movement. The cost-benefit analysis may be a deciding factor in this strategy that states employ for border reinforcement. It might be expensive to build fences in states with abject poverty. Shoot-to-kill tactics might not be financially expensive, but they could be politically expensive if they lead to regional and global criticism. On the other hand, states with a bad reputation for protecting

²²⁹ Yasmeen Serhan, "A Stranded Migrant Rescue Boat Reveals the Depths of the Eu's Crisis," *The Atlantic*, 13 June 2018, Available at <https://www.theatlantic.com/international/archive/2018/06/a-stranded-migrant-rescue-boat-reveals-the-depths-of-the-eus-crisis/562721/>.

²³⁰ BBC, "Australia Ends Controversial Asylum Detention Deal with Papua New Guinea," *BBC News*, 6 October 2021, Available at <https://www.bbc.com/news/world-australia-58812578>.

²³¹ Cornelis Wolfram Wouters, *International Legal Standards for the Protection from Refoulement: A Legal Analysis of the Prohibitions on Refoulement Contained in the Refugee Convention, the European Convention on Human Rights, the International Covenant on Civil and Political Rights and the Convention against Torture* (Leiden University, 2009), 43-44.

²³² Lacin Idil Öztig, "Why Do Border Guards Shoot? An Explanation of Shoot to Kill Policies Which Target Illegal Border Crossers" (Universität Tübingen, 2013), 98-100.

human rights might be less reluctant to put unlawful border crossers to death. Shoot-to-kill policies are avoided in democratic countries in favor of other border-enforcing strategies like fencing, militarization, and so forth. On the other hand, weakly governed states are renowned for shooting unauthorized migrants. Between 2007 and 2010, Egypt killed thousands of African migrants attempting to breach the border into Israel.²³³ Similarly, when dealing with undocumented immigrants from Bangladesh who were not armed, India began adopting the expression of shoot to kill. To justify their shoot-to-kill policies, Egypt and India both stated that uncontrolled immigration constituted a threat to their national security. It is interesting to analyze the different policies by the state of Pakistan over the course of last seven decades in managing the Pak-Afghan border. Though the shoot-to-kill policy has not been implemented in this region despite the worst-case scenarios of terrorist infiltration from Afghanistan to Pakistan, the management of the Pak-Afghan border has remained a controversial subject over the decades, and it has passively impacted Pakistan's policies towards Afghanistan and Central Asian states. It is also a fact that religious, cultural, linguistic, and historical affinity with the people of Khyber Pakhtunkhwa and Balochistan significantly impacted the management of the Pak-Afghan border, yet conflict in Afghanistan during the last two decades significantly altered the nature and characteristics of the border and how it was being utilized. A detailed analysis of how the era before the fencing of the Pak-Afghan border has transformed the nature of the Pak-Afghan relationship will be discussed at length during the course of this research study.

4.1 Historical Background- British Sub-Continent-Afghanistan Border

The history of the Pakistan-Afghan boundary can be traced back to 1893 when the Durand line agreement was concluded by the then-ruler of Afghanistan, Emir Abdur Rehman, and the

²³³ Hadas Yaron, Nurit Hashimshony-Yaffe, and John Campbell, "'Infiltrators' or Refugees? An Analysis of Israel's Policy Towards African Asylum-Seekers," *International Migration* 51, no. 4 (2013): 146-48

then-Foreign Secretary of British India, Sir Henry Mortimer Durand.²³⁴ A great game in Afghanistan continued for more than a century, after which a boundary line was agreed upon after detailed and intense negotiations. During the negotiations, the Emir of Afghanistan insisted on retaining the area of Asmar and his state due to its strategic significance. The Emir of Afghanistan pressed hard for the area of Asmar as it gave him access to various parts of Eastern Afghanistan, including Nuristan. Sir Durand also gave the barmal tract of Waziristan to Afghanistan at the very last moment as a concession for face-saving.²³⁵ In return, areas of Dir, Bajaur, Waziristan, Swat, Chaghi, and Peshawar came under British influence. On November 12, 1893, the two contracting parties formally adopted the agreement after extensive negotiations that followed the accepted rules of give and take. The agreement was signed on behalf of the State of Afghanistan by the Emir of Afghanistan and on behalf of British India by Sir Mortimer Durand.²³⁶ The very next day, Emir Abdur Rehman held a formal Darbar in which terms of the agreement were presented in front of key officials of Kabul, including civil and military leadership of the country, in addition to chiefs of different tribes of the country. Emir Abdur Rehman graciously acknowledged the spirit of the British Indian delegation for resolving decades-long disputes, followed by a speech from Sir Durand on the occasion as well. The British mission went back on November 14, 1893.²³⁷ Emir Abdur Rehman was very clear about his decision to make an agreement with British India. To gain a popular support and endorsement regarding Durand agreement, he called a meeting of Loya Jirga in which he highlighted the

²³⁴ Muhammad Asfahan, Imran Ali, and Muhammad Arif, "Pakistan-Afghanistan Relations: An Overview before and after 9/11 Incident," *Pakistan Languages and Humanities Review* 7, no. 2 (2023): 197-98

²³⁵ Fayaz Gul Mazloun Yar, Ihsanullah Ihsan, and Mohammad Shafiq Hafiz, "Analyzing the Role of Great Powers in Creating the Durand Line and Its Impact on Afghanistan-Pakistan Relations," *Randwick International of Social Science Journal* 3, no. 4 (2022): 676-77

²³⁶ Muhammad Yousaf Alamgirian and Saqib Riaz, "Pak-Afghan Border: Historical Perspective and Way Forward," *NDU Journal* (2019): 146

²³⁷ Yar, Ihsan, and Hafiz, "Analyzing the Role of Great Powers in Creating the Durand Line and Its Impact on Afghanistan-Pakistan Relations."

identical interests of British India and Afghanistan. He called for friendly relations with Britishers as it would ultimately benefit Afghans.

Emir Abdur Rehman termed the basis of the Durand agreement as the basis for progress and prosperity in Afghanistan. A joint commission was established for the demarcation of the Durand line in accordance with the agreement. The demarcation went on from 1893 to 1896 from the Persian boundary to Wakhan.²³⁸ However, the Mohmand tribe and certain areas of Chitral remained undemarcated at that time. The team that was basically tasked to demarcate a boundary line made its utmost efforts to draw the line as practically and sensibly as possible. Areas were demarcated through practical features of streams, rivers, and mountains that would practically separate the two entities. In addition, boundary pillars were also constructed in certain locations to have the practical manifestation of a boundary line. However, at certain locations clarity of the boundary line was vague. A border line was established between British India and Afghanistan; however, contradictory views of resentment also surfaced from the tribal leaders. Common people also did not like the idea of being under British influence as it was decided in the agreement that no party would interfere with the tribes lying on the other side of the border. However, Emir Abdur Rehman continued to do so in order to gain a favorable side over the tribes lying within British India's territory. Joint commissions designated for boundary demarcation found themselves as unwelcomed guests, specifically in the form of bullets. The objections and resentments became so strong that a general uprising was initiated by 1897, which took almost 60,000 British troops to pacify.²³⁹ Several scholars and authors highlighted the resentment of Afghans as the demarcation of the boundary lines had not only divided the

²³⁸ Bijan Omrani, "The Durand Line: History and Problems of the Afghan-Pakistan Border," *Asian Affairs* 40, no. 2 (2009): 186-88

²³⁹ Ibid.

Pashtuns but had also reactivated the interventionist policy of British India. Even H. L. Nevill mentioned the reluctance of Amir Abdur Rahman as the formal recognition of British influence within the frontier tribes would pave their perpetual annexation, causing the removal of the virtual buffer. In addition, the tribesmen also feared the signing of the agreement as a formal halt to jealously guarded independence. The following table highlights the different borders of Afghanistan as well as their determination years and the rulers who negotiated the settlement of these border lines.²⁴⁰

S. No	Name of the Border	Length of the Border (Km)	Starting and Ending Points of the Border	Agreement Year	Rulers who Finalized the Agreements of the Borders	Neighboring States
1.	Rijway Border	540	Khom Aab Zulfiqar	1887	Emir Abdur Rehman Khan	Turkmenistan
2.	Emir Shah Khan Line	1800	Zarqol Lake Khom Aab	1873	Emir Shir Ali Khan	Tajikistan
3.	Durand Line	2430	Yolla Valley Malik Sya Mountain	1893	Emir Abdur Rehman Khan	British Sub-Continent
4.	North East Border	96	Yolla Valley	1964	Mohammad Zahir Shah	China
5.	Pamer Line	90	Yolla Valley Zarqol lake	1895	Emir Abdur Rehman Khan	Uzbekistan
6.	Fakhruddin Altayee Border	450	Zulfiqar Sia Koh	1935	Mohammad Zahir Shah	Iran

Description of the Borders of Afghanistan with Neighboring States

James W. Spain is of the opinion that the Durand agreement became a source of contention between British India and Afghanistan.²⁴¹ Fraser-Tytler called the agreement unreasonable in

²⁴⁰ Fayaz Gul Mazloun, Ihsanullah Ihsan, and Mohammad Shafiq Hafiz, "Analyzing the Role of Great Powers in Creating the Durand Line and Its Impact on Afghanistan-Pakistan Relations," *Randwick International of Social Science Journal* 3, no. 4 (2022)

²⁴¹ James W Spain, "The Pathan Borderlands," *Middle East Journal* 15, no. 2 (1961): 168-70

terms of its ethnography, strategy, and geography.²⁴² While there were certain apprehensions regarding the Durand agreement amongst the tribes, it also paved Afghanistan, marking a transformation with Hindukush tribes releasing them from its dependability and responsibility.

Despite the apprehensions of tribals, the Durand agreement was recognized by successive governments of Afghanistan in the 19th century. Amir Habibullah recognized the agreement in 1905.²⁴³ Though a controversy was initiated on behalf of British India in order to gain concessions and modifications, including the delimitation of the Afghan government in the politics of trans-border tribes, however after much deliberations, a new agreement was signed between Afghanistan and British India on March 21, 1905. Amir Habibullah altered the terms of the new agreement by claiming complete rights over Bohai Dag as well as parts of Mohmand territory and Smatzai. While Lord Curzon also requested the demarcation of the parts of the boundary, Amir Habibullah refused to accept it, and hence, issues that previously were a source of conflict remained unresolved. Later on, King Amanullah also recognized it in 1919 in the Treaty of Peace of Rawalpindi.²⁴⁴ An Anglo-Afghan treaty was signed in 1921 and acknowledged by King Nadir Shah in May 1930. The ratification and acknowledgment of the treaties of 1921 and 1930 are significant due to the reason that Afghanistan was completely independent in its foreign affairs after the third Afghan war was fought in 1920.²⁴⁵ The successive Afghan government never defied the legitimacy of the Durand agreement, even when it was fighting a war with British India. No Afghan ruler even created any controversy regarding the clauses of Durand agreement that were agreed upon and hence Durand line was agreed as a

²⁴² Kerr Fraser-Tytler et al., "Correspondence: The Frontier Problem," (1945)

²⁴³ Fazal Wahid, "Afghanistan's Troubled Relations with Pakistan: A Historical Perspective and Its Implications for Regional Peace," *Pakistan Journal of Peace and Conflict Studies* 3, no. 2 (2018): 15

²⁴⁴ Ibid., 16.

²⁴⁵ Ibid.

formal boundary line between Afghan government and British India.²⁴⁶ Agreement between British India and Government of Afghanistan continued until 1947 when partition plan was announced.

4.2 Historical Corridors of Pakistan and Afghanistan

Following infographic will explain the trade corridors between Pakistan and Afghanistan that have since long served as the trade and transit route between the two neighboring states.

Wakhan Corridor (North East of Afghanistan)	<ul style="list-style-type: none"> • Length- 350 km, Wide- 16 to 64 km • South- Shares 300 km with Pakistan, Part of Ancient Silk Road • Shortest Trade Route- Pakistan to Central Asia, China to Afghanistan • Broghal Pass (Chitral)- Gateway to Wakhan Corridor
Khyber Pass Economic Corridor (KPEC)	<ul style="list-style-type: none"> • Project Cost- UNITED STATES \$406.6 million • Connectivity- Pakistan and Afghanistan • Length- 48 km • Motorway- From Peshawar to Torkham
Chaman- Spin Boldak	<ul style="list-style-type: none"> • Length- 100 km South East of Kandhar, 100 km North-West of Quetta • South- Connect Kandhar with Quetta, Connect Balochistan via Khojak Pass
Ghulam Khan Border	<ul style="list-style-type: none"> • Located- Between North Waziristan and Afghanistan's Khost Province
Angoor Adda Border	<ul style="list-style-type: none"> • Located- Between South Waziristan and Paktia
Kharlachi Border	<ul style="list-style-type: none"> • Located- In District Kurram Valley (Parachinar of Pakistan)

Trade Corridors between Pakistan and Afghanistan

²⁴⁶ Fawad Poya, "The Status of Durand Line under International Law: An International Law Approach to the Pakistan-Afghanistan Frontier Dispute," *Journal of Borderlands Studies* 35, no. 2 (2020): 232-33

4.3 Legal Status of Pak-Afghan Border

Successive governments of Afghanistan have regularly denied validity of Durand line as an international border between Pakistan and Afghanistan. A critical analysis on the claims of Afghanistan and Pakistan explains the current status of the border;

A) Claims of Afghanistan

In 1946, the Afghan government issued a "Volte-Face" statement in response to British government's firm intention to hand over sovereign rights over the subcontinent to its people.²⁴⁷ Afghanistan may have considered that prioritizing territorial rights on the basis of historical considerations was appropriate, despite the fact that the borders established were purely tactical and did not correspond with any ethno-cultural or figurative demarcation line. Therefore, a formal request was made to British government demanding the restoration of a sizable portion of the subcontinent on the grounds that the 1893 treaty would automatically expire with the British withdrawal, thereby asserting that Afghanistan's eastern border was defined by Ahmad Shah Durrani's Empire (1747-73).²⁴⁸ The government of British India responded immediately and vehemently, refusing to accept the credibility of the Afghan claims towards the eastern portion of the Durand Line. Afghanistan's most frequently referenced defense on the issue of the Durand Line is that Amir Abdur Rehman was compelled to execute the Durand Line agreement.

Moreover, despite apparently opposing Pakistan's membership in the United Nations, Afghanistan eventually accepted the establishment of a new state on 20th October 1947. Soon after, however, Afghanistan was in flagrant contradiction of accepted international regulations

²⁴⁷ Ahmad Shaye Qassem, "Afghanistan–Pakistan Relations: Border Controversies as Counter-Terrorist Impediments," *Australian Journal of International Affairs* 61, no. 1 (2007): 69

²⁴⁸ Rafiullah Kakar, "Pak-Afghan Relations: Tracing the Roots of Troubled Past (1947-2001)," *Journal of Asian Politics and History* 2 (2013)

and norms as the Afghan parliament declared that all agreements signed by previous Afghan governments with the British-India government, including the Durand Treaty, were null and void. The government of Afghanistan out rightly indicated that the Durand line would not be accepted as the legitimate boundary line between the two neighboring states. Though this declaration was not recognized globally, successive Afghan regimes have challenged the legitimacy of the Pak-Afghan border and have managed to infuse a source of conflict between two neighboring states. Another controversy created by the successive Afghan regimes is the expiration of the Durand Agreement. An international treaty is said to lose its validity 100 years after it is signed. Academicians and scholars of Afghanistan assert that the Durand Agreement lost its legal force in 1993 after a 100-year lifespan. Hence, they demand that parts of Pakistan must be returned to Afghanistan in a manner akin to how Hong Kong was returned to China.²⁴⁹ Pakistan claims that the text of the Durand agreement, as well as the speech made by Amir Abdur Rehman, makes no mention of the time limit, nor is there any such obligation under the pretext of international law. Therefore, the interpretation of a 100-year expiry date is no longer acceptable from a political or constitutional perspective.²⁵⁰ Moreover, the Vienna Convention on State Succession in Respect of Treaties (VCSST) acknowledges the permanence of borders in state successions. Article 11 of the treaty that relates to the boundary regime highlights that,

²⁴⁹ Ge Lin and Zhongdong Ma, "Examining Cross-Border Marriages in Hong Kong since Its Return to China in 1997," *Population, Space and Place* 14, no. 5 (2008)

²⁵⁰ Safdar Hussain, Syed Shahid Hussain Bukhari, and Mrs Sahrish Safdar, "Pakistan's Afghan Conundrum: A Study of Pakistan's Security Objectives and Strategies in Afghanistan," *Pakistan Journal of Social Sciences* 40, no. 2 (2020): 1210

“A succession of States does not as such affect: (a) a boundary established by a treaty; or (b) obligations and rights established by a treaty and relating to the regime of a boundary”.²⁵¹

Claims of successive Afghan governments have been categorically rejected by the successive governments of Pakistan; however, the dispute remains unresolved till to date. Taliban administration who was believed to be supported by Pakistan, have also refrained to accept a fenced Pak-Afghan border as the legitimate boundary between the two states. On 16th February 2022, then Acting Defense Minister of the Taliban Mohammad Yaqoob Mujahid said that the Taliban did not allow Pakistan to continue fencing alongside the Durand line.²⁵² Numerous videos have also surfaced where Taliban are erecting the installed fence while subsequently abusing and fighting the security forces of Pakistan. Such acts are only expected to worsen an already intensified relationship between two neighboring states. Given domestic considerations, it is understandable that any Afghan government would be hesitant to formally announce the recognition of Pak-Afghan border. Regardless of how popular the government or any Afghan leader is, he may be considered ignorant to act in this manner. Abdul Latif Pedram, a member of the Afghan parliament and the leader of the National Congress Party of Afghanistan made an effort and implored the Afghan government to set aside its differences with Pakistan and accept the Durand Line as the international boundary between the two states.²⁵³ However, as a consequence of his remarks, Pedram received strong backlash and death threats, while several

²⁵¹ Shaye Qassem, "Afghanistan–Pakistan Relations: Border Controversies as Counter-Terrorist Impediments," 70.

²⁵² ANI, "Taliban Says They Did Not Allow Pak to Continue Fencing Along Durand Line," *Business Standard*, 16 February 2022, Available at https://www.business-standard.com/article/international/taliban-says-they-did-not-allow-pak-to-continue-fencing-along-durand-line-122021600080_1.html Accessed on 14 March, 2023.

²⁵³ Amina Khan, "Pakistan-Afghan Border: Need to End the Blame Game," (2017)

Afghan MPAs demanded that he should be stoned in addition to being expelled from the parliament. Dr. Abdullah Abdullah was also quoted as saying;

“Durand Line is not an imaginary line but is an internationally recognized border”.²⁵⁴

Abdullah Abdullah made these remarks during a meeting with Pakistani Delegation that comprised of Former Governor of Khyber Pakhtunkhwa Iqbal Zafar Jhagra and Member of Parliament from FATA from Shah Jee Gul Afridi.²⁵⁵ However, these claims were refuted by the spokesman of Abdullah Abdullah, terming them as psychological warfare and propaganda from Pakistan. Boundaries define sovereign states, and as a sovereign state, Afghanistan should respect its legitimate border with Pakistan in order to enhance its security and economic interdependence. Director of South Asia Institute at Wilson Center in an interview also argued that;

“Every Afghan government that has been in power since the independence of Pakistan has rejected the border; which even includes the Taliban regime as well. The fact that Taliban are willing to pick fights with Pakistan over the border indicates that Afghanistan is not willing to accept the border. However, since most of the states around the world accept it as the legitimately accepted international border; there is some weakness in the Afghan view. Yet, there view cannot be negated as they are a party to the conflict and reside on the other side of the Durand line”.²⁵⁶

²⁵⁴ Ibid., 5.

²⁵⁵ Ibid.

²⁵⁶ Michael Kugelman, "Director at South Asia Institute at Wilson Center," *Interviewed through Whatsapp* (28 January 2023)

While almost all of the interviewees who made a comment on the legal status of Pak-Afghan border accepted the fact that Pak-Afghan border is an internationally accepted legitimate boundary between the two states; however, the last part of the aforementioned quote also holds merit that Afghanistan is a party to the conflict and their viewpoint cannot be outrightly rejected. Acceptance of the legitimacy of Pak-Afghan border is actually a political suicide for any Afghan leader and this issue would most probably be resolved in-case of a political bargain. Negotiations with Taliban regime can be initiated by Pakistan in exchange for recognition of Pak-Afghan border; however, associated factors with respect to border will also have their influence. Any sought of settlement between Pakistan and Afghanistan can be an initiation point in ending the animosity amongst the masses and bringing peace and stability to the region.

B) Response of Pakistan

Over the time, Pakistan's claim of affirming the Pak-Afghan border as the legitimized and globally recognized border between two states have been reaffirmed by a number of events. Some of these occurrences are quoted as follows;

I. International Rules and Obligations

After 1947, when the British Sub-continent was divided into India and Pakistan, the issue of Durand Line became seriously intricate. All the rights and duties resulting from the 1947 Independence Act's Indian Independence Order, which was passed, were eventually transferred to Pakistan. Article 62 of the Vienna Convention on the Law of Treaties states that;

“It is accepted by all that whenever a new country or state is carved out of an existing colonial dominion, all the international agreements and undertakings that

the previous ruler of the region had entered into would be transferred to the newly independent national government.”²⁵⁷

Government of Pakistan was inevitably obligated to uphold all international agreements that the British Indian government had signed as a result of this principle. Hence, it would seem reasonable to conclude that the government of Pakistan is the rightful party to have succeeded the British Indian government and inherit its agreements after the country gained independence in 1947 and since the Durand Agreement was one of these agreements; it was eventually transferred to Pakistan. Though Afghanistan negates to accept this notion and has repeatedly refused to accept the claim of Pakistan on the disputed region.

II. SEATO Communiqué Confirmation

The Durand Line is reaffirmed as the recognized international border in the following passage from the statement issued, on March 8, 1956, at the concluding ceremony of the SEATO Ministerial Council Meeting held in Karachi. The region up to the boundary line was therefore confirmed to be included in the treaty area as defined in Articles IV and VIII of the Treaty.

"The members of the Council severally declared that their governments recognized that the sovereignty of Pakistan extends up to the Durand Line, the international boundary between Pakistan and Afghanistan".²⁵⁸

Affirmation of the boundary line on an international forum reiterates the fact that the controversy created by the Government of Afghanistan has been considered null and void by the member states and hence Afghan claims may have supposed to be rejected.

²⁵⁷ Ian McTaggart Sinclair, *The Vienna Convention on the Law of Treaties* (Manchester University Press, 1984).

²⁵⁸ Mahmood, "The Durand Line: South Asia's New Trouble Spot," 24.

III.Assertion of Commonwealth Nations

The declaration of Mr. Philip Noel Baker, Secretary of State for Commonwealth, also reaffirmed the Durand Line's legitimacy as a recognized international border between Pakistan and Afghanistan. Baker reportedly said in a speech delivered to the British House of Commons on June 30, 1950. He stated that;

"His Majesty's Government in the United Kingdom have seen with regret the differences between the Governments of Pakistan and Afghanistan about the status of the territories on the North West Frontier. It is His Majesty's Government's view that Pakistan is in international law the inheritor of the rights and duties of the old Government of India and His Majesty's Government in the United Kingdom in these territories and that the Durand Line is the international frontier".²⁵⁹

This statement once again reaffirmed the fact that the British government also acknowledged the legal standing of the state of Pakistan and hence declared it in an official address.

IV.Acknowledgment by US

The Durand Line is recognized as the tangible and recognized border between Pakistan and Afghanistan by the US as well as the rest of the world. Following formal and informal notification to the Afghan government of the US position that the Durand Line serves as the international border between Afghanistan and Pakistan, the White House made this position

²⁵⁹ Reporter, "Pakistan (North- West Frontier)," review of Reviewed Item, *Newspaper*, Issue Date 1949, Available at <https://api.parliament.uk/historic-hansard/commons/1949/jun/30/pakistan-north-west-frontier> Accessed on 14 March 2023.

abundantly clear in a public statement issued in 1956.²⁶⁰ The US had also highlighted that the Pashtunistan campaign initiated by Afghanistan was a preposterous hoax and a propaganda campaign by the country to advance its own objectives within the Pakistani territory. It is relevant to mention the example of the US-Mexico border, which we unilaterally fenced without seeking any approval from Mexico under the Secure Fence Act of 2006.²⁶¹ Hence, Pakistan has followed international precedence by fencing its side of the border, and it does not need any approval from Afghanistan. It is also important to highlight that Afghanistan's boundaries with the former Soviet Union (Uzbekistan and Turkmenistan) were also demarcated by the British. However, no Afghan government has to date questioned or challenged that boundary line, nor do they hold any claim to it. Legally, the Pak-Afghan border is internationally recognized, yet the intentions of successive Afghan leaders indicate that a viable political or diplomatic solution to this unresolved conflict seems impossible. More lives are expected to be lost due to this border issue from both sides, and eventually, Afghanistan may recognize this boundary in the future as a result of the certain bargain with Pakistan.

4.4 Controversy over Pak-Afghan Border and Political Reconciliation (1947-1979)

As the partition plan was announced on June 3rd, 1947, Afghanistan challenged the Durand agreement. An independent Pashtunistan movement was created with the support of the Government of Afghanistan that called for independence in Northwest territories.²⁶² Additionally, in Kabul, a Pashtunistan flag was hoisted alongside the Afghan flag. A rift was created between the two sides as Pakistan stood by its principled stance regarding Northwestern territories. Despite being a friendly Muslim country, Afghanistan declined to recognize Pakistan

²⁶⁰ Mahmood, "The Durand Line: South Asia's New Trouble Spot," 25.

²⁶¹ Khan, "Pak-Afghan Border," 29-30.

²⁶² Selig S Harrison, "'Pashtunistan': The Challenge to Pakistan and Afghanistan," *Real Instituto Elcano, Madrid* 2 (2008): 4

as an independent nation and, therefore, rejected the legality of the Pak-Afghan borderline. Legally, the contested and disputed areas became the legal parts of Pakistan's territory as the new state of Pakistan was the successor state of the British government in the sub-continent. Pakistan, being a legal successor, was completely entitled to hold its complete supremacy and sovereignty over these areas and hold all the rights and obligations towards the local population of this area. However, the Afghan government has continued to challenge the administration of these regions, claiming that the British government imposed the Durand agreement on then-Amir Abdul Rehman in 1893. Afghanistan claims that perhaps the agreement was reached for a predefined timeframe of 100 years; however, if this argument is considered valid, for instance, the agreement was only effective until 1994 and still can be considered null and void. Afghanistan signed into the arrangement with the British government, and not Pakistan, and as a result, the agreement can be completely considered null and void. While responding to Afghanistan's aggressive attitude toward the creation of Pakistan as a newly independent state and claims on parts of Pakistan's territory, the Pakistan Air Force attacked a village in Afghanistan, killing twenty-three people.²⁶³ The attack was conducted after a "Loya Jirga" in Kabul in which all the agreements after 1893 were declared null and void, and it was agreed that Afghanistan does not recognize any hypothetical Durand line. The Jirga was attended by prominent national figures in Afghanistan, including members of Afghanistan's national assembly. A resolution that unilaterally canceled and invalidated all agreements and accords between the governments of British India and Afghanistan was also enacted. In addition, it was decided that 31st August would be commemorated as "Pashtunistan Day" every year.²⁶⁴ Furthermore, Afghanistan was the only UN member state to resist Pakistan's membership in the

²⁶³ U. Nations, *Yearbook of the United Nations*. 41.1987(1992) (Springer Netherlands, 1992), 211.

²⁶⁴ Shibil Siddiqi, "Afghanistan-Pakistan Relations: History and Geopolitics in a Regional and International Context," *Final Report, Walter and Duncan Gordon Foundation* 45 (2008)

global body. The Afghan delegation to the United Nations General Assembly presented the following statement on September 30, 1947,

“The Afghanistan delegation does not wish to oppose the membership of Pakistan in this great organization, but it is with the deepest regret that we are unable at this time to vote for Pakistan. This unhappy circumstance is due to the fact that we cannot recognize the North-West Frontier as part of Pakistan so long as the people of the NWFP1 have not been given an opportunity free from any kind of influence [...] to determine for themselves whether they wish to be independent or to become part of Pakistan”.²⁶⁵

This statement by the Afghan delegation in the United Nations sowed the seed of long-term hatred and animosity between the two neighboring countries. The conflict between the Government of Afghanistan and the Government of Pakistan intensified as Pakistan halted the shipments of petroleum to Afghanistan for over three months in 1950. In response, the Soviet Union dispatched two army divisions and an air force to the Pakistan-Afghanistan border, causing the Afghan government to sign an agreement with it to increase operations. During a speech by Afghan King Zahir Shah in Kabul in 1950, the Afghan air force threw anti-Pakistan pamphlets into Pakistani territory.²⁶⁶ Pakistani Prime Minister Liaqat Ali Khan criticized the invasion of Afghanistan in the presence of the entire parliament on January 9, 1950. As Afghan citizens proceeded to undertake incursions on the Pakistani side of the borderline in 1950 and 1951, the animosity between the two sides escalated. The Pakistani government decided to deal with the major issue since it had gotten out of control. Ambassadors of both sides were sent

²⁶⁵ M.K. Ma'arof, *United Nations and Afghanistan Crisis* (Commonwealth Publishers, 1990).

²⁶⁶ Ali Imran and Rabia Islam, "Unfaithful Neighbors: A Review of Pakistan-Afghanistan Relations 1979-2001," *Journal of the Research Society of Pakistan* 58, no. 3 (2021): 313-14

back, however, engaged back within a few months. The Pakistan government took firm action by halting the Afghan transit trade, which passed through the port of Karachi. Because Afghanistan is a landlocked nation that depends considerably on Pakistan for its transit trade, pressure began to mount. Resultantly, the frequency of anti-Pakistan policies in Afghanistan tremendously reduced, yet the issue was far from over. In 1955, the Government of Pakistan decided to merge NWFP (Now KPK) into the recently created provinces of West Pakistan.²⁶⁷ As a result of the Afghan government's vehement opposition to this unification, Afghans attacked the Pakistani embassies in Qandahar, Jalalabad, and Kabul on March 30, 1955.²⁶⁸ The Pakistani flag was desecrated and taken down while the Pashtunistan flag was flown over the chancery of the Pakistani embassy. Moreover, the embassy was robbed as well. Relations between the two sides once again deteriorated as the Ambassadors were sent back while Pakistan repressed the landlocked Afghan economy. Relations between Pakistan and Afghanistan witnessed another crisis in September 1960 when Afghans once again attacked the Pakistani side of the border in the tribal region of the Bajaur area.²⁶⁹ They engaged in a confrontation with the natives and suffered severe casualties. Pakistan claimed that conventional military forces were involved in the attack. In May 1961, another clash occurred between the two sides on Khyber Pass. The Afghan militias attacked Jandul, Khyber, and Bajaur.²⁷⁰ According to Pakistani President Ayub Khan, Afghan forces assaulted Pakistani security checkpoints in the bordering region. Resultantly, Pakistan retreated, and its air force attacked the Afghan positions and repulsed the Afghan attack by aerial bombing. President Ayub Khan warned the Afghan side of unprovoked

²⁶⁷ Azmat Ali Shah, "Federalism Constraints and Opportunity in Pakistan," *African Journal of Political Science and International Relations* 7, no. 2 (2013): 79-80

²⁶⁸ R.D. Crews, *Afghan Modern: The History of a Global Nation* (Harvard University Press, 2015), 182.

²⁶⁹ L. Dupree, *Afghanistan* (Princeton University Press, 2014), 539.

²⁷⁰ P.I. Cheema et al., *Pakistan and Changing Scenario: Regional and Global* (Islamabad Policy Research Institute, 2008), 54-55.

escalation. Diplomatic relations between the two sides were once again cut off on 6th September 1961, and Pakistan decided to halt the Afghan transit trade due to Afghanistan's support of Pashtunistan movement proxies.²⁷¹ Relations between the two sides resumed after Sardar Daud, who was the main driving force behind the Pashtunistan movement, resigned as the Prime Minister of Afghanistan. Support for the Pashtunistan movement was once again started between 1972 and 1973 as Radio Kabul propaganda was once again intensified while Kabul sheltered NAP activists led by Ajmal Khattak. In July 1973, Sardar Daud became President of Afghanistan after a military coup to overthrow King Zahir Shah.²⁷² It was retaliated that King Zahir Shah was overthrown from power, as he tended to have a soft approach to the Pashtunistan movement. During the 1970's Pakistani Prime Minister Zulfikar Ali Bhutto, for the first time, adopted a two-pronged strategy towards Afghanistan.²⁷³ Assessment of Bhutto's decision can be ascertained through the concept of Neoclassical Realism that helps explain Pakistan's strategic shift during his regime. While the systemic pressure of the Cold War rivalry between the US and the Soviet Union played a role, domestic imperatives such as the threat of Pashtun nationalism and the perception of Afghanistan as a security risk shaped Pakistan's decision to support Islamist factions. Bhutto and the military elite viewed the Islamists as a counterweight to the Pashtunistan movement and a tool to extend Pakistan's influence in Afghanistan, a strategy that later aligned with US interests during the Soviet-Afghan war. Later on, Inspector General Frontier Corps (IGFC) Naseerullah Babar was tasked to train rebellious Afghans to be used as a proxy inside Afghanistan. Islamist factions inside Afghanistan were supported for two basic reasons. Pakistan was of the view that Islamist groups of Afghanistan would be hostile towards India while they

²⁷¹ R.F. Nyrop, D.M. Seekins, and American University . Foreign Area Studies, *Afghanistan: A Country Study* (The Studies, 1986), 61.

²⁷² A.A. Jalali, *A Military History of Afghanistan: From the Great Game to the Global War on Terror* (University Press of Kansas, 2017), 348.

²⁷³ Saeed Shafqat, "Pakistan under Benazir Bhutto," *Asian Survey* 36, no. 7 (1996): 660-62

would not be interested in fueling the separatist groups in Baloch and Pashtun territories. Pakistani intelligence agencies spotted these people, and they were later funded in the Soviet-Afghan war by the American CIA. The United States finance averaged \$60 million annually from 1980 to 1985, rose to \$47 million in 1986, and subsequently peaked at \$630 million per annum from 1987 to 1989.²⁷⁴ President Daud decided not to attend the OIC Summit, which was held in Lahore in February 1974, as a result of the intense relationship at the time between Afghanistan and Pakistan.²⁷⁵ Abdul Rahman Pazhwak, an Afghan ambassador who attended the summit at the behest of President Daud, tried to raise the Pashtunistan issue on the forum. However, he didn't receive any attention from any of the Muslim leaders. Later, in February 1975, Ex-Governor NWFP and Senior PPP Minister Hayat Khan Sherpao were assassinated in a bomb blast carried out by the NAP militant wing, which was operating from Afghanistan.²⁷⁶ Despite several attempts by the Afghan government to promote and bring in to limelight the issue of Pashtunistan issue in front of the global community and gain international support while subsequently initiating an "Independent Pashtunistan" movement, they failed to achieve their desired objectives.²⁷⁷ Pashtuns living on the Pakistani side of the border in KP, FATA, and Balochistan had no desire to be a part of such a movement or merge with the Pashtuns of Afghanistan. It needs to be highlighted that the issue was settled before Pakistan's independence. Though there was a quest for the independence of Pashtuns led by a prominent Pashtun leader, Khan Abdul Ghaffar Khan, subsequently, the referendum held from 6th-17th July in 1947 clarified that Pashtuns wanted accession to Pakistan as more than 50% of the people voted for

²⁷⁴ Julie Lowenstein, "Us Foreign Policy and the Soviet-Afghan War: A Revisionist History," (2016): 3

²⁷⁵ S.S. Khan, *Reasserting International Islam: A Focus on the Organization of the Islamic Conference and Other Islamic Institutions* (Oxford University Press, 2001).

²⁷⁶ Ulfat Zahra, "Political Assassinations in Pakistan with Special Reference to the Mystery of the Murder of Hayat Muhammad Khan Sherpao, 1975," *Pakistan Perspectives* 25, no. 2 (2020): 109

²⁷⁷ E. Gould and P. Fitzgerald, *Crossing Zero: The Afpak War at the Turning Point of American Empire* (City Lights Publishers, 2011), 35.

the annexation of NWFP to Pakistan.²⁷⁸ Moreover, a Jirga was held in the tribal agencies of FATA, in which leaders of all the tribal agencies swore their allegiance and loyalty to Pakistan. Afghan President Daud was massacred along with his family in the Saur Revolution.

4.5 Russian Invasion of Afghanistan and Pakistan's Involvement in the Conflict

The new regime in Afghanistan was led by Hafizullah Amin who was assassinated by Soviet Secret Service in December 1979.²⁷⁹ A new era of anarchy and suffering in Afghanistan began when about 100,000 Soviet troops entered the country.²⁸⁰ Babrak Karmal was appointed as Afghanistan's puppet president, and he vowed to expel the Pashtun regions from Pakistan. As war in Afghanistan intensified, millions of Afghans fled towards Pakistan and Iran in quest of saving their lives. Although Pakistan was not a party to the 1951 UN Convention on Refugees and was not obligated to furnish millions of Afghans a place to live, the country had to accept this burden due to its open borders and good brotherly faith. Near five million Afghan refugees took refuge in the camps of Balochistan and KP, while thousand. At the same time, Afghans mingled in Pakistani society in the mainstream cities of Karachi, Lahore, Quetta, and Peshawar to find work. Almost two generations of Afghans continue to reside in various cities of Pakistan. After the Soviets left Afghanistan in 1989, there was an internal conflict in the country throughout. Taliban came into power on 27th September 1996; however, their government was not acceptable to the international community due to multilateral reasons, some of which include the torturing behavior of women and children as well as serious human rights

²⁷⁸ Reporter, "Referendum and the Pakhtunistan Demand (Nwfp Ii)," review of Reviewed Item, *Newspaper*, Issue Date 2009, Available at <https://defence.pk/pdf/threads/nwfp-history-referendum-and-the-pakhtunistan-demand.39251/>.

²⁷⁹ B. Riedel, *What We Won: America's Secret War in Afghanistan, 1979-89* (Brookings Institution Press, 2014), 19.

²⁸⁰ A.A. Jalali and L.W. Grau, *Afghan Guerrilla Warfare: In the Words of the Mujahideen Fighters* (Voyageur Press, 2001), 4.

violations across the country.²⁸¹ While commenting on the situation, Michael Kugelman argued that;

“Since the Soviet Occupation of Afghanistan, Pakistan has been arguably the most influential on-going international actors inside Afghanistan. It is in great part because of the role that it played while first working with the US to sponsor Mujahideen fighting the Soviet Union and then later on backing the successors to the Mujahideen in the Taliban’s fight against the United States. Pakistan’s influence in Afghanistan goes well beyond its sponsorship of the Taliban during the war years. They have had significant trade, and the people-to-people relations between the two sides are strong despite the mistrust. However, Pakistan’s influence in Afghanistan had a passive view of Pakistan and Pakistanis amongst the Afghans, and it goes both ways since Taliban have also given refuge to the groups who threaten the Pakistani state ”.²⁸²

The statement of Michael Kugelman highlights that Pakistan has made a historic miscalculation by interfering in the internal affairs of Afghanistan with the support of the United States. This miscalculation has transformed centuries-old friendship and cooperation into hatred and animosity, and today, Afghan leadership, as well as its masses, blame Pakistan for the misery and unending conflict in the country. Though Pakistan may have played its part, it must not be overlooked that the strategic interests of global powers were attained in the four decades-long conflict in Afghanistan. The United States halted its support for Pakistan when the Soviets ended their war in Afghanistan in 1989, and they came back once again to the region when they

²⁸¹ M.J. Gohari, *The Taliban: Ascent to Power* (Oxford University Press, 2000), 9.

²⁸² Kugelman, "Director at South Asia Institute at Wilson Center."

were attacked in 2001. Unfortunately, a scapegoat for both occasions was Pakistan, which allowed its territory and masses to be used for oversight gains.

Twin tower attacks in the US transformed the trajectory of human history. The US held Al-Qaeda and Taliban responsible for the attack and invaded Afghanistan in October 2001, with Pakistan as its frontline ally.²⁸³ Pakistani borders were once again bombarded with millions of Afghans taking refuge in Pakistan. A detailed analysis of Pakistan's foreign policy towards Afghanistan, its socio-economic relations, security, and legal issues after the US invasion of Afghanistan is as follows;

4.6 Pre-Fencing Period

Though the 2610 km long border between Pakistan and Afghanistan has remained open and porous until 2017, Torkham, Chaman, and Ghulam Khan were established as the official border crossings between Pakistan and Afghanistan.²⁸⁴ Other border crossing points between the two sides include Angor Adda, Kharlachi in Kurram agency, Gursal in Bajaur, Nawa Pass in Mohmand, Arandu in Chitral, and Ghulam Khan in North Waziristan. Several agencies are responsible for guarding the border. This includes Frontier Corps (FC), Levies, Khasadars, and members of different intelligence agencies. Federal Investigation Agency (FIA) and Pakistan Customs are responsible for preventing illegal crossing of the border.²⁸⁵ Relations between Pakistan and Afghanistan have been primarily intense due to Afghanistan's claims on the Pashtun territories of Pakistan. Though the Soviet-Afghan war and the US invasion of Afghanistan have pre-dominantly altered the nature of the conflict, Afghanistan's claim still exists. Afghanistan refuses to recognize the Pak-Afghan border as an accepted international

²⁸³ C. Whitlock, *The Afghanistan Papers: A Secret History of the War* (Simon & Schuster, 2021), 80.

²⁸⁴ R. Cohen, *Global Diasporas: An Introduction* (Taylor & Francis, 2022).

²⁸⁵ Major General Samrez Salik (Retd), "Author of Fighting Shadows: Post-War on Terror: Pakistan," *Interviewed In-Person* (14 November 2022)

boundary between neighboring states. A permanent conflict between Pakistan and Afghanistan continued to exist, which certainly impacted the foreign policies of both states towards each other. A detailed analysis of Pakistan and Afghanistan's foreign policies since 9/11 and bilateral efforts to bridge gaps between the two states is as follows;

4.7 An Overview of Pak-Afghan Relations (2001-2016)

The Taliban government was overthrown after American intervention in Afghanistan on 7th October 2001. A new interim Afghan government came into power with Hamid Karzai as the President of Afghanistan. The Pakistani government greeted the new Afghan leadership and assured it that it would keep supporting Afghans while subsequently cooperating with it in its bilateral relations. Since 2001, Afghanistan has been exploited by the international powers in the name of the War on Terror as the phenomenon of terrorism and extremism has expanded across the globe while the people of Afghanistan have seen destruction and chaos in the country for the last two decades. Taliban established their presence as a significant non-state actor, having actual presence and control over more than 50% of Afghanistan. Though there was the presence of the Afghan government in all the provinces of the state, yet they were unable to establish the writ of the state in certain provinces, particularly in the rural areas of the country.

Hamid Karzai, the president of Afghanistan, came to Pakistan in February 2002 to discuss issues of mutual interest while the government of Pakistan reassured him regarding complete support for the new government of Afghanistan.²⁸⁶ Reciprocal to President Karzai's visit: In April 2002, General (R) Pervez Musharraf, the president of Pakistan, went on an official trip to Afghanistan and presented a \$100 million aid package for reconstruction

²⁸⁶ Huma Qayum and Faima Munawar Cheema, "Afghanistan Domestic Political Issues and Its Impacts on Pakistan," *PAKISTAN* 56, no. 1 (2020): 203

and rehabilitation of Afghanistan.²⁸⁷ In addition, Pakistan organized a multi-donor conference in Islamabad that same year to generate funding for Afghanistan's rehabilitation. Both the 2004 presidential and 2005 legislative elections in Afghanistan received unwavering support from Pakistan. Though Pakistan has always held brotherly and cordial relations towards Afghanistan, the same gesture has seldom been reciprocated. On 22nd June 2006, President Hamid Karzai alleged Pakistan of harboring terrorists and providing aid to Taliban fighting inside Afghanistan.²⁸⁸ Exchange of allegations from both sides continued to take place during the era of Pakistani President General Musharraf and the democratic government of the Pakistan People's Party (PPP) from the Pakistani side, while President Hamid Karzai and Ashraf Ghani from Afghanistan over the continuous flow of militants from both sides of the border. Though the Interior Minister of Pakistan, Mr. Sherpao, in a meeting with President Hamid Karzai in March 2006, had suggested fencing the Pak-Afghan border as it was impossible for the security agencies to halt terrorist infiltration from both sides on a 2610 km long border, however, President Karzai did not agree to fence the border.²⁸⁹ To bridge the gaps between Pakistan and Afghanistan, mediation efforts were made by Turkey and the US to negotiate the outstanding conflicts between the two sides and reduce tensions to enhance bilateral cooperation in multilateral dynamics. Several heads of state and ministerial meetings were organized to resolve the issues through dialogue. At a Loya Jirga meeting in Kabul in August 2007, Afghanistan's President Hamid Karzai and Pakistani President General Pervez Musharraf (Retd) agreed to form a working group to resolve disagreements and develop networks to strengthen confidence

²⁸⁷ Ibid., 204.

²⁸⁸ Muhammad Asfahan, Imran Ali, and Safdar Hussain, "Emergence of Hell in the West Pakistan-Afghan Relations Post-9/11 Era," *Jahan-e-Tahqeeq* 5, no. 1 (2022): 26

²⁸⁹ *Pakistan Almanac*, (Royal Book Company, 2007), 180.

between both the neighboring nations.²⁹⁰ General elections were held in Pakistan in 2008, followed by the political victory of the PPP, as Asif Ali Zardari became the President of Pakistan.

The new administration reaffirmed its steadfast commitment and desire to keep amicable relations with Afghanistan. At his swearing-in ceremony, President Asif Ali Zardari invited President Hamid Karzai, and both leaders underlined their profound determination to work together to counter terrorism. In January 2009, President Asif Ali Zardari visited Afghanistan, where he struck a counterterrorism deal and spoke with Afghan officials on other bilateral subjects that were valuable to the progress of both states.²⁹¹ US President Obama invited and welcomed the leadership of Pakistan and Afghanistan to participate in the Strategic Review in Washington, DC, in 2009. Both leaders had a trilateral meeting with President Obama at the White House on 6th May 2009.²⁹² A meeting of foreign ministers of both states took place in the first week of January 2011, during which both sides renewed their pledge to cooperate on counter-terrorism issues.²⁹³ The Afghan President, Hamid Karzai, founded the High Peace Council (HPC), which comprised 70 distinguished Afghan leaders, such as Burhanuddin Rabbani. Hamid Karzai formed the Afghanistan High Peace Council (HPC) as a component of the Afghanistan Peace and Reintegration Programme to conduct talks with various Taliban

²⁹⁰ Rajan Harshe and Dhananjay Tripathi, *Afghanistan Post-2014: Power Configurations and Evolving Trajectories* (Taylor & Francis, 2015), 205.

²⁹¹ Radio Free Afghanistan, "Pakistani President Arrives in Kabul Looking to Improve Ties," *Radio Free Europe Radio Liberty*, 6 January 2009, Available at https://www.rferl.org/a/Pakistani_President_Arrives_In_Kabul_Looking_To_Improve_Ties/1366991.html.

²⁹² White House Press Release, "President Obama Meets with President Karzai of Afghanistan and President Zardari of Pakistan," *US Department of State*, 6 May 2009, Available at <https://2009-2017.state.gov/r/pa/ei/pix/protocol/123078.htm>.

²⁹³ Press Release, "Meeting between Minister of State for Foreign Affairs and High Council for Peace of Afghanistan," *Ministry of Foreign Affairs, Government of Pakistan*, 5 January 2011, Available at <https://mofa.gov.pk/meeting-between-minister-of-state-for-foreign-affairs-and-high-council-for-peace-of-afghanistan/>.

factions. The HPC started functioning on September 5, 2010.²⁹⁴ The council was tasked to bring the Taliban to the negotiating table to decide about a peaceful future for Afghanistan. HPC delegation led by former President of Afghanistan Burhanuddin Rabbani visited Pakistan to discuss the prospects of peace in Afghanistan and Pakistan's support in this cause. Both governments agreed to establish a Joint Peace Council (JPC) to engage in discussions with the Taliban as well as various other terrorist organizations. However, relations between Pakistan and Afghanistan intensely deteriorated after Burhanuddin Rabbani was assassinated in Kabul in September 2011.²⁹⁵ The Afghan President once again blamed Pakistan for this assassination without any proof, notwithstanding Pakistan's apparent denial of involvement in the attack as well as condemnation of the attack, and assured Afghanistan of its complete cooperation in the investigation and prospects. Following Kabul's accusation that Islamabad was responsible for the assassination of the top Afghan negotiation envoy, Pakistan urged Afghanistan to act responsibly.²⁹⁶ Depreciated relations with Pakistan led Afghanistan towards India. President Hamid Karzai signed a strategic trade agreement with India to promote bilateral ties and further cooperation between the two states. From a Neoclassical Realist perspective, Afghanistan's foreign policy shift towards India was not solely dictated by structural factors but was also shaped by domestic leadership perceptions and political imperatives. While systemic pressures pushed Afghanistan to seek external balancing against Pakistan, internal elite-driven preferences, particularly Karzai's desire for Indian investment and security cooperation played a crucial role. Similarly, Pakistan's response to this shift was informed by both its strategic necessity to counterbalance Indian influence and the security concerns of its domestic policymakers. India

²⁹⁴ Zaki and Mohammad Mahdi, "The Peace Puzzle," *Gazetta of Central Asia* (2019): 4

²⁹⁵ Zachary Laub, "The Taliban in Afghanistan," *Council on Foreign Relations* 4, no. 7 (2014): 6-7

²⁹⁶ Reuters Staff, "Pakistan Angered by Afghan Allegations on Rabbani," *Reuters*, 6 October 2011, Available at <https://www.reuters.com/article/us-pakistan-afghanistan-idUSTRE79542A20111006>.

was presented with a great opportunity as it was easy for them to use Afghan soil as a proxy to destabilize Pakistan. However, the US, as well as the government of Afghanistan, knew the fact that efforts for peace and stability in Afghanistan could not be successful without the involvement and active support from Pakistan. Hence, a non-Pashtun delegation of Afghanistan comprising leaders like Abdullah Abdullah, Ahmed Zia Masood, and Abdur Rashid Dostum visited Pakistan and negotiated with the Pakistani leadership to defuse conflict issues and further cooperation and bilateral ties between the two sides.²⁹⁷ Once again, Pakistan renewed its pledge to cooperate with the Government of Afghanistan in bringing peace and stability to the country. Pakistan also assured the Afghan delegation that it tends to have no soft corners and sympathies for terrorist elements present inside Afghanistan. Later on, in another diplomatic effort, President Hamid Karzai, Premier Raja Pervez Ashraf, and British Premier David Cameron met in a trilateral arrangement for the first time while the British premier was visiting Afghanistan. Both Presidents agreed to create a joint commission to address the border disagreements between the two countries. Furthermore, both leaders also met at the annual meeting of the UN in New York and discussed bilateral ties. President Karzai also expressed his desire to sign a strategic pact with Pakistan to resolve conflict issues amicably while revising the reconciliation process in Afghanistan. Though HPC met more than twenty times, prospects for peace in Afghanistan were still mild. Salahuddin Rabbani, Burhanuddin Rabbani's son and High Peace Council President, was enthusiastic about Pakistan's participation in international affairs. As an act of goodwill, Pakistan released thirteen Taliban prisoners to participate in peace talks with the Afghan government. Later, in December 2012, Afghan Foreign Minister Zalmay Rasoul visited Pakistan

²⁹⁷ Ishtiaq Ahmad, "Pakistan's 'Regional Pivot' and the Endgame in Afghanistan," *IPRI Journal* 13, no. 2 (2013): 6-7

and talked with his counterparts there to discuss the 2015 road map.²⁹⁸ As an additional gesture of goodwill, Pakistan released fifteen more inmates just on the evening of this trip. Afghanistan's intelligence head of services, Hassamuddin Hassam, also visited Islamabad in 2012 to discuss matters of mutual interest and bilateral cooperation between the two states.²⁹⁹ Following this visit, the Afghan defense minister traveled to Pakistan and met with General Kayani. He stated he would be receptive to Pakistan's military academy training Afghan military officers. A month later, the British government convened a trilateral summit in which Afghan President Hamid Karzai, Pakistan's Asif Ali Zardari, and Pakistan's Army Chief General Kayani were the participants.³⁰⁰ Delegates of this meeting agreed to allow the Taliban to open its office in Qatar to further peace talks with HCP. It was also decided that a peace deal would be secured with the Taliban during a timeframe of six months. Pakistan also demanded the rollback of Afghanistan's strategic pact with India; however, President Karzai refused to agree to this condition. Relations between the two sides further deteriorated when Afghan border military forces opened fire on the Pakistani border forces in May 2013. Both sides suffered casualties, and the incident furthered the intense relationship between both states. New general elections were held in Pakistan 2013, in which Prime Minister Nawaz Sharif led the PML (N) to come into power. President Hamid Karzai was the first to call Prime Minister Nawaz Sharif and congratulated him on his election as the Premier of Pakistan.³⁰¹ He also expressed his desire to pave an optimistic future bilateral relationship while both sides will extend cooperation in the war against terrorism. Later on, the political advisor on foreign policy, Mr. Sartaj Aziz, visited Afghanistan and discussed bilateral

²⁹⁸ Antonio Giustozzi, "Afghanistan's Decentralised Regional Foreign Policy," *Central Asian Affairs* 1, no. 1 (2014): 78-80

²⁹⁹ Ahmad, "Pakistan's 'Regional Pivot' and the Endgame in Afghanistan," 11-12.

³⁰⁰ Huma Qayum, Nargis Zaman, and Syed Ali Shah, "The Role of Peace Process in Mitigating the Trust-Deficit in Pak-Afghan Bilateral Relations," *Global Social Sciences Review* 3, no. 2 (2018): 427-28

³⁰¹ "Singh, Karzai Congratulate Nawaz on Winning Elections," *Dawn*, 12 May 2013, Available at <https://www.dawn.com/news/1027048/leaders-congratulate-nawaz-on-winning-elections>.

cooperation issues with the government. He also extended Prime Minister Nawaz Sharif's invitation to President Karzai. The invite was accepted by President Karzai and he v, and he visited Pakistan in August 2013; various issues of mutual cooperation were under discussion.³⁰² Pakistan reassured President Karzai's delegation that it, too, desired a secure and stable Afghanistan since it was in Pakistan's best interest as well. Pakistan also freed a group of Taliban detainees as a goodwill gesture. The then-Finance Minister of Pakistan, Mr. Ishaq Dar propos, added Tajikistan to the Transit Trade Agreement (TTA) to make it trilateral during his visit to Afghanistan in February 2014 for the Bilateral Joint Economic Commission in order to foster greater economic cooperation between the two nations. Mr. Dar also expressed a wish to increase trade with the neighboring Central Asian countries. Pakistan also extended its cooperation in the socio-economic development of Afghanistan by investing in projects like the construction of a 200-bed hospital in Logar, Liaqat Ali Khan Engineering University Balkh, Rehman Baba School, and a hostel for 1500 children in Kabul, 400 bed Jinnah Hospital in Kabul, Nishtar Kidney Hospital Jalalabad, and a dual carriageway from Torkham to Jalalabad.³⁰³ Additionally, Pakistan enhanced its contribution to the Afghan Development Fund from \$385 million to \$500 million and later expressed interest in building a two-way road from Peshawar to Jalalabad.³⁰⁴ In March 2014, a group of 26 Afghan businesswomen entrepreneurs visited Pakistan to attend the Afghanistan Women Entrepreneurs Conference held in Islamabad, organized by the US Embassy Pakistan. The event helped expand the bilateral business ties of businesswomen from both sides. In June 2014, Afghan National Security Advisor Dr. Ragin Sapanta visited Pakistan to discuss

³⁰² "Afghan President Extends Pakistan Visit," *Al Jazeera*, 27 August 2013, Available at <https://www.aljazeera.com/news/2013/8/27/afghan-president-extends-pakistan-visit>.

³⁰³ "Pakistan, Afghanistan to Enhance Trade Ties," *Dawn*, 24 February 2014, Available at <https://www.dawn.com/news/1089063>.

³⁰⁴ Ibid.

issues related to Defense and Security.³⁰⁵ He also met Prime Minister Nawaz Sharif and discussed his concerns related to security matters. The Afghan National Security Advisor also delivered a letter from President Karzai to Prime Minister Nawaz Sharif. Aside from discussing issues of cooperation, it was also agreed between both sides that terrorism-related issues would be dealt with very strictly by both countries without any discrimination. Presidential elections were held in Afghanistan in 2014 in which Ashraf Ghani was elected as the President of Afghanistan after much controversy with his opponent candidate Abdullah Abdullah, who was later given the position of Chief Executive Officer (CEO).³⁰⁶ President of Pakistan, Mr. Mamnoon Hussain, was invited to the Oath-taking ceremony of President Ghani, who expressed his desire to further bilateral ties with the new government of Afghanistan. President Ghani visited Pakistan with a hundred-member delegation. Before this visit, foreign ministers of both states committed to enhancing the bilateral trade from \$2.5 Billion to \$5 Billion in the next three years. President Ghani met with Pakistani Prime Minister Nawaz Sharif and discussed issues of cooperation, which included economic and security issues.³⁰⁷ Pakistan also offered to train the Afghan soldiers while subsequently assisting in the political reconciliation with the Afghan Taliban. From a Neoclassical Realist perspective, Afghanistan's renewed engagement with Pakistan under President Ghani was driven not only by systemic pressures, such as the need for regional security cooperation and trade access; but also by domestic political imperatives. Ghani's approach reflected a pragmatic calculation: improving ties with Pakistan could help stabilize Afghanistan by facilitating a peace process with the Taliban while boosting economic prospects. Simultaneously, Pakistan's willingness to train Afghan soldiers and assist in

³⁰⁵ Muhammad Idrees and Khalid Anwar, "Pakistan and Afghanistan after 9/11: A Case of the Failing Bilateralism," *Review of Public Administration and Management* 5, no. 2 (2017): 3

³⁰⁶ Adeebullah Nawim and Zahoora Wani, "Building Democracy: Challenges, Violence and Public Participation in Presidential Elections of Afghanistan since 2004,"

³⁰⁷ Amina Khan, "Pakistan-Afghanistan Relations," *Strategic Studies* 34, no. 2/3 (2014): 28-30

reconciliation efforts was influenced by its own strategic considerations, including concerns over Indian influence and the potential for Afghan instability to spill over into Pakistan's borders. Thus, the interaction between external constraints and internal political needs shaped the evolving Pakistan-Afghanistan relationship.

Relations between Pakistan and Afghanistan once again deteriorated when an attack was conducted by terrorists on Army Public School (APS) Peshawar in which 144 people, including children, were killed.³⁰⁸ Chief of Army Staff General Raheel Sharif and DG ISI went to Afghanistan and shared intelligence with President Ghani. According to the media wing of the Pakistan military, ISPR, the perpetrators of the attack were from TTP, and military leadership demanded President Ghani take action against Mullah Fazal Ullah, who was present in the Kunar province at the time of the attack. President Ghani, as well as the ISAF Commander in Afghanistan, assured Pakistan of their cooperation to bring the perpetrators of the attack to justice. In April 2015, Chief Minister Khyber Pakhtunkhwa visited Afghanistan and discussed the issue of the return of illegal Afghan immigrants.³⁰⁹ Furthermore, the Chief of Army Staff (COAS) Pakistan invited Army Chief of Afghanistan General Sher Muhammad Karimi as Chief Guest to the passing out parade, where both the military commanders also discussed bilateral security and military ties of both states.³¹⁰ After July 2015, issues between the two sides continued to depreciate due to multiple attacks in Kabul. Afghanistan blamed Pakistan for harboring and supporting terrorists. At the same time, Pakistan, through its state-level

³⁰⁸ Ghani Rahman Samiullah et al., "Impacts of Operation Zarb-E-Azb on Spatio-Temporal Distribution of Terrorist Incidents in Khyber Pakhtunkhwa," *Journal of Social Sciences* 10 (2017): 139

³⁰⁹ Riaz Ghafur, "Portrail of Afghan Refugees in the Wake of Aps Attack," *Global Mass Communication Review* 3: 51-52

³¹⁰ Kamran Yousaf, "Improving Ties: Afghan Army Chief to Serve as Chief Guest at Kakul Passing out Parade," *Express Tribune*, 17 April 2015, Available at <https://tribune.com.pk/story/871449/improving-ties-afghan-army-chief-to-serve-as-chief-guest-at-kakul-passing-out-parade>.

delegations, continued to remind Afghanistan that peace in Afghanistan is vital for all the stakeholders of the conflict, and peace in Afghanistan can be understood as peace in Pakistan. Pakistan repeatedly urged the Afghan side to stop anti-Pakistan propaganda on mainstream media. On 30th November 2015, Prime Minister Nawaz Sharif and President Ghani met on the sidelines of the environmental conference held in France.³¹¹ Moreover, President Ashraf Ghani also visited Pakistan on 10th December to inaugurate the Heart of Asia Conference in Islamabad.³¹² Important trilateral meetings between Pakistan, China, and Afghanistan were held on the sidelines of the Heart of Asia Ministerial Conference. On 9th December 2015, a quadrilateral session encompassing China, Pakistan, Afghanistan, and the United States was hosted in Islamabad on the sidelines of the Heart of Asia Ministerial Conference.³¹³ All the participating states agreed to facilitate arranging serious negotiations between the Afghan government and the Afghan Taliban during the initial week of March 2016. Pakistan was most likely to act as the host state.³¹⁴ The intelligence agencies of Pakistan and Afghanistan began cooperating and repairing their mutual distrust in February 2017. Masoud Andrabi, the Acting Director General of Afghanistan's National Directorate of Security (NDS), reportedly took a trip to Pakistan to meet with Lt Gen Rizwan Akhtar, the Director General of the Inter-Services Intelligence (ISI); however, NDS denied reports of any such meeting being held between the two Intelligence Chiefs. The US was facilitating the reciprocal intelligence discussion, and China was an observer at the discussions. A mutually beneficial working relationship was desired to be

³¹¹ Tolo TV Network, "Ghani, Sharif and Cameron Meet on Sidelines of Cop21," *Tolo News*, 1 December 2015, Available at <https://tolonews.com/afghanistan/ghani-sharif-and-cameron-meet-sidelines-cop21>.

³¹² Press Release, "Curtain Raiser – Fifth Heart of Asia – Istanbul Process Ministerial Conference Islamabad, December 9, 2015," *Ministry of Foreign Affairs, Government of Pakistan*, 9 December 2015, Available at <https://mofa.gov.pk/curtain-raiser-fifth-heart-of-asia-istanbul-process-ministerial-conference-islamabad-december-9-2015/>.

³¹³ Amina Khan, "Afghanistan-Pakistan-US-China Quadrilateral Coordination Group," (Institute of Strategic Studies (ISSI), Islamabad, 2016).

³¹⁴ Ibid.

established between Pakistan and Afghanistan as a result of this discussion, which was viewed as an indication of warmth in their bilateral cooperation.

Direct talks between the two parties could not begin as of March 5, 2016, because the Taliban in Afghanistan refused to participate until the government ordered international forces out of the country, released all of its detainees, and removed their names from the UN terrorist watchlist. As a direct consequence of their unwillingness to enter into discussions, the Afghan Taliban asserted the start of their spring offensive, code-named Operation Omari, on April 12.³¹⁵ Due to Pakistan's incapacity to reach an agreement with the Taliban to bring them to the negotiating table, pressure was enhanced on Pakistan, and tensions escalated between Pakistan and the Afghan government. Pakistan stated that it was the obligation of all warring parties to bring the Afghan Taliban to the negotiating table. On 4th May, the Advisor to the Prime Minister of Pakistan on Foreign Affairs, Mr. Sartaj Aziz, rejected Afghan President Ashraf Ghani's request that Pakistan should apprehend and deport Taliban rebels to Kabul for punishment and prosecution. He said that;

“The reconciliation option cannot materialize in just two to four weeks and should be given due time because it is the only way to bring peace to Afghanistan.”³¹⁶

Relations between the two countries reached an all-time low when transit on the Torkham border was halted because Pakistan intended to start fencing off several borderline crossings. Both Pakistan and Afghanistan sent more soldiers and deployed armored vehicles at the strategically significant Torkham border after their negotiation parties had been unable to reach a consensus

³¹⁵ Harleen Gambhir, "Afghanistan Partial Threat Assessment," *Institute for the Study of War*, 12 April 2016, Available at <https://www.understandingwar.org/backgrounder/afghanistan-partial-threat-assessment-april-12-2016>.

³¹⁶ "Pakistan Opposes Military Option against Afghan Taliban," *Ariana News*, 4 May 2016, Available at <https://www.ariananews.af/pakistan-opposes-military-option-against-afghan-taliban/>.

on border fencing.³¹⁷ The border was eventually reopened following a discussion between Army Chief General Raheel Sharif and Afghan Ambassador to Pakistan Omer Zakhilwal, in which both countries pledged to fight terrorism and establish long-term peace in the region. However, hostilities between Pakistan and Afghanistan persisted, as demonstrated by skirmishes between their border officials on May 12, 2016, which were triggered by Pakistan's installation of a boundary gate.³¹⁸ Due to the fact that such encounters resulted in fatalities and numerous injuries on both sides of the border, border security troops in both states remained alert. On its side of the border, Pakistan urged on moving forward with plans to install a gate, but Afghanistan was equally determined not to permit such constructions, and incidents of heavy weapon firing were recorded from both sides. Both states summoned the respective envoy of the other state to register their protests. Pakistan saw the construction of such a gate as critical to effective border management. In a series of statements, Pakistan's Army Chief sent a similar message, emphasizing the importance of efficient border control with Afghanistan in the war against terrorism. By this point, it was clear that India had influenced the Kabul-based Afghan government, as Pakistan's statements and actions throughout that timeframe gave India space to maneuver. On July 9, 2016, Afghan President Ashraf Ghani accused Pakistan of the failures of the country's reconciliation attempts, alleging that Pakistan truly differentiates between good and bad Taliban. He said;

³¹⁷ Hashmatallah Moslih and Hameedullah Khan, "Border Fencing Escalates Pakistan-Afghanistan Tension," *Al Jazeera*, 12 May 2016, Available at <https://www.aljazeera.com/news/2016/5/12/border-fencing-escalates-pakistan-afghanistan-tension>.

³¹⁸ *Ibid.*

"Our regional initiatives with neighbors are beginning to yield significant cooperative dividends. However, the exception is with Pakistan".³¹⁹

Pakistan responded to Afghan President Ashraf Ghani's comments by stating it is regretful that Afghan leaders continue to make aggressive remarks about Pakistan and blame it for the entirety of Afghanistan's troubles. Pakistan also requested assistance from Afghanistan in the war against terrorism, specifically effective border control and the restriction of safe havens to TTP insurgents opposed to Pakistan. On August 25, Pakistan warned Afghanistan not to support India in its anti-Pakistan conspiracies and to exploit its territory against Pakistan. In a telephonic conversation with Pakistan's Army Chief General Raheel Sharif on August 25, 2016, Afghan President Ashraf Ghani demanded action against terrorism that was meaningful and concrete, as well as provide evidence that the acts had been plotted and managed from the other side of the border Region.³²⁰ The Chief of Army Staff of Pakistan informed the President of Afghanistan that no act of terrorism will be accepted on Pakistani soil as Pakistan tried to mend its relationship with Afghanistan by implementing a few changes on its side of the fence, but it was ineffective and hence Afghanistan's resentment of Pakistan continued. Pakistan participated in the Heart of Asia summit on Afghanistan, which was held in India on 3rd and 4th December, 2016. Advisor to Prime Minister on Foreign Affairs Mr. Sartaj Aziz represented Pakistan in the conference that was held in Amritsar.³²¹ However, there was a tense atmosphere since Pakistan was suspected of cross-border terrorism by both India and Afghanistan. In a nutshell, there were

³¹⁹ Anees Hanif and Mateen Haider, "Peace Initiatives with Pakistan Remain Unsuccessful, Says Afghan President," *Dawn*, 9 July 2016 Available at <https://www.dawn.com/news/1269728>.

³²⁰ ImadUddin, "Coas Calls Afghan President on Phone, Condemns Attack on University," *Business Recorder*, 25 August 2016, Available at <https://www.brecorder.com/news/315683/coas-calls-afghan-president-on-phone-condemns-attack-on-university>.

³²¹ Tolo TV Network, "6th Heart of Asia Conference Gets Underway in Amritsar," *Tolo News*, 4 December 2016, Available at <https://tolonews.com/afghanistan/6th-heart-asia-conference-gets-underway-amritsar>.

ups and downs in Pakistan's relations with Afghanistan during Prime Minister Nawaz Sharif's era, particularly in 2016. At the beginning of the year, when efforts were being made to set up peace talks, the process was proceeding smoothly, but as these efforts failed to persuade the Afghan Taliban to sit at the table for negotiations, things were beginning to go downhill. From the US invasion of Afghanistan in October 2001 until 2016, ties between Pakistan and Afghanistan were mostly adversarial and confrontational. Despite numerous political and diplomatic efforts to improve bilateral cooperation and bridge the trust gap, the multilateral dynamics of the Afghan conflict, India's role in attempting to incite Afghan leadership against Pakistan, Pakistan's influence over the Taliban, anti-Pakistan lies and propaganda on media, border fencing, and Pakistan's deteriorating internal and external security situation remained key deterrent and conflicting factors between two states.

4.8 Specifics of Border Fencing Project

Former Pakistani President General Pervez Musharraf (Retd) proposed the concept of fencing the Pakistan-Afghanistan border in 2006 after the Afghan government blamed Pakistan for allowing some extremist groups to enter its territory to commit terrorist acts.³²² Although discussions between representatives from Afghanistan, Pakistan, and ISAF had been conducted in 2007 to discuss a collaborative effort, no agreement was achieved and the Afghan Government was hostile towards the proposal. As a result, the problem remained unaddressed. Despite the opposition of the Afghan government due to its claim on certain parts of Pakistan and non-recognition of the Pak-Afghan border, Pakistan fenced 37 km of its border between 2007 and 2009.³²³ Despite numerous attempts to protect the border, the permeability of the

³²² Naseem Ahmed, "General Musharraf's Taliban Policy 1999-2008," *The Dialogue* 2 (2010): 114-18

³²³ Lacin Idil Oztig, "Pakistan's Border Policies and Security Dynamics Along the Pakistan-Afghanistan Border," *Journal of Borderlands Studies* 35, no. 2 (2020): 6

boundary had fueled clashes between border forces from both sides on multiple occasions ever since, leading in a diplomatic and a political schism. Later, on April 27, 2017, the Pakistan Army formally began border wall at a cost of \$532 million. The cost included gadgets and surveillance systems for unauthorized borderline checkpoints.³²⁴

The border fence in Balochistan and Khyber Pakhtunkhwa was reinforced with protective devices, renewable electricity, and freshwater. The posts had already been set up. It is significant to note that the project involves not only fencing the Pakistan–Afghanistan border but also all the essential infrastructure for managing it, such as the construction of checkpoints, castles, and surveillance cameras. Pakistan made all-out efforts to see the fencing project through to its Conclusion in order to seamlessly and completely safeguard the country's already enhanced security situation, that will facilitate bilateral trade and cross-cultural interactions between the two states through advanced and powerful and globally recognized practices. According to then DG ISPR Maj. Gen. Asif Ghafoor, the project was scheduled to be accomplished by December 2019.³²⁵ However, disruptions in the project's completion were caused by meteorological conditions, potential threats from across the border, the conflict in Afghanistan and its effects on the bordering region, as well as the intensification of tension with India, which led to the transfer of regular troops from the Western to the Eastern border. On January 14, 2022, Sheikh Rasheed Ahmed, Pakistan's interior minister at the time, announced found that nearly 2600 km of border fencing had been completed, with the remaining 21 km to be finished with the consent of Afghanistan's newly established Taliban government.³²⁶

³²⁴ Ashfaq Ahmed, Hamayoun Khan, and Sadia Fayaz, "Border Management System: The Digitalization of Pak-Afghan Border," *Central European Management Journal* 30, no. 4 (2022): 1112

³²⁵ "Pakistan to Complete Border Fence with Afghanistan — Director General Inter Services Public Relations (Dg Ispr) ", *Arab News*, 16 December 2018, Available at <https://www.arabnews.com/node/1421596/amp>.

³²⁶ "Remaining Pak-Afghan Border Fence to Be Completed with Kabul's Consent: Sheikh Rashid."

The border with Khyber Pakhtunkhwa is approximately 1229 kilometers long, with the most significant stretch connecting with Chitral at 493 kilometers. Around 471 kilometers of the 493 km boundary line is on mountains and glaciers. Similarly, a 39 km boundary line connects Lower Dir, a 50 km boundary line connects Bajaur, a 69 km boundary line connects Mohmand, a 111 km boundary line connects Khyber, a 191 km boundary line connects Kurram, a 183 km boundary line connects North Waziristan, and a 94 km boundary line connects South Waziristan.³²⁷ The 11 Corps of the Pakistani Army is in charge of guarding the entire border. Border fencing has been done in such a way that approximately 3-meter-high chicken wire fence was constructed throughout the border, with a 2-meter space between each of them and covered with barbed wire. It is important to note that a significant portion of the border between Pakistan and Afghanistan is located in a rough, hilly environment where fencing cannot be constructed. Similar to this, borderline at certain location is so high that there is neither a need for a fence nor a possibility for crossing them because doing so would be physically impossible. However, it should be noted that the Pak-Afghan border at Dir is almost 13,000 feet above sea level. Along with border fencing, the management of the border is also another important and crucial subject for which the Pakistani Army has establishing forts.³²⁸ There have been 443 forts built along the fence-line, including about 35 in Malakand, 54 in Bajaur, 58 in Mohmand, 93 in Khyber, 109 in Kurram, 64 in North Waziristan, and about 30 posts in South Waziristan.³²⁹ The following table gives a description of the border fencing and fort posts in the respective areas.

³²⁷ Dr. Minhas Majeed Khan, "Pakistan–Afghan Border Fencing: A Harbinger of Peace," *Hilal English*, Available at <https://www.hilal.gov.pk/eng-article/detail/NTE4NA==.html>.

³²⁸ Amir Zada Asad and Robert Harris, *The Politics and Economics of Drug Production on the Pakistan-Afghanistan Border* (Routledge, 2019).

³²⁹ Maqbool Malik, "Pak-Afghan Border Fencing Gains Pace," *The Nation*, 10 February 2018, Available at <https://www.nation.com.pk/10-Feb-2018/pak-afghan-border-fencing-gains-pace?show=p>.

S. No	Area/ District	Area of Fencing (Km)	Forts Constructed
1.	Chitral	81	--
2.	Bajaur	59	54
3.	Mohmand	83	58
4.	Khyber	105	93
5.	North Waziristan	224	64
6.	South Waziristan	109	30
7.	Kurram	148	109
8.	Malakand	--	35

Description of Border Fencing and Fort Posts in Respective Tribal Areas

4.9 Brief Overview of Post-Fencing Period (2017-2020)

The post-fencing period between Pakistan and Afghanistan initially marked an intensified relationship between the two sides. However, efforts were witnessed to systemize bilateral relations. Illegal trade between the two sides significantly reduced while accusations of terrorist infiltration also stopped. Though there was a political confrontation between the two sides on the issues of the legitimacy of the border, however, Pakistan continued to fence its 2610 km long border despite serious opposition from Afghanistan. Though the volume of trade between Pakistan and Afghanistan significantly reduced, however internal security situation of Pakistan tremendously improved. Furthermore, the socio-economic conditions of Pakistan also improved. The post-fencing period between Pakistan and Afghanistan reflects neoclassical realism by linking systemic pressures with domestic imperatives. While border fencing heightened tensions, Pakistan prioritized internal security over diplomatic friction, driven by threats of terrorism and illegal trade. Despite Afghanistan's opposition and economic trade-offs, Pakistan's leadership viewed border control as essential for stability. This decision, shaped by both external security

concerns and internal political dynamics, underscores how neoclassical realism explains foreign policy shifts by integrating domestic constraints with geopolitical realities. Research Scientist at Mershon Center for International Security Studies at the Ohio State University, John Mueller made a comment during an interview on the said situation. He said that;

“Pakistan is well positioned to take the lead in developing a stable situation in the region in which Afghanistan returns as much as possible to a condition of old-fashioned normalcy. That would be in the interests not only of Pakistan but of Russia, China, the US, Iran, and India, so there should be considerable international support for such a venture”.³³⁰

Such a statement clearly depicts that the international community also favors fencing projects and projects that may bring long-due normalcy to the region. A detailed analysis of multi-dimensional aspects related to fencing of the Pak-Afghan border is as follows;

A) Border Skirmishes between Pakistan and Afghanistan

Cross-border attacks from Afghanistan have been a regular phenomenon, particularly after the WOT intensified in Afghanistan, and the political blame game between the leadership of both states intensified the relationship. In April 2017, Pakistan started fencing of Pak-Afghan border as a means to curtail movement of militants.³³¹ The border management plan, which included the construction of numerous small forts as well as the installation of radars, detectors, and other monitoring technology, began with the installation of fencing along the border regions in Bajaur as well as Mohmand. Afghanistan expressed its displeasure with Pakistan's border fencing to the

³³⁰ John Mueller, "Research Scientist at Mershon Center for International Security Studies at the Ohio State University," *Interviewed through Email* (7 March 2023)

³³¹ Jiang Sheng, "The Influence of International Public Opinion on Pak-Afghan Border Management," *Pakistan Journal of International Affairs* 4, no. 2 (2021): 2-3

United Nations Security Council (UNSC), claiming that Pakistan cannot fence the border without Afghanistan's agreement and that any unilateral move would be a violation of international humanitarian law. However, the United Nations Security Council Resolution (UNSCR) 1373 states that,

“Afghanistan and Pakistan are required to deny safe haven to those who finance, plan, support, or commit terrorist acts, or provide safe havens as well as prevent those who finance, plan, facilitate, or commit terrorist acts from using their respective territories for those purposes against other states or their citizens ”.³³²

In May 2017, Afghan border security forces opened fire on Pakistani troops who were guarding a census team, and at least ten people were killed, and over forty-seven people were injured.³³³ Subsequently, Pakistan closed the border with Afghanistan, which remained closed for almost a month, and reopened on 27th May on the first of Ramadan, on humanitarian grounds.

B) Bilateral Trade between Afghanistan and Pakistan

Trade between Pakistan and Afghanistan has continued to decline since fencing of Pak-Afghan border has been initiated in 2017. Though Afghanistan Transit Trade Agreement (ATTA) was signed in 1965 and APTTA was signed in 2010 that ensured legal mechanism for bilateral and transit trade however, the official documents never firing between the border forces of Pakistan and Afghanistan have continued since then, increasing political and diplomatic rift

³³² Swaminathan and Gert Kueck Lakhshmi Krishnamurti, *Responding to Terrorism: Dilemmas of Democratic & Developing Societies : National Seminar, November 2002* (Madras Management Association: Konrad-Adenauer-Stiftung and Satyamurti Centre for Democratic Studies, 2003), 3.

³³³ Abuzar Afridi and Muhammad Zafar, "10 Killed in Afghan Attack on Chaman," *The Express Tribune*, 5 May 2017, Available at <https://tribune.com.pk/story/1401727/civilian-killed-17-injured-afghan-forces-fire-checkposts-chaman>.

between the two sides.³³⁴ Moreover, a quantitative comparison of imports and exports figures (Table given in Chapter VI) between Pakistan and Afghanistan suggests that Pakistan has lost a sizeable share of economic activity with Afghanistan. Despite the fact that potential of trade volume between the two sides could expand up to \$5 Billion per annum, however fencing of Pak-Afghan border, bureaucratic hurdles and structural hindrances from both sides has refrained them from increasing their economic interdependence on each other.³³⁵

C) Positive Impacts on the Internal Security of Pakistan

Control of borders is a long-standing, core function within state's intended objectives of security and expectedly fencing of Pak-Afghan border has very positively impacted the security situation inside Pakistan. According to the statistics acquired from Islamabad based research institute; Pakistan Institute for Conflict and Security Studies (PICSS), Pakistan was facing an average of 160 militant attacks per month during 2014 which have reduced to an average of 13 militant attacks per month in 2020. Significant decline of militant attacks can be attributed to Operation Zarb-e-Azb as well as Operation Radd-ul-Fasaad along with the fencing of Pak-Afghan border. This securitization of the border became a strategic necessity for Pakistan, as the unchecked cross-border movement of militants was perceived as an existential threat to Pakistan's internal stability. By framing border control as a national security imperative, the state was able to justify large-scale military operations such as Zarb-e-Azb and Radd-ul-Fasaad, alongside the construction of the border fence. The fencing initiative, backed by heightened military surveillance, transformed the border from a traditionally porous zone into a securitized space aimed at curbing infiltration, smuggling, and militant movement. As Border Securitization

³³⁴ Umar Khan, "Pakistan's Road to Central Asia: A Perspective through Prism of Transit Trade Treaties," *Pakistan Journal of International Affairs* 6, no. 2 (2023): 393

³³⁵ Stuti Bhatnagar and Zahid Shahab Ahmed, "Geopolitics of Landlocked States in South Asia: A Comparative Analysis of Afghanistan and Nepal," *Australian Journal of International Affairs* 75, no. 1 (2021): 64-65

Theory suggests, this process involved not only physical barriers but also policy measures that reinforced the perception of cross-border threats, leading to greater military engagement and intelligence operations in border regions. The drastic reduction in militant attacks demonstrates the effectiveness of these securitization measures. However, this approach also created diplomatic tensions with Afghanistan, as Kabul opposed the fencing on historical and geopolitical grounds, refusing to recognize the Durand Line as an international boundary. Despite these challenges, Pakistan's securitization of the border remains a central element of its counterterrorism strategy, significantly contributing to internal stability while continuing to shape its complex relationship with Afghanistan. Following table highlights the number of attacks in Pakistan as well as the people killed and injured during last two decades.

S. No	Year	Total Number of Attacks	Causalities of Security Forces	Militants Killed
Pre-Fencing Period				
1.	2001 (October Onwards)	16	8	10
2.	2002	85	15	18
3.	2003	58	25	8
4.	2004	247	153	156
5.	2005	285	48	147
6.	2006	516	278	798
7.	2007	799	479	1540
8.	2008	1048	594	2855
9.	2009	2217	1084	7074
10.	2010	1562	551	4780
11.	2011	1379	677	2250
12.	2012	1851	589	1865
13.	2013	1703	573	1507
14.	2014	2723	634	3370
15.	2015	1920	382	2322
16.	2016	1624	336	986

Post-Fencing Period				
17.	2017	950	249	561
18.	2018	406	172	164
19.	2019	270	150	200
20.	2020	380	539	836

Data of Terrorist Attacks and Casualties in Pakistan (2001-2020)

Source: [Database of Pakistan Institute for Conflict and Security Studies](#)

A clear decline can be witnessed in the number of terrorist attacks in 2017 as the fencing of Pak-Afghan border was initiated by Pakistan's armed forces. The trend continued in 2018 and 2019 with decline in terrorist attacks, however, an upward trend was once again observed in 2020. Reasons of this upward trend can be attributed to a gradual organizational uplift of TTP, the signing of Doha deal as well as the announcement of the United States to leave the region, strain relationship between Government of Afghanistan and Pakistan while uninterrupted support provided by the local tribes to cadres of different militant groups. Though the number of attacks has continued to increase in Pakistan after 2020 and the internal security of the state has been compromised; yet, several other factors have contributed to the issue of deteriorating security.

D) Impact on Militancy

The fencing of the Pak-Afghan border had tremendous impacts on the militancy in the country. Fencing of this Pak-Afghan border can be analyzed through the lens of Border Securitization Theory, which emphasizes the process by which states frame border control as an existential security issue, justifying extraordinary measures to mitigate perceived threats. By treating the porous border as a major security concern linked to militancy, Pakistan has effectively securitized the Pak-Afghan frontier, leading to extensive military operations and strict border management policies. The deployment of security forces and fencing initiatives aligns with the securitization framework, as these measures are not merely about territorial integrity but

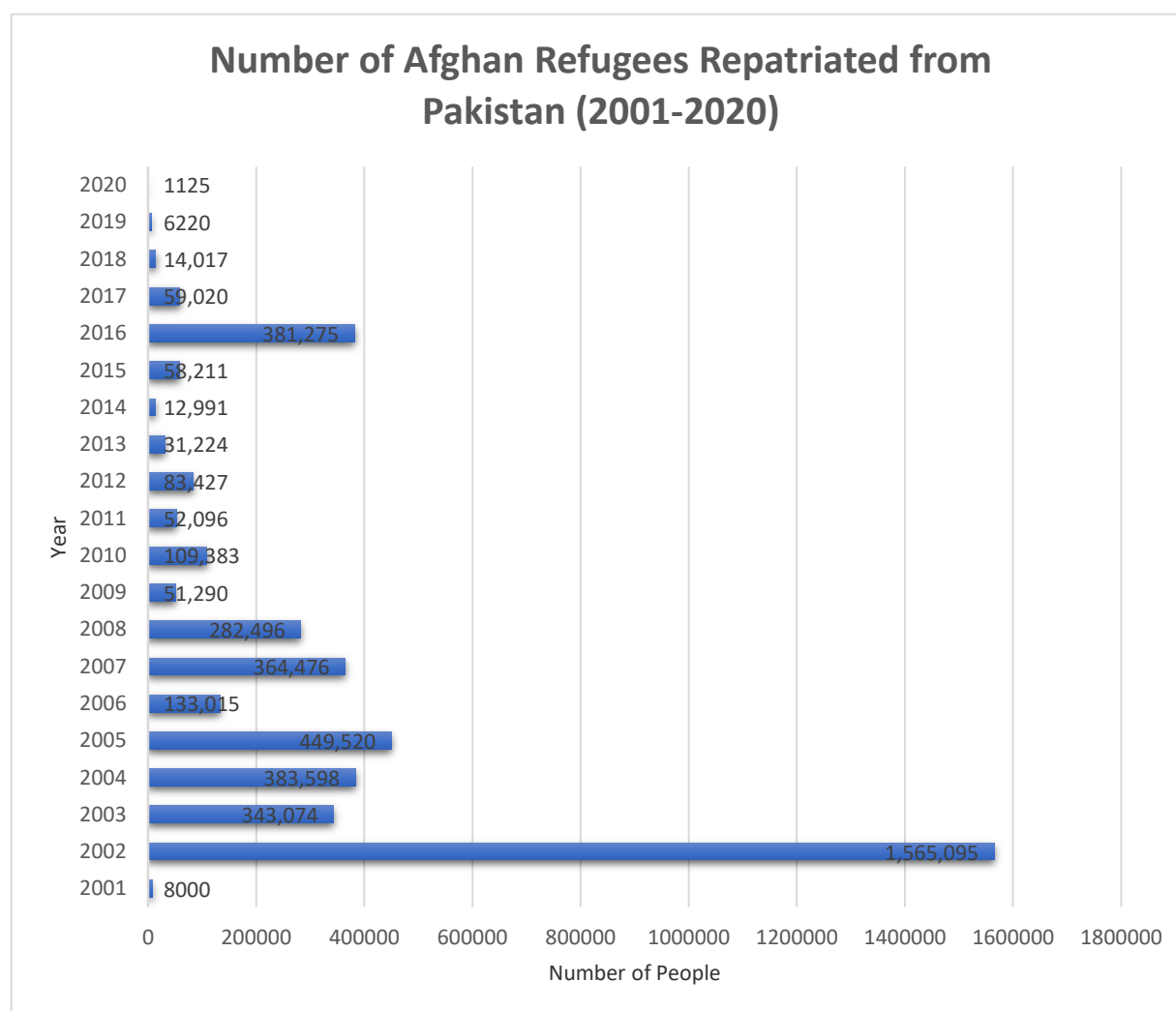
are constructed as vital for national security. The securitization process has legitimized aggressive counterterrorism operations, enabling Pakistan to clear tribal areas of terrorist elements while restricting cross-border militant movements. However, despite these securitization efforts, militant groups maintain an operational presence within Pakistan, often leveraging external support, particularly from India, to sustain their attacks. Nevertheless, considering Pakistan's multi-dimensional security actions, including surveillance, intelligence-based operations, and inter-agency coordination, the securitization of the border is expected to further reinforce counterterrorism efforts, potentially leading to the near-total eradication of militant networks in the coming years. This demonstrates how the securitization of the Pak-Afghan border functions as a strategic tool to address internal security threats while also shaping broader geopolitical and counterterrorism policies. As Operations were subsequently initiated along the fencing of the Pak-Afghan border, Pakistani security forces cleared tribal agencies from the terrorist elements. Moreover, the cross-border movement of militants has also been halted, and hence the presence of militant groups in Pakistan has significantly reduced.³³⁶ Though militant groups still hold their operational presence in Pakistan and conduct their attacks with the support of India, however keeping in view the multi-dimensional action of various security agencies of Pakistan, it can be expected that they may be completely eradicated from Pakistan within the next few years.

E) Afghan Immigrants in Pakistan

Over three million legal as well as illegal Afghan immigrants were residing in Pakistan after the US invaded Afghanistan in 2001. However, the Interior Minister of Pakistan Chaudhry Nisar,

³³⁶ Syed Hassan Zulfiqar, "Does Border Fencing Reduce Terrorism?: A Case Study of the Pak-Afghan Border-One of the Most Dangerous Borders in the World," 2020, 3-4, Available at https://books.google.com.pk/books?id=2d4_EAAQBAJ&printsec=frontcover&source=gbg_ge_summary_r&cad=0#v=onepage&q&f=false.

during the PML (N) government in 2013, initiated a crackdown against illegal Afghan immigrants based in Pakistan.³³⁷ Though a great number of illegal Afghan immigrants based in Pakistan for decades went back to Afghanistan, a large number still reside in Pakistan. As per the statistics provided by the UNHCR, the following graph depicts the number of Afghan immigrants who have went back to their home country since 2001.³³⁸



Afghan Refugees Repatriated from Pakistan (2001-2020)

Source: [Operational Data Portal of United Nations High Commission for Refugees](https://data.unhcr.org/en/country/pak)

³³⁷ Muhammad Najam ud din Farani and Saqib ur Rehman, "Securitization of Afghan Refugees in Pakistan After," 84

³³⁸ Reporter, "Registered Afghan Refugees in Pakistan," review of Reviewed Item, *Newspaper*, Issue Date 2001-2022, Available at <https://data.unhcr.org/en/country/pak>.

Fencing of Pak-Afghan border has halted the cross-border movement of Afghan citizens to Pakistan without visa and proper documentation. Though families living near the border areas have been seriously affected as they used to cross border on daily basis for their livelihood, however crossing the border for an Afghan citizen is only possible now, if he acquires Pakistani visa from the embassy now. Halting the illegal cross border movement of Afghan citizens has positively impacted the socio-economic and cultural activities of Pakistanis. Pakistani culture is reviving back which was seriously damaged due to the influx of Afghan citizens in Pakistan. Though the country is facing economic setback as bilateral trade with Afghanistan is decreasing every year since fencing has started however, it can be expected that secure and stable Pakistan will pave prosperity and boost in bilateral Pak-Afghan economic relations.

F) Bajwa Doctrine

In 2016, General Qamar Javed Bajwa attained the position of Chief of Army Staff of Pakistan. In 2019, then Prime Minister Imran Khan extended his term for another tenure of three years. In a press conference in 2018, former DG ISPR Maj. Gen. Asif Ghafoor outlined the concept of the Bajwa Doctrine. Indicating the concept as the Army Chief's vision for the nation, he stated that General Bajwa wanted to see Pakistan become a peaceful country.³³⁹ He also emphasized that cooperation between governmental institutions was crucial in the fight against terror and claimed that the Bajwa Doctrine will bring about a long-lasting peace in the region.

Furthermore, it was made abundantly clear that the doctrine had little to do with the state's political and constitutional challenges, and was exclusively concerned with the concept of security. According to General Asif Ghafoor, every Army Chief has a distinctive vision, and

³³⁹ Najam Sarfraz, Hassnain Moawia, and Humna Abdul Jabbar, "Pakistan's Strategic Depth in Afghanistan Ambivalence after the Taliban-US Agreement of 2020," *Pakistan Journal of Social Research* 4, no. 1 (2022): 557-58

General Bajwa's vision was to establish peace. Keeping in view the efforts done by General Bajwa for promoting Pakistan as a peaceful state includes the fencing of Pak-Afghan border.³⁴⁰ Pakistan's relations with Afghanistan have remained critically deteriorated since decades however since the US invasion of Afghanistan in 2001, the issues further complexed. Fencing Pak-Afghan border has resolved multidimensional conflicts between Pakistan and Afghanistan as it primarily involved the cross-border movement between the people of two states. Socio-cultural and security situation of Pakistan has tremendously improved which will ultimately boost the economic progress of the state. Bajwa Doctrine has been criticized by various analysts however it can be said that Bajwa doctrine has resolved decades long outstanding issue of fencing the Pak-Afghan border which will pave greater benefits for Pakistan in the future.

4.10 Comparative Analysis; Pre and Post Fencing Period

A comparison of Pakistan's foreign policy towards Afghanistan during pre and post fencing timeframe can be done through few basic parameters. This includes the political and diplomatic relations between two sides, the bilateral economy and the security. Socio-cultural issues, migration, militancy and cross-cultural exchanges can be categorized as sub issues.

A) Political and Diplomatic Issues

Political and diplomatic ties between the two states most often deteriorated before the fencing of the Pak-Afghan border due to multi-dimensional issues, which included the accusations of harboring terrorists and exporting militancy towards Afghanistan. The fencing of the Pak-Afghan border has pacified the politico-diplomatic relations between the two states. Though the Afghan peace process and the role of Pakistan in facilitating the Afghan peace

³⁴⁰ Sana Ali, "The Bajwa Doctrine': Highlights from Gen Bajwa's 2016-19 Tenure as Coas," *Dawn*, 28 November 2019, Available at <https://www.dawn.com/news/1519158>.

process have also furthered ties between the two sides, both states still may take time to enjoy cordial and friendly ties.

B) Economic Issues

Bilateral trade between Pakistan and Afghanistan has significantly reduced since the fencing of the Pak-Afghan border was initiated in 2017. Alongside the decline in legal trade, illegal trade between the two sides has been completely banned, and hence, a significant decline has been witnessed in trade volume. The decline in bilateral trade has significantly impacted the social standards of society, specifically people belonging to border adjacent areas, tribal agencies, KP, and Balochistan. Director of the Center for Afghanistan Studies University of Nebraska Omaha, Dr. Sher Jan Ahmadzai, during an interview, made a comment on the economic relationship between Pakistan and Afghanistan. He said that,

“The impact of the fence is there. It has primarily impacted the local people instead of national trade between the two countries. The productivity of the fence, therefore, needs to be questioned since it has failed to stop the flow of militants. The fence has not halted the illegal trade between the two sides as illegal imports are coming from both sides, and since it has a low volume, it does not make any impact”.³⁴¹

Arguing the fact that fencing has not impacted the national trade between the two sides would be a challenging fact since the volume of official trade between the two countries has significantly declined since 2017. Moreover, terrorism and extremism have significantly reduced in Pakistan, as evident in the statistical figures provided in Heading 3.9 (C). While illegal trade has not been

³⁴¹ Dr. Sher Jan Ahmedzai, "Director Center for Afghan Studies University of Nebraska Omaha," *Interviewed through Zoom* (2 February 2023)

entirely eliminated, the patterns have changed. Smuggling networks have evolved in response to stricter border controls, often finding new channels through corruption or unofficial routes. This highlights the need for a more integrated approach to border management—one that not only focuses on security but also fosters legal trade through improved infrastructure, streamlined customs procedures, and bilateral economic cooperation. While the comments of Dr. Sher provide insight from an Afghan perspective, which unfortunately is endorsed by Western experts as well, the realities and the statistical figures suggest otherwise. Furthermore, it needs to be highlighted that while fencing was implemented primarily as a security measure to curb cross-border militancy and smuggling, its unintended consequences on legal trade cannot be ignored. The decline in legal trade stems from stricter border controls, increased transaction costs, and bureaucratic inefficiencies, which have disrupted traditional trade routes between Pakistan and Afghanistan. This aligns with the broader literature on border management, which suggests that restrictive policies, while effective in controlling security threats, can also stifle economic activity if not accompanied by trade facilitation measures.

C) Security Issues

Pakistan was facing serious security issues due to an open and vulnerable border, due to which terrorist attacks in Pakistan had deteriorated the peace and stability of the state. Since the fencing of the Pak-Afghan border and operations in tribal agencies, the internal and external security situation of Pakistan has tremendously improved. Moreover, the operational existence of militant groups in Pakistan has been almost eradicated or minimized. The improved security situation is furthering the path to economic prosperity, and projects like CPEC may help Pakistan become a developed economy within the next few decades. The thesis critically engages with the assertion that fencing has not significantly reduced cross-border militancy by examining the

evolving nature of militant networks. While fencing has made unauthorized border crossings more difficult, militant groups have adapted by using alternative routes, including rugged terrain and underground tunnels. Thus, while fencing is a crucial component of border security, it is not a standalone solution to cross-border militancy. A comprehensive counterterrorism strategy that includes intelligence cooperation, political engagement, and economic incentives is necessary to achieve lasting security.

It can be assessed that the Fencing of the Pak-Afghan border has significantly impacted the bilateral foreign of Pakistan and Afghanistan. While the controversy between both states related to issues on border fencing and its management have impacted the nature of relationship, it is an undeniable fact that fencing of 2610 km long border had its diverse implications for both states. Though trade and economic progress of both states has significantly declined, yet improved security and diplomatic relations between two sides can be taken as the initiating point of cordial and friendly bilateral ties. Terrorism and militancy declined in Pakistan after fencing of Pak-Afghan border was initiated. It needs to be assessed how counter-terrorism policy of Pakistan had its multilateral implications for peace and stability of the state. How Pak-Afghan border played a defining role in furthering terrorism in Pakistan and what were the implications of counter-terrorism operations being conducted by the security forces of Pakistan during last two decades. A critical analysis of Pakistan' counter-terrorism policy and its correlation with Pak-Afghan border is being assessed in the next chapter. It will also be assessed how the state of Pakistan addressed the issue of counter-terrorism through different legislations introduced in varying times and what were its long-term implications for the state.

Chapter V

Factoring Pakistan's Counter-Terrorism Policy on Pak-Afghan Border

This chapter has been divided into three distinct sections, with the first section explaining the legislations, pertaining to counterterrorism, which have been passed by the Parliament of Pakistan. The second section explains the approaches to counterterrorism while the final section of this research study highlights the National Security Policies of 2014 and 2018. This chapter addresses Pakistan's counter-terrorism policies during two decades of War on Terror, the legislations introduced by the parliament of Pakistan relating to counter terrorism and its implications on Pak-Afghan border. Open and porous border was a source of conflict between Pakistan and Afghanistan, particularly since the US invaded Afghanistan in 2001. Cross border terrorism and frequent movement of militants across the border created conflict between successive governments of Pakistan and Afghanistan and hence fencing of this boundary line between the two neighboring states predominantly addressed this issue. Introduction of National Action Plan (NAP) was a defining phase in Pakistan's War on Terror and hence its application has also been discussed comprehensively.

Pakistan's first anti-terrorism legislation, the Public and Representative Offices (Disqualification) Act, was passed in 1949. Under President Ayub's administration, the Pakistani government enacted a number of comparable regulations, including that of the Public Offices (Disqualification) Act of 1959, the Electoral Bodies (Disqualification) Order (EBDO), the Defense of Pakistan Ordinance of 1955, and the Defence of Pakistan Rules of 1965. Unfortunately, rather than dealing with the issue of terrorism, all of these regulations imposed by successive governments were politically biased and directed at repressing the opposition.

5.1 Ordinances/ Legislations on Counter-Terrorism

A. Suppression of Terrorist Activities Act 1975

The term "terrorist" was originally used by former Pakistani Prime Minister Zulfikar Ali Bhutto, and as a result, specific legislative mechanisms were developed to deal with this problem through Special Courts. The Suppression of Terrorist Activities (Special Courts) Act, 1975, was first enacted as an ordinance, which the Pakistani National assembly later authorized for translation into legislation.³⁴² This act granted the special courts the authority to handle terrorism, subversion, and sabotaged cases. Additionally, this special court was to deal with booked offences, which covered any violations of the Arms Act of 1878, West Pakistan Arms Ordinance of 1965, Railway Act of 1890, Telegraph Act of 1885, 1937 Act, 1908 Act, and Anti-National Activities Act of 1974. The magistrates of these special courts were supposed to be chosen after consultation with the respective Chief Justices of the High Courts in which these tribunals were constituted. This legislation also gave the Federal as well as the Provincial governments the power to create special courts throughout Pakistan. These courts were primarily established to expedite the criminal justice process. Any judgment may be made by the judges of these courts, and the suspect had the right to appeal within one month to the High Court, which had three months to reach a verdict over a bench of at least two judges. Furthermore, the law allows for the suspect to be tried in absentia if they have already appeared in court at least once. Additionally, this legislation allowed for the trials of fugitives. The law also prohibited proceedings from being postponed, despite the fact that doing so would be critical to the interest of justice. The legislation was specifically created on the assumption that the accused may be convicted until and unless he is demonstrated to be innocent since it states that:

³⁴² Muhammad Imran and Rao Qasim Idrees, "Anti Terrorism Legal Framework in Pakistan and Challenges before the Criminal Justice System," *Pakistan Journal of International Affairs* 3, no. 2 (2020): 240

“If the suspect is found holding anything that may be used in any specific offense or if arrested in the environment which tends to raise a rational doubt that the suspect has committed any specific offense when arrested.”³⁴³

The fact that the defendant was required to be deemed innocent unless found guilty in court generated serious human rights concerns. The National Awami Party (NAP) was proscribed under the legislation, and Abdul Wali Khan's indictment was held in the presence of these special tribunals as a consequence of the judgments.

B. Terrorist-Affected Areas (Special Courts) Ordinance (1990)

The Suppression of Terrorist Activities (Special Courts) Act of 1975 remained in force until 1997, when it was repealed and replaced by the Anti-Terrorism Act (ATA).³⁴⁴ However, other statutes and ordinances were established in the interval that supported or aided the existing 1975 law. Two notable ordinances or acts that were introduced during this interim period were the Terrorist-Affected Areas (Special Courts) Ordinance (1990), which later became a law after being approved by Parliament, and the Special Courts for Speedy Trial Ordinance (1987), which had previously been in effect from 1987 to 1989. These tribunals were given the authority to hear cases that the provincial governments deemed to be gruesome, cruel, and sensational and shocking to public morality or lead to public outcry.³⁴⁵ Terrorist-Affected Areas (Special Courts) Ordinance (1991), which President Ghulam Ishaq Khan once more issued and which was later approved by the Parliament to become a legislation in 1992, provided the federal

³⁴³ Reporter, "Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment," review of Reviewed Item, *Newspaper*, Issue Date 1988, Available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/body-principles-protection-all-persons-under-any-form-detention>.

³⁴⁴ "Terrorist Affected Areas (Special Courts) Act, 1992 (X of 1992)."

³⁴⁵ Reporter, "Unodc/Tpb Workshop on International Cooperation in Terrorist Cases " review of Reviewed Item, *Newspaper*, Issue Date 2008, Available at https://www.sindhhighcourt.gov.pk/downloads/source_files/UNODC.pdf.

government with the authority to designate any territory as being affected by terrorism and to establish special courts in the locality.

C. Anti-Terrorism Act (ATA), 1997

During the tenure of Prime Minister Nawaz Sharif, Anti-Terrorism Act (ATA), 1997 was promulgated, which was one the most serious efforts of creating a legal environment to tackle the issue of terrorism.³⁴⁶ The Act elaborately defined terrorist's act(s) by stating:

“A person is said to commit a terrorist act if he, (a) in order to, or if the effect of his actions will be to, strike terror or create a sense of fear and insecurity in the people, or any section of the people, does any act or thing by using bombs, dynamite or other explosive or inflammable substances, or such fire-arms or other lethal weapons as may be notified, or poisons or noxious gases or chemicals, in such a manner as to cause, or be likely to cause, the death of, or injury to, any person or persons, or damage to, or destruction of, property on a large scale, or a widespread disruption of supplies of services essential to the life of the community, or threatens, with the use of force public servants in order to prevent them from discharging their lawful duties; or (b) Commits a scheduled offence, the effect of which will be, or be likely to be, to strike terror, or create a sense of fear and insecurity in the people, or any section of the people, or to adversely affect harmony among different sections of the people; or (c) Commits an act of gang rape, child molestation, or robbery coupled with rape as specified in the

³⁴⁶ Huma Yusuf, "Pakistan's Anti-Terrorism Courts," *Combating Terrorism Center* 3, no. 3 (2010): 23-24

Schedule to this Act; or (d) Commits an act of civil commotion as specified in section 7A ”.³⁴⁷

(Section-6, The Anti-Terrorism Act, 1997)

Section 5(2, ii and iii) of the Act provided unprecedented powers to people of law enforcement to detain any particular individual as well as raid any house without arrest warrant. Investigation of the cases was expedited as Section 19 and 19(2) called for investigators to complete investigation within seven days while the courts were authorized to extend this investigation period if a case warrant so. Section 27 also imposed punishment of two months' imprisonment to investigation officers if they were found guilty with regards to investigation. Continuing with previous arrangements, the Act also authorized through Section 19 the special courts to try any accused in absentia if the court had appointed an advocate to defend him/her and trial was completed in seven days.³⁴⁸ Section 7 of the Act declared death punishment for a convict whose act caused death to others while minimum imprisonment was also seven years to life imprisonment in other cases. Same imprisonment was applicable to those who were found guilty of spreading sectarian hatred. Section 20 gave an interesting lower ceiling of the punishment when judges were mandated to give maximum punishment to those who are found guilty and were bound to give reasons if someone awarded with lesser punishment. Section 39 provided protection to law enforcement personnel against prosecution against their act committed in good faith.

³⁴⁷ Hidayat Ur Rehman, "Analyzing Definition of Terrorism as Contained in Anti-Terrorism Act, 1997 in Perspective of Principle of Legality with Emphasis on Element of Intention and Issues Ancillary to It," *Pakistan Journal of Criminology* 10, no. 3 (2018): 21-22

³⁴⁸ Shabana Fayaz, "Responding to Terrorism: Pakistan's Anti-Terrorism Laws," *Perspectives on Terrorism* II, no. 6 (2008): 12-13

D. Anti-Terrorism (Amendment) Ordinance 2002

Anti-Terrorism (Amendment) Ordinance 2002 was introduced in January 2002 to revise and alter the Anti-Terrorism Act 1997 by adding the Fourth Schedule as well as including a new section.³⁴⁹ The revision in the Act was basically focused on targeting the terrorist networks by giving serious punishments to the confirmed accused who were involved in providing certain assistance as well as aid in terms of terrorism as well as sectarianism. Moreover, Federal as well as provincial governments were also authorized to include any individual in the Fourth Schedule who was reported or suspected to be included with any banned organization. Including any specific individual in the Fourth Schedule gave the law enforcement agencies power to overlook the bond or the conduct of the individual or even arrest him/her, if he fails to fill the bond. The law-enforcement agencies were also authorized to track the whereabouts of the suspect in addition to restriction of their movement and investigation of assets belonging to him or his family. Additionally, the ordinance amended the Anti-Terrorism Act of 1997 to include a provision stating that the plaintiffs and their legal guardians have a right to properly appeal the motion for summary judgment. As the Anti-Terrorism (Amendment) Ordinance 2004 was incorporated into the state through legislation, more adjustments were made to the ATA 1997. According to the revised legislation, punishment of culprits of terrorism in any form was increased from 14 years to life imprisonment, however they were given the right to go against the decision of Anti-Terrorism courts and appeal in High Court.³⁵⁰

³⁴⁹ Ayesha Jawad, "An Evaluation of Anti-Terrorism Laws in Pakistan: Lessons from the Past and Challenges for the Future," *Security and Defence Quarterly* 2022, 18-20, Available at <https://securityanddefence.pl/An-evaluation-of-anti-terrorism-laws-in-Pakistan-Lessons-from-the-past-and-challenges,144192,0,2.html>.

³⁵⁰ "Anti-Terrorism (Amendment) Ordinance, 2002", Available at <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/64759/88940/F1046432377/PAK64759.pdf>.

E. Anti-Terrorism (Second Amendment)

In 2005, further amendments were introduced in ATA 1997, as Anti-Terrorism (Second Amendment) was passed through legislation. According to this legislation, “14-years” was replaced by “Imprisonment for Life” for the culprits (militants). The Amendment also permitted to constitute the special benches of High Courts to hear the appeals of victims or their legal heirs.³⁵¹ A special bench of two judges was constituted for this purpose. Moreover, the act also permitted the Anti-terrorism courts to try abduction or kidnapping for ransom as well as the use of arms and explosives in the place of worship or in the premise of court.

F. Anti-Terrorism (Amendment) Ordinance

In 2008-2009 when militancy in the country got a further flip, the government felt the need for initiating military operations and thus operation in South Waziristan was started in May 2009 while operation in Swat was initiated in October 2009. During these operations as well as during actions across the country, the security forces and government felt the need for further tightening existing anti-terrorism laws so that their fight against militancy could be more productive. Therefore, Anti-Terrorism (Amendment) Ordinance was issued that permitted acceptance by Anti-Terrorism Court the confession of the accused before a responsible investigation officer. The Ordinance also provided legal cover to the remand time by increasing it from existing 30 days to 90 days. On the negative side, it was the accused who was to present a proof of his/her innocence in case he/she is accused of committing an act of terrorism. Due to limitations of regions/ provinces, a special presidential order was issued to extend this Ordinance into

³⁵¹ "Anti-Terrorism (Second Amendment) Act, 2004 (Act No. Ii of 2005).", *National Assembly of Pakistan*, Available at https://www.ilo.org/dyn/natlex/natlex4.detail?p_classcount=61&p_classification=01.04&p_count=489&p_country=PAK&p_isn=81775&p_lang=en.

provincially administered tribal areas (PATA) thus new Anti-Terrorism Courts were established not only Peshawar but also in Malakand which was basically a PATA area.³⁵²

G. Anti-Terrorism (Amendment) Act 2013

In 2013, another act was introduced by the Government of Pakistan which was named as the Anti-Terrorism (Amendment) Act 2013. This act was basically introduced to alter the existing Anti-Terrorism laws. This alteration provided law enforcement agencies the powers to freeze, seize as well as detain the property or money of any individual who is allegedly using it for financing acts of terrorism. This amendment also incorporated a foreign governments or population or an international organization in the meaning of defining the threat of terrorism to broaden the horizon of terrorist acts.

H. Actions (in Aid of Civil Power) Regulation, 2011

In addition to anti-terrorism laws and amendments that have been introduced over time, certain innovative laws have been introduced to provide requisite legal cover for armed forces to operate in certain areas to fight militants. The government introduced the Actions (in Aid of Civil Power) Regulation in 2011.³⁵³ This guideline was tuned up per Article 245 of the Constitution of the State of Pakistan, which defines the formal requests of security forces to aid civil powers. The regulation, inter alia, authorized armed forces to intern a person whom they believe, in good faith, to have any involvement in acts of terrorism either directly or helping others in this regard. The regulation also gave credence to the statement/ deposition of a member of armed forces before the Court and thus his/her statement would be deemed sufficient for sentencing any accused. The regulation also gave legal cover to members of armed forces to

³⁵² Yusuf, "Pakistan's Anti-Terrorism Courts," 24.

³⁵³ "Actions (in Aid for Civil Power) Regulation, 2011 Pakistan," *International Humanitarian Law Databases*, 27 June 2011, Available at <https://ihl-databases.icrc.org/en/national-practice/actions-aid-civil-power-regulation-2011>.

intern a person without any trial in court of law and that any abuse of authority by a member of armed forces will have to be investigated by armed forces themselves providing armed forces completely free hand though a provision of an Oversight Board (which was required for each internment center) was to be setup comprising two military officers and two civilians officers to review the cases in a specific period of time that may not exceed four months after the issuance of order of imprisonment.³⁵⁴ With the view to remove anomalies and issues with regards to collect evidence for sentencing an accused of terrorism, Investigation for Fair Trial Bill, 2012 was introduced. This bill not only authorized the state to intercept private communication, by using modern techniques and devices, between individuals who are suspected to be involved in terrorist activities.

I. Protection of Pakistan Act 2014

The Protection of Pakistan Act 2014 was enacted by the Pakistani government in July 2014. It included provisions for defense against guerrilla warfare against Pakistan, the prohibition of activities threatening Pakistan's security, and the swift punishment of terrorism-related offenses.³⁵⁵ The Act also gave law enforcement agencies the authority to shoot on sight anyone suspected of terrorism-related activities, as well as search any specific location and arrest anyone without a warrant from a court or any authorized individual who has already committed or is suspected of committing an offence. Additionally, the constitution gives law enforcement authorities the power to keep a suspect in detention for a maximum of 90 days before presenting

³⁵⁴ Reporter, "Pakistan: Immediately Revoke Oppressive Khyber Pakhtunkhwa Actions (in Aid of Civil Power) Ordinance," review of Reviewed Item, *Newspaper*, Issue Date 2019, Available at <https://www.icj.org/pakistan-immediately-revoke-oppressive-khyber-pakhtunkhwa-actions-in-aid-of-civil-power-ordinance/>.

³⁵⁵ "Protection of Pakistan Act 2014," *International Humanitarian Law Databases*, 14 July 2014, Available at <https://ihl-databases.icrc.org/en/national-practice/protection-pakistan-act-2014>.

him to courtroom for conviction.³⁵⁶ In order to accelerate the complainant's sentencing, the legislation also allowed the Pakistani government to create a new team of investigators and a separate judicial branch. Furthermore, the legislation includes in the act of terrorism individuals who may exploit Pakistani soil to carry out the act of terrorism in any other state. Additionally, the appellate court has been changed from the High Court to the Supreme Court of Pakistan for suspects who wish to appeal the decisions of special courts.

5.2 Relating Counter-Terrorism Laws with Pak-Afghan Border

Before the US invasion of Afghanistan in 2001, the Pakistan-Afghanistan border was legitimately accessible, and nationals of both countries were free to cross it. However, Pakistan's involvement in Soviet-Afghan conflict during 1980's with the support of US had its impacts on the internal security situation of Pakistan as well. Drug and gun culture were introduced in the country as religious, ethnic and political rivalries were armed for the elimination of their rivals. The military was virtually granted charge of Karachi city to reestablish the government's authority when the law-and-order situation deteriorated in the country's financial hub.³⁵⁷ Though the situation was passively controlled after a large-scale military operation, completely eliminating the criminals was not possible.

Following the 9/11 tragedy, the US declared a global War on Terrorism, targeting Al Qaeda and Taliban. US Secretary of State Colin Powell in a telephone argument with the President of Pakistan, General (R) Pervez Musharraf said that " Either You or with US or against US". Pakistan was in no position to negate US due to its political instability and serious economic

³⁵⁶ National Legislative Bodies, "Pakistan: Act No. X of 2014, Protection of Pakistan Act, 2014," *Ref World*, 14 July 2014, Available at <https://www.refworld.org/docid/534799234.html>.

³⁵⁷ Mehreen Zahra-Malik, "Pakistan Military's Move on Karachi Seen Part of Creeping Coup," *Reuters*, 27 April 2015, Available at <https://www.reuters.com/article/pakistan-karachi/insight-pakistan-militarys-move-on-karachi-seen-part-of-creeping-coup-idINKBN0NI04B20150427>.

crisis. It was also facing international isolation and sanctions due to previously conducted nuclear attacks as well as military leadership ruling the country. Hence, it agreed to become a front-line ally of US in its War on Terror. However, after almost two decades, it is argued that Pakistan settled for the very least gains and accepted to join the US in its War on Terror with no demands and negotiation. Public opposition to this agreement was variably witnessed as the pro-Taliban elements in Pakistan were against the decision of the state of Pakistan, and in retaliation, terrorist activities began across the country. The War on Terror began in Afghanistan with US and NATO forces fighting against the Taliban regime. With over 2600 km long and an uncluttered Pak-Afghan border, Afghans once again migrated to Pakistan and spread to various cities of the country. The Border Securitization Theory provides a critical framework for understanding Pakistan's response to the evolving security threats of cross-border militancy and migration. As the influx of Afghan refugees increased and non-state actors exploited the porous border for militant activities, Pakistan framed the Pak-Afghan border as a significant security concern, necessitating extraordinary measures. The securitization of the border was not merely a function of controlling immigration. Still, it was positioned as an essential strategy to combat terrorism, protect national integrity, and prevent the spillover of the Afghan conflict into Pakistan. This led to intensified military operations, border fortifications, and intelligence-based actions aimed at neutralizing transnational militant networks. The securitization process also influenced Pakistan's domestic counterterrorism policies, as security agencies sought to curtail the movement of extremist groups and dismantle their operational bases. However, while securitization facilitated a stronger state response, it also created diplomatic challenges, particularly in managing bilateral relations with Afghanistan and addressing humanitarian concerns related to refugee management. Consequently, the securitization of the Pak-Afghan

border has remained a key pillar of Pakistan's counterterrorism and national security strategy, shaping its military and policy responses in the post-9/11 era.

Over three million Afghan refugees have been estimated to reside in Pakistan for more than a decade since 2001, which seriously impacted the security situation of the state. As the US invaded Afghanistan, militancy and violence in the former FATA region of Pakistan made it critically important for Pakistan, Afghanistan as well as the US. The region was suspected of providing a safe haven to the Taliban, Al-Qaeda, and other extremist groups conducting their operations in Pakistan and Afghanistan. As the region became a hub of conflict and the writ of the Pakistani state was challenged by the non-state actors, the Pakistani military initiated to re-establish its writ by launching full-scale operations in the territory. As the military government in Pakistan was followed by a democratic government of the Pakistan People's Party, the country was facing a serious security crisis.³⁵⁸ Bomb blasts, target killings, and the widespread presence of militants in the provincial capitals of Pakistan had impacted the socio-economic stability of the country, and hence, a need for diversifying the operational capacity of Pakistani security forces was widely felt. The incident of APS Attack, Peshawar in 2014 in which 149 school children lost their life brought a policy shift in Pakistan as the civil and military government after thorough consultation devised a National Action Plan (NAP) to comprehensively address the issue of terrorism and extremism. Military courts were introduced as well, which were though widely criticized by the independent observers and analysts however criminals and terrorists

³⁵⁸ Reporter, "Pakistan: Summary of Key Political Events During the Period August 2008 to October 2008; Changes in the Availability of State Protection, in the Security Situation and in the Human Rights Situation During That Period," review of Reviewed Item, *Newspaper*, Issue Date 2008, Available at <https://www.refworld.org/docid/49913b5f59.html>.

were penalized in accordance with their offence.³⁵⁹ Though terrorism and militancy primarily impacted the security situation of the country after US invasion in Afghanistan, the issue of terrorism has impacted the security situation of the country since the era of Prime Minister Zulfiqar Ali Bhutto and hence difference laws have been passed by the successive governments of Pakistan since then. A detailed account of Pakistan's counter-terrorism legislation and its current status is being outlined in the following table. Data has been gathered for different sources in order to highlight the legislations which were replaced or amended by the Government of Pakistan in accordance with the requirement of the situation.

S. No	Year	Ordinance/ Legislation	Repealed/ Amended	Replaced by
1.	1974	Anti-National Activities Act	Federal Investigation Agency Act, 1974	----
2.	1975	Suppression of Terrorist Activities (Special Courts) Act	Suppression of Terrorist Activities (Special Courts) Act, 1992	--
3.	1990	Terrorism Affected Areas (Special Courts) Ordinance	Anti-Terrorism Act (ATA), 1997	--
4.	1992	Terrorism Affected Areas (Special Courts) Legislation	Anti-Terrorism Act (ATA), 1997	--
5.	1997	Anti-Terrorism Act (ATA)	--	Continued
6.	2002	Anti-Terrorism (Amendment) Ordinance	Protection of Pakistan Act, 2014	
7.	2005	Anti-Terrorism (Second Amendment)	Anti-Terrorism (Amendment) Act, 2013	--
8.	2009	Anti-Terrorism (Amendment) Ordinance	Anti-Terrorism (Second Amendment) Act, 2013	--
9.	2011	Actions (in Aid of Civil Power) Regulations	Actions (in Aid of Civil Power) Regulations, 2019	--
10.	2012	Investigation for Fair Trial Bill	--	Investigation for Fair Trial Act, 2013
11.	2013	Anti-Terrorism (Amendment) Act	--	Terrorism (Prevention) (Amendment) Act, 2013
12.	2014	Protection of Pakistan Act	Amended by The Protection of Pakistan (Amendment) Ordinance, 2014	Replaced by the 21 st Amendment to the Constitution of Pakistan

Pakistan's Counter-Terrorism Legislation & Current Status

³⁵⁹ Salma Kalim and Fauzia Janjua, "# Weareunited, Cyber-Nationalism During Times of a National Crisis: The Case of a Terrorist Attack on a School in Pakistan," *Discourse & Communication* 13, no. 1 (2019): 69-70

New legislations as well as amendments to certain legislations were introduced by the Parliament of Pakistan in accordance with the situation and need of the time. The need for counter terrorism laws and its relevance with Pak-Afghan border is well established as terrorists, militants and criminals apprehended in Pakistan primarily were Afghan nationals in origin or were linked to any Afghan militant group. Certain apprehended terrorists have been found to work on behest of RAW as well. Their planning, funding and tactical training was usually found out to be carried out in different cities of Afghanistan and their point of entrance in Pakistan was the open and porous border between two states where no security mechanism facilitated the activities of these militants. The idea of fencing Pak-Afghan border was based on the fact that militants crossed the border on regular basis as it was open and vulnerable. Militants entered in to Pakistan through open spaces, conducted their activities and went back within no time; hence their apprehension was impossible for Pakistan's law enforcement agencies. Operations in former FATA, Karachi as well as other cities of the country helped the security forces to arrest the militants and treat them in Pakistani courts according to the devised laws of counterterrorism. From a Neoclassical Realist perspective, Pakistan's counterterrorism laws and border fencing initiatives were driven by both systemic and domestic factors. The persistent infiltration of militants from Afghanistan, often backed by external actors like RAW, posed a direct security threat, compelling Pakistan to enhance border control. At the same time, internal political dynamics, including governance challenges in FATA and Karachi, necessitated a strong legal framework to ensure the effective prosecution of militants. Pakistan's decision to fence the border and enforce counterterrorism laws was a strategic response shaped by the interplay of external pressures and internal stability requirements

5.3 Pakistan's First National Internal Security Policy (2014)

Government of Pakistan unveiled its first "National Internal Security Policy" (NISP) on February 25, 2014, ostensibly to combat terrorism and extremism in the nation. The first part of the NISP, which is classified, discusses both administrative and operational issues.³⁶⁰ The second is strategic approach, which emphasizes on targeted speech, military activities, and how a communication breakdown could necessitate military engagement. The operational component, which is closely related to Joint intelligence cooperation, is the third and final part of NISP document. The main objective of NISP was to launch military operations in the FATA regions in an effort to eliminate terrorists.³⁶¹ In the period following, it produced some favorable outcomes for the state as reduction in militancy and terrorism was witnessed. Dialogue, isolation, and deterrence were the three underlined components of the NISP-2014 security framework.³⁶² The objective of dialogue was to use political discourse to settle disputes. Although it was made abundantly made clear that negotiations will take place within the constraints of the constitution, the role of dialogue or political negotiations was expanded to include both non-state and anti-state actors.³⁶³ Isolation was viewed as a strategy to use in order to financially, democratically, lawfully, morally, and validly disassociate militant organizations. Last but not least, deterrence referred to improving the ability of intelligence and security departments to handle both conventional and unconventional potential threats.³⁶⁴ The policy considered integrating the soft and hard components to address numerous challenges influencing the state in order to attain the aforementioned objectives. Due to the realization that militancy and extremism cannot be

³⁶⁰ Abdul Basit, "Pakistan," *Counter Terrorist Trends and Analyses* 7, no. 1 (2015): 41-42

³⁶¹ Saiful Islam, Sajjad Ali, and Hassan Shah, "Pakistan's Approach toward National Security Strategy (2014-2020)," *Turkish Online Journal of Qualitative Inquiry* 12, no. 10 (2021): 2540

³⁶² Raza Rumi, *Charting Pakistan's Internal Security Policy* (JSTOR, 2015), 2-3.

³⁶³ Ibid.

³⁶⁴ Ibid.

eradicated just through the application of hard or military means, the Comprehensive Response Plan (CRP) was designed as the soft component of NISP.³⁶⁵ To do this, it was resolved to win the public's confidence and belief by engaging them in every facet of the campaign to cleanse society of this threat. Multifaceted approaches were necessitated because sociopolitical, religious, or cultural marginalization are the main drivers of radicalization and militancy. The government was also aware of the tangible and unforeseen ramifications of its military engagements. The CRP also included initiatives for rebuilding completely destroyed or decimated infrastructure. The NISP's hard component was dubbed the Composite Deterrence Plan (CDP).³⁶⁶ De-weaponizing society, prohibiting the misuse of social networking sites and the dissemination of extreme ideas, reforming religious schools, and controlling the national database were among the initiatives. Inter-coordination amongst security-related ministries and intelligence services was additionally addressed. NISP 2014 was broadly acknowledged as the first all-encompassing security plan presented by the civilian leadership, yet it had some limitations. It was critiqued by academics for its ostensibly all-encompassing assertions and poor implementing methods. More focus was given to external threats than internal factors or situations that contributed to extremism and acts of terrorism.

5.4 National Counter-Terrorism Authority Bill/ Establishment of NACTA

National Counter-Terrorism Authority Act was passed by the Parliament of Pakistan in March, 2013 to establish a new agency named as National Counter-Terrorism Authority (NACTA). This organization was established as a focal institute to jointly determine the state's response for the scheduling, combating, collaborating, and application of government policies

³⁶⁵ "New Security Policy and National Narrative," *Daily Times*, 28 March 2014, Available at <https://dailytimes.com.pk/105324/new-security-policy-and-national-narrative/>.

³⁶⁶ Waseem Ullah et al., "Pakistan's Counter Terrorism Policies to Curb the Menace of Terrorism," 24-25

through thorough strategy implementation and crucial subsidiary mechanisms to subdue and eliminate the terrorism threat. which can be viewed as an introspective threat to the nation.³⁶⁷ It was felt by the relevant government institutes that addressing the issue of terrorism was not possible without cooperation and proper coordination of various government departments, which was not up to the mark and hence there was a dire need to establish an agency which is responsible for not only providing the necessary coordination and execution but also provides strategic guidance over the issues of national importance. NACTA was to be managed by a Board of Governors that was chaired by the Prime Minister of Pakistan and was made up of federal, provincial, and heads of intelligence, as well as law enforcement organizations.³⁶⁸ This structure was established by a legislation that was enacted by the Pakistani parliament. One of the important responsibilities of NACTA was to collect and collate the intelligence from various sources and disseminate the information to the pertinent stakeholders. Moreover, NACTA was also responsible to constitute the counter-terrorism policies and strategies and develop the action plans and carryout research on extremism and terrorism and liaison with the international agencies of the similar nature.

5.5 Pakistan's Counter-terrorism Policy: An Overview (3-Ds approach of Deterrence, Development and Dialogue)

Given the substantial challenge of militancy, Pakistan was unable to formulate a clear and specific counter-terrorism policy for more than a decade. Pakistan had also implicitly adopted a three-pronged counter-terrorism and extremism strategy: deterrence, development, and dialogue.

³⁶⁷ Reporter, "The National Counter Terrorism Authority Act, 2013 (Act No. Xix of 2013)," review of Reviewed Item, *Newspaper*, Issue Date 2013, Available at https://www.ilo.org/dyn/natlex/natlex4.detail?p_count=96347&p_isn=96216&p_lang=en.

³⁶⁸ Reporter, "Nacta- Federal Provincial Coordination Framework," review of Reviewed Item, *Newspaper*, Issue Date December 2018, Available at <https://www.unodc.org/documents/pakistan/Federal-Provincial-Coord-Framework-Web.pdf>.

The policy's deterrence component aimed to develop security measures that keep terrorist groups from carrying out terror acts. The development aspect was indeed involved with the political progression of the general populace so that they do not become victims of terrorism and extremism as a result of socio-economic and political issues that force individuals to use violence to accomplish their objectives. Pakistan has been dealing with the fallout from the US "War on Terror" since 9/11 and the US invasion of Afghanistan, with recent estimates indicating that more than 83,000 people lost their lives, in addition to significant financial losses.³⁶⁹ In order to provide such a basis for future study of Pakistan's National Internal Security Policy and to assess and evaluate efficacy of Pakistan's counter-terrorism policy in terms of the country's security situation, these dimensions have been explained in the subsequent sub-sections.

A) Deterrence – Banning Militant Outfits and Military Operations

A paradigm shifts in Pakistan's militancy strategic plan and its approach to Afghanistan and the Taliban was introduced after the terrorist attacks on Twin Towers in United States followed by the US invasion of Afghanistan. When the US made the decision to strike Afghanistan, Pakistan was under enormous pressure to either join the fight against terrorism or face the repercussions. As a result, Pakistan severed ties with the Afghan Taliban while also providing "logistic support" to the US and International Security Assistance Forces (ISAF).³⁷⁰ After the invasion, the Afghan Taliban uniformly distributed across many surrounding states, including Pakistan's tribal areas, where the ground situation enabled them to integrate in the domestic population. Taliban and Al-Qaeda militants assembled in Pakistan's bordering regions posed a threat to US/ISAF/NATO troops in Afghanistan because every one of these terror groups used

³⁶⁹ Sana Jamal, "83,000 Lives Lost in Pakistan's War on Terrorism," *Gulf News*, 12 January 2021, Available at <https://gulfnews.com/world/asia/pakistan/83000-lives-lost-in-pakistans-war-on-terrorism-1.76428064>.

³⁷⁰ Talat Hussain, *U. S. -Pakistan Engagement: The War on Terrorism and Beyond* (Diane Publishing Company, 2009), 2-3.

these territories to reconstitute and attack the foreign troops.³⁷¹ Locals were radicalized as a result of their extended presence in this region, resulting in the establishment of many militant organizations that were either directly involved in the conflict in Afghanistan or publicly supported the insurgents. As a result, tribal areas in Afghanistan continued to be indoctrinated, posing a serious threat to both Pakistan and the international forces stationed there. Pakistan's strategy in this regard was modified when a number of militant organizations were declared illegal. As of October 2021, seventy-eight (78) militant organizations have been banned by the Government of Pakistan as according to the list provided by NACTA on its official website.³⁷² Despite a nationwide crackdown and crackdown on militant organizations, political violence in the state had remained undeterred. Pakistan also had conducted military operations against terrorist organizations and militancy. The Pakistani military took part in the US Operation Enduring Freedom (2001-2002) as well as several other military operations in different regions of the country, most notably the Federally Administered Tribal Areas (FATA) and Provincially Administered Tribal Areas (PATA). Following operations were conducted in FATA and PATA regions of Pakistan.

1. Operation Enduring Freedom (2001-2002)
2. Operation Al-Mizan in FATA in South Waziristan (2002–2006).
3. Operation Rah-e-Haq (the Path of Truth) October-November 2007
4. Operation Zalzalā in South Waziristan (2008).
5. Operation Sirat-e-Mustaqeem (Right Path) June 2008

³⁷¹ J.J. Collins, *Understanding War in Afghanistan* (National Defense University Press, 2011), 84.

³⁷² Reporter, "78 Organizations Proscribed by Ministry of Interior U/S 11-B-(1) R/W Schedule-I, Ata 1997," review of Reviewed Item, *Newspaper*, Issue Date 2022, Available at <https://nacta.gov.pk/wp-content/uploads/2018/12/Proscribed-OrganizationsEng-3.pdf>.

6. Operations Sher-Dil in Bajaur Agency (September,2008).
7. Operation Rah-e-Haq (November,2007)
8. Operation Rah-e-Rast in Swat (2007-2009).
9. Operation Rah-e-Nijat in South Waziristan (2009-2010).
10. Operation Koh-e-Sufaid (White Mountain) July 2011.
11. Operation Khyber-1 in Khyber Agency (2014).
12. Operation Zarb-e-Azb in North Waziristan (2014-2016).
13. Operation Radd-ul-Fasaad (February 2017-2022).

TTP and its affiliates were the target of nearly all of the given operations. However, the success of these operations was limited, especially in light of the ongoing violence perpetrated by TTP and its affiliates, whom these operations were supposed to crush. TTP continues to exist despite the fact that these operations have harmed militants and cost the organization heavy men and material losses. Despite suffering military setbacks during Zarb-e-Azb and Khyber-1, the banned group showed off its planning and implementation skills by carrying out a deadly attack on Peshawar Army Public School on December 16, 2014, which resulted in the killings of over 142 people. TTP is an example of a more decentralized and distributed organization, especially in terms of organizing and carrying out aggressive activity.³⁷³ They are also prone to foundation shifting. As a result, whenever power is used, various TTP cadres relocate to a new base, while

³⁷³ Abubakar Siddique, *The Pashtun Question: The Unresolved Key to the Future of Pakistan and Afghanistan* (Hurst & Company, 2014), 104.

others fight alongside the forces in the operational area.³⁷⁴ As a result, the number of men and materials lost to TTP is always limited, making force ineffective in combating TTP. This means that using force alone will not be enough to put an end to the militancy unleashed by the TTP, and Pakistan will have to continue to face the brutality of Organizations like the TTP until it is defeated. From a Neo-Classical Realist perspective, Pakistan's continued struggle with the TTP reflects the complex interaction between external security pressures (Afghanistan, India, regional instability) and internal political, social, and military constraints. Military force alone, as demonstrated by operations like Zarb-e-Azb and Khyber-1, is insufficient to eliminate TTP due to the group's decentralized structure, ideological resilience, and ability to relocate. Pakistan's approach to counterterrorism needs to be multifaceted, incorporating political, social, and diplomatic strategies to address both the root causes and operational tactics of the TTP.

B) Development – A Second Dimension

Militancy is inextricably linked to economic development. Economic development is only possible if there is peace. Peace can only be guaranteed when people grow economically, culturally, and constitutionally. Despite the fact that there is a strong correlation between insurgency and macroeconomic growth that is well-documented, socioeconomic development ought to have been given a higher priority. Furthermore, FATA militancy has been linked to a lack of political rights.³⁷⁵ While Pakistan's overall economy is suffering from a variety of issues, security concerns are at the top of the list. The Federally Administered Tribal Areas will be targeted in particular to focus on the developmental aspects of the 3-D policy, as they are

³⁷⁴ Qandeel Siddique, *Tehrik-E-Taliban Pakistan: An Attempt to Deconstruct the Umbrella Organization and the Reasons for Its Growth in Pakistan's North-West* (DIIS Report, 2010), 9-10.

³⁷⁵ Erum Ayaz, "Peace and Development in Fata through Economic Transformation," *TIGAH: A Journal of Peace and Development* 1, no. 2 (2012): 81-82

regarded as a breeding ground of militancy in Pakistan.³⁷⁶ However, due to ongoing unrest in troubled areas, particularly in FATA, socioeconomic development has slowed.

According to the Economic Division of the Pakistani Embassy in the US, a strategic development plan with a budget of US \$2.06 billion, of which US \$1.0 billion was to be paid by the Pakistani government and \$750 million by the US government over a five-year period, was launched in the FATA Development Plan with the goal of improving economic and social conditions of the people in order to mainstream them on a sustainable basis.³⁷⁷ The remaining \$250 million was to be raised by encouraging the international community to participate. Reconstruction Opportunity Zones (ROZs) have been negotiated between Pakistan and the US for more than six years, especially in FATA's terror-affected regions, with the stipulation that products manufactured there will enjoy duty-free accessibility to the US market. The US government was not able to obtain congressional authorization. Therefore, the project was discontinued.³⁷⁸ Militancy has been on the rise in Pakistan during the last two decades. For economic development, FATA lacks an institutional framework, relying on the federal government to plan, execute, and allocate resources. FATA was unable to establish relevant institutions focusing on resource management. In 2002, the FATA task force, secretariat, and development authority were established. FATA is not self-sufficient when it comes to planning, organizing, and carrying out economic development programs with its own officials.³⁷⁹ Regardless of that, the Pakistani government has formally established the Multi-Donor Trust

³⁷⁶ Shuja Nawaz, *Fata--a Most Dangerous Place: Meeting the Challenge of Militancy and Terror in the Federally Administered Tribal Areas of Pakistan* (CSIS Press, 2009), 37.

³⁷⁷ Embassy of Pakistan, "Federally Administered Tribal Areas (Fata) Development (2000-2015)," *Economic Division* 2008, Available at <https://embassyofpakistanusa.org/wp-content/uploads/2017/05/FATA-Development-Program-2008.pdf>.

³⁷⁸ Kalbe Ali, "Us Withdraws Rozs Offer," *Dawn*, 10 November 2012, Available at <https://www.dawn.com/news/762952/us-withdraws-rozs-offer>.

³⁷⁹ Mehreen Farooq, M Hedieh, and Z Waleed, "Developing Fata, a White Paper for Usaid," *A white paper prepared for United States Agency for International Development* (2009)

Fund (MDTF) scheme titled *"The Economic Revitalization of Khyber Pakhtunkhwa and Federally Administered Tribal Areas (FATA),"* which aimed to *"Support SMEs, attract Diaspora investment, and strengthen institutional capacities to foster investment and implement regulatory reforms."*³⁸⁰ The FATA Development Authority has developed various projects ranging from small dams to solar energy, minerals, skill development, and industry. The small dams project has seen the completion of the Moto Shah Dam in Mohmand Agency, Zao Small Dam in Khyber Agency, Dargai Pal Small Dam in South Waziristan Agency, and Dandy Small Dam in North Waziristan Agency. This MDTF project also included the completion of a number of additional projects, including the Sheen Kach Dam in the FR Tank, the Kand Small Dam in the North Waziristan Agency, the Raghagan Dam in the Bajaur Agency, and the Gandao Dam in the Mohmand Agency.³⁸¹ Youth from FATA are given training in a range of different Pakistani institutions, with the FATA Development Authority's Skills Development Department overseeing these programs.³⁸² The 3-D policy's development aspect has not been effectively applied. These efforts will not be sufficient to make substantial change within the society. Development in FATA will only be possible if the region's security situation improves. People's economic conditions have already been harmed as a result of the two-decades-long conflict in Afghanistan and operations in tribal areas of Pakistan. The real development of the region could begin if the government pays special attention to resource mobilization and the development of necessary institutional structures, including those that fall under its jurisdiction. The tempo with

³⁸⁰ Asian Development Bank et al., "Khyber Pakhtunkhwa and Federally Administered Tribal Areas: Post-Crisis Needs Assessment," (The World Bank Group, 2010).

³⁸¹ "Small Dams Power Integrated Ongoing and Completed Projects," Available at <http://fatada.gov.pk/small-dams-power-integrated-ongoing-and-completed-projects/>.

³⁸² FATA Development Authority's Skills Development Department, "Skills Development Plan (Fata)," October 2012, Available at <https://tvetreform.org.pk/wp-content/uploads/downloads/Reports%20and%20Publications/FATA%20plan%20after%20workshops%20update%2015Oct12.pdf>.

which civilian political institutions can effectively deliver within the region will actually determine the future of militancy. Militant groups have been taking advantage of the situation in the past; however, now the political, social, and economic development of tribal administrative units has been prioritized by the KP government. In comparison to the past, with the improved security and socioeconomic situation and the political inclusion of the masses within the system, the influence of non-state actors within the region has been tremendously reduced.

C) Dialogue – Third Aspect of 3-D Policy

Pakistan pursued reconciliation and dialogue with various militant Organizations in order to reduce militancy, in addition to conducting military operations as outlined in the preceding section.³⁸³ The Pakistan Army and local tribes in South Waziristan reached an agreement in June 2002, with the understanding that those who provide shelter to foreigners would have their homes and property destroyed. The government and Nek Muhammad Wazir signed the "Shakai Peace Agreement" in April 2004, in which the government agreed to withdraw troops from the area, compensate those who lost their lives or property during military operations, ensure minimal intervention in tribal affairs, and relieve all detainees.³⁸⁴ In exchange, local tribesmen agreed not to attack security forces and to not allow the use of their land for violent activities. It was also agreed that foreign militants would surrender to the forces within a month, which they did not do, resulting in the agreement failing to achieve the set objectives. In October 2004, the Government of Pakistan and the Ahmadzai tribes of South Waziristan entered into an agreement.³⁸⁵ In addition to assisting security forces in incarcerating foreign fighters, the agreement stated that financial sanctions in the neighborhood would be lifted, all captives would

³⁸³ Muhammad Amir Rana and Safdar Sial, *Radicalization in Pakistan* (Narratives, 2012), 84-86.

³⁸⁴ Syed Farooq Hasnat, *Global Security Watch—Pakistan* (ABC-CLIO, 2011), 194.

³⁸⁵ Peter Bergen and Katherine Tiedemann, *Talibanistan: Negotiating the Borders between Terror, Politics, and Religion* (Oxford University Press, 2013).

be released, and militant groups would not attack security forces. This agreement, however, could not be sustained indefinitely. The government and the Ahmadzai tribes signed a new agreement in November 2004 in which the latter agreed to hand over wanted militants, stop attacking security forces, and not allow their land to be used in attacks against foreign forces. Baitullah Mehsud (who later formed Tehreek-e-Taliban Pakistan and became its chief) and the government in South Waziristan signed the "Sararogha Peace Agreement" in February 2005.³⁸⁶ It was agreed that tribes would be compensated for losses incurred as a result of military operations and that the government would not attack Baitullah Mehsud, who would not attack security forces or provide shelter to foreigners. However, this accord also proved to be a failure and could not be extended because both parties blamed each other for not adhering to the accord. In 2006, the Miran Shah Agreement was signed, which included the release of detainees, the removal of army checkpoints and the army's withdrawal, compensatory damages for losses, and other provisions in exchange for not attacking the army and not sheltering foreigners.³⁸⁷ This agreement was extended to the Wazir and Dawar sub-tribes in February 2008, and it now covers all of North Waziristan. However, the agreement was only a partial success, as it was designed to sweep the problems under the carpet. The Bajaur Agreement was reached in February and March 2009 between the government and the militants, making a decision that security forces and government installations would not be targeted, militants would lay down their arms and surrender to tribal elders who would assure their conduct, remuneration would be paid for losses incurred by military operations, a parallel justice system would be disintegrated, foreign elements would not be given safe haven, and no intrusion on any foreign land would be

³⁸⁶ Syed Irfan Ashraf, *The Dark Side of News Fixing* (Anthem Press, 2021), 154.

³⁸⁷ Thomas Johnson and Barry Zellen, *Culture, Conflict, and Counterinsurgency* (Stanford University Press, 2014), 166.

conducted.³⁸⁸ In May 2008, the government and militants in Swat signed a 16-point Swat Agreement with the goal of putting an end to militancy in the region. The militants, led by current TTP Chief Maulana Fazalullah, decided to enter into a ceasefire, disband their paramilitary force, refrain from attacking security forces or government authorities, completely eradicate all sources of militarization, and stop training suicide attackers, among other things.³⁸⁹ The government agreed to enforce Sharia Law in Swat in return for a staged pullout of forces. However, the agreement may not last much longer following a dispute over its implementation. After the above-mentioned agreements failed, no significant attempt was undertaken to negotiate with the militants, and military operations were launched in numerous places.

Following the 2013 general elections and the formation of pro-talks PML(N)-led coalition governments in the center and a PTI-led coalition government in KP, a new round of peace talks was launched by the end of 2013 and the start of 2014. On March 1, 2014, the TTP declared a one-month ceasefire, which was later adapted for another ten days as a result of the peace efforts.³⁹⁰ The dialogue, however, were unable to enter substantial negotiation mode following the TTP's claim of responsibility for a high-profile Karachi Airport attack. Following the attack, potentials for peace talks were severely harmed, and the military launched Operation Zarb-e-Azb in the FATA region. Later in the start of 2017, Operation Radd-ul-Fasaad was launched by Pakistan Military. Holding negotiations with a decentralized organization like TTP is incredibly challenging, especially when the group is comprised of various insurgent groups with varying focuses, beliefs, approaches, and preferences, as demonstrated by the failure of government-TTP

³⁸⁸ Tom Lansford and Tom Muller, *Political Handbook of the World 2012* (SAGE Publications, 2012), 1100.

³⁸⁹ Institute of Regional Studies, *Selections from Regional Press* (Institute of Regional Studies, 2008), 55.

³⁹⁰ Great Britain: Parliament: House of Commons: Defence Committee and D. Havard, *Hc 994 - Afghanistan: Fifteenth Report of Session 2013-14, Report, Together with Formal Minutes Relating to the Report* (Stationery Office, 2014), 23.

negotiations, notably those maintained in the first half of 2014.³⁹¹ Building consensus within the organization proved difficult, and the Emir's and Shura's control over numerous factions and organizations was correspondingly constrained. Furthermore, those factions within TTP who disagree with fundamental ideas have the choice of leaving the attire since they were only loosely linked. As a result, disarming the group and integrating everyone involved in militancy under the TTP banner will be a Herculean task, making discussion a far less realistic, if not destructive, approach to addressing the situation. Addressing a contextual situation, the Director of Afghanistan and Pakistan Studies Middle East Institute, Dr. Marvin Weinbaum, argued that;

“Taliban wanted to have their own state in the tribal areas, very much like Sufi Muhammad wanted to do in the Swat region, and it was evident where it was headed. Once the TTP had established their government in those regions, they would have been satisfied; however, it would have been a bad precedent ”.³⁹²

Three parts of Pakistan's previously practiced implicit 3-D Policy are contained in the country's first-ever National Internal Security Policy (NISP), which may be viewed as the state's first clear and specified counter-terrorism policy.³⁹³ These factors include discussion with all stakeholders, distancing terrorists from their support networks, and increasing deterrence by bolstering Pakistan's security apparatus's capabilities to counter threats to internal security. Five policy objectives were set down. These included;

1. To establish the writ of the State and protect the people from all internal threats.

³⁹¹ Muhammad Yousuf, *Pakistan's Counterterrorism Challenge* (Georgetown University Press, 2014), 37.

³⁹² Dr. Marvin Weinbaum, "Director at Pakistan Afghanistan Studies Middle East Institute," *Interviewed through Whatsapp* (28 January 2023)

³⁹³ Raza Rumi, "Charting Pakistan's Internal Security Policy," 2015, 2-3, Available at <https://books.google.com.pk/books?id=fyPGsgEACAAJ>.

2. To prevent, deter, and contain threats to internal security in a transparent, accountable, and just manner.
3. To protect the citizen's lives, property, and fundamental rights.
4. To promote pluralism, freedom, democracy, and a culture of tolerance.
5. To manage conflicts with hostile parties in a peaceful manner without endangering the rule of law.

The National Internal Security Apparatus (NISA), comprised of all law enforcement agencies (LEAs), police departments, and intelligence gathering organizations, was to assist the National Counter Terrorism Authority (NACTA), the primary coordination agency, in carrying out the National Internal Security Policy (NISP). There are soft and hard components to NISP. A Comprehensive Response Plan (CRP) was decided to be implemented by NACTA's Directorate of Research and Coordination (DRC), while NACTA's Directorate of Internal Security (DIS) had the responsibility to implement the hard component of the Combined Deterrence Plan (CDP) with the help of NACTA's Intelligence and Analysis Centre (IAC).³⁹⁴ DIS might very well represent all NIPAs, including LEAs, police, military, and civilian intelligence and coordinating agencies at the federal and provincial levels, as well as the armed forces. Two DIS centers that had to collaborate were the Intelligence and Analysis Centre (IAC) and the National Internal Security Operations Centre (NISOC). NISOC was enshrined with the responsibility of carrying out Intelligence Operations (IOBs) on the basis of intelligence and analysis collected by IAC by employing Rapid Response Forces (RRFs) at the federal and provincial levels, while IAC was decided to be the focal body where all NIPA would be represented with the responsibility of

³⁹⁴ MoI, "National Internal Security Policy," *Ministry of Interior* (2014)

intelligence collection, analysis, dissemination, and subsequent coordination, while IAC was finally agreed to be the central organization where almost all NIPA was represented with the obligation of intelligence gathering and assessment.³⁹⁵ However, the policy's classified section might offer insight into this issue since their activities may be kept under wraps. The paper doesn't somehow specifically address whether collaboration between any of these two centers will be formed. The softened element of the National Internal Security Policy was debatable at the state level by the intelligentsia, academics, and political government leaders because it had been represented in the National Assembly.

The Soft Component of the Combined Deterrence Program was implemented by the Directorate of Research and Coordination (DRC) within NACTA.³⁹⁶ Programs for de-radicalization, reconstruction, reconciliation, reintegration, and legal reforms will be included in CDP. These programs will be developed first through data collection using databases (without a focus on contemporary information and communication technologies) and then through research at DRC.³⁹⁷ Although NISP tries to expand NACTA as an implementation agency and offers a more thorough policy framework, it does not make an effort to pinpoint the causes of terrorism in order to solve them. Notably, the NISP describes how NACTA evolved from being a central focus institution for intelligence gathering and operations via its Directorate of Internal Security to becoming a formation for conducting research and coordination through its Directorate of Research and Coordination (DRC), cultivating optimism that the causes of terrorism will be logically analyzed and plausible policy measures for eliminating them will emerge.

³⁹⁵ Ibid.

³⁹⁶ Ibid.

³⁹⁷ Ibid.

5.6 National Action Plan Post- APS Attack

Prime Minister Nawaz Sharif convened a conference of all parliamentary parties in Peshawar following the horrifying APS Attack on December 16, 2014.³⁹⁸ On the 17th of December 2014, a committee was established to prepare a National Action Plan to combat militant groups and militarization within seven days of the meeting. The committee, led by the Interior Minister, developed a comprehensive National Action Plan (NAP) after extensive deliberation and with input from a counter-terrorism working group, which was then proffered to national leadership and approved.³⁹⁹ According to the Prime Minister's broadcast address to the nation, the following components, as highlighted in the Infographic, comprised the National Action Plan (NAP);

Formation of special courts, presided over for a two-year period by military officials, for the swift prosecution of terrorists. To make the creation of the courts easier, necessary constitutional and legal modifications would be made.	Under a broader political understanding, all stakeholders would empower Balochistan Government.	Communication system of terrorist organizations will be destroyed.	Ongoing operation in Karachi would be taken to its logical Conclusion.
A system would be developed to register religious institutions and stop funding for terrorist organizations.	Total blackout of terrorists on media will be observed.	Sources of terrorist funding will be blocked.	Steps would be taken for immediate return and rehabilitation of the Internally Displaced Persons. Administrative reforms and developmental activities would be expedited in FATA.
Hate literature and propaganda to promote sectarianism, extremism and intolerance would not be allowed and effective action would be taken against newspapers and periodicals involved in such practices.	Grand Plan will be formulated for repatriation of Afghan refugees.	Print and electronic media would not be allowed to propagate terrorists' ideology.	Fundamental reforms are being expedited to revamp the criminal judicial system in order to strengthen counter-terrorism departments.
National Counter Terrorism Authority (NACTA) will be made active and effective.	Sectarian terrorists will be dealt with iron-hands.	Banned terror outfits will not be allowed to operate under new/different names.	Special anti-terrorism force will be formed.

Action Points of the National Action Plan (NAP)

³⁹⁸ Edward Mickolus, *Terrorism, 2013-2015: A Worldwide Chronology* (McFarland, Incorporated, Publishers, 2016), 297.

³⁹⁹ Muhammad Shafiq, Abdul Razzaq Azad, and Muhammad Munir, "Madrassas Reforms in Pakistan: A Critical Appraisal of Present Strategies and Future Prospects," *Journal of Educational Research* 22, no. 2 (2019): 160

The prime minister subsequently established a special commission to execute the National Action Plan for combating terrorism. Interior Minister Chaudhry Nisar Ali Khan, Information Minister Pervez Rashid, Planning and Development Minister Ahsan Iqbal, Defense Minister Khawaja Asif, and Advisor to PM on Foreign Affairs and National Security Sartaj Aziz were all members of that special committee, which had been presided by the then-Prime Minister himself.⁴⁰⁰ In addition, a committee led by the PM oversaw the plan's overall implementation, which included the federal ministers of interior, finance, planning, information, and defense. Saffron, the governor of KP, and the PM's foreign affairs adviser. In addition, 15 subcommittees were formed to carry out the National Action Plan.⁴⁰¹ These committees also included parliamentarians, high-ranking government officials, and senior military commanders like the directors general of the Inter-Services Intelligence (ISI) and Military Operations. Commenting on the implementation of the National Action Plan (NAP), the Managing Director of the Pakistan Institute for Conflict and Security Studies, Mr. Abdullah Khan, said that;

“National Action Plan played an important role in improving the security situation in the county. Unlike the general perception that NAP was not properly implemented, I believe that most of the NAP points were pursued vigorously. The then Army Chief General Raheel Sharif played an important role in implementing NAP through Apex Committees. These apex committees were at the national and provincial levels. One of the biggest reforms Pakistan's border areas witnessed was a merger of FATA into KP. FATA reforms were an important point of NAP.

We also saw that banned organizations focused against India, such as Jamaat-ud-

⁴⁰⁰ Mateen Haider, "Nawaz Constitutes Special Committee to Implement National Action Plan," *Dawn*, 26 December 2014, Available at <https://www.dawn.com/news/1153290>.

⁴⁰¹ Khawar Ghumman, "15 Committees Tasked with Execution of Action Plan," *ibid.*, 28 December, Available at <https://www.dawn.com/news/1153581>.

Dawah and Jaish-e-Muhammad, were also taken to task. All of the assets were confiscated by the government from 2017 to 2020. It was also a demand by FATF, but at the same time, it was required as per NAP".⁴⁰²

There has been extensive debate in Pakistan's policy circles and media that the National Action Plan (NAP) was neither properly implemented nor the desired results were attained due to certain loopholes. This is agreeable to the fact that though militancy was diminished in tribal regions until 2020, soon after, the groups started re-emerging and marking their footprints through attacks on security installations and government buildings. Soon after the Taliban regime came into Afghanistan, the internal security situation of Pakistan further deteriorated, eventually leading to severity in the bilateral relationship between Pakistan and Afghanistan.

A) Implementing the National Action Plan (NAP)

The National Action Plan (NAP) to combat terrorism was not fully implemented by the PML (N) or PTI government due to a number of factors, including lack of civilian ownership of the plan's execution by the political and military leadership, misunderstanding of what constitutes terrorism, and a lack of a national narrative on terrorism.⁴⁰³ Two of the plan's major accomplishments were the successful Karachi operation and the merger of the Federally Administered Tribal Areas in Khyber Pakhtunkhwa. Only two of the 14 committees established to work on the NAP were operational. From the perspective of Neoclassical Realism, the inconsistent implementation of the National Action Plan (NAP) can be attributed to the interplay between systemic international pressures and domestic political constraints. While external security threats, particularly from militant groups with transnational linkages, necessitated a

⁴⁰² Abdullah Khan, "Managing Director at Pakistan Institute for Conflict and Security Studies (Picss)," *Interviewed through Whatsapp* (8 August 2023)

⁴⁰³ Saleem Shahid, "Implementation of National Action Plan against Terrorism Reviewed," *Dawn*, 31 May 2021, Available at <https://www.dawn.com/news/1626600>.

robust counterterrorism strategy, the effectiveness of such policies was shaped by internal power dynamics, bureaucratic inefficiencies, and competing political interests. The state's inability to fully operationalize the NAP reflects the complex reality wherein national security decisions are influenced not only by objective strategic imperatives but also by the leadership's capacity to consolidate institutional coordination, mobilize political will, and shape a cohesive counterterrorism narrative. The challenges faced in executing the NAP, ranging from fragmented civilian-military cooperation to the absence of a unified national consensus on terrorism—underscore how domestic structures mediate a state's response to external threats. Furthermore, the state's engagement in selective counterterrorism efforts, such as prioritizing kinetic operations in Karachi and FATA's merger while neglecting broader systemic reforms, highlights the neoclassical realist argument that state behavior is often a reflection of both international constraints and internal political considerations. NAP called for reconciliation in order to normalize the predicament by engaging in dialogue with discontented people living abroad. Balochistan's provincial leadership initiated the dialogue, but they were not given the authority to make any decisions. The Peaceful Balochistan Program was also initiated, and militants began surrendering to authorities, but the process was stalled. In September 2021, the Federal Government decided to accelerate the implementation of various initiatives to tackle evolving security challenges such as cyber security, espionage, judicial and civil reforms, law enforcement institutional capacity, counter-violent extremism, and other issues directly affecting national security.⁴⁰⁴

⁴⁰⁴ Tariq Khosa, "Ct Nap Revisited," *ibid.*, 18 September, Available at <https://www.dawn.com/news/1646999>.

B) Establishment of Military Courts

To provide numerous elements of the National Action Plan constitutional protection, including creating Special Courts with military jurisdiction, the national assembly amended the Army Act. It approved the 21st Constitutional Amendment on January 6, 2015.⁴⁰⁵ After the amendment, a press release from Inter-Services Public Relations announced that nine military courts had been established nationwide, including three in KP and Punjab, two in Sindh, and one in Balochistan.⁴⁰⁶ These amendments gave military courts the jurisdiction to hear cases that involve "terrorism" perpetrated by individuals who profess or are suspected of belonging to a terrorist organization under the name of a religion or sect. Neo-Classical Realism explains Pakistan's decision to establish military courts as a response to both internal and external pressures. Domestically, the state's political leadership, particularly the military, was under immense pressure to maintain stability in the face of growing militancy and terrorism from groups like the TTP. The decision to create military courts reflected a desire for swift, decisive action, prioritizing internal security above other concerns. Externally, Pakistan's security situation was compounded by cross-border terrorism and the strategic challenges posed by its neighbors, particularly Afghanistan, where militant groups operated with relative impunity. The establishment of military courts, therefore, can be understood as a strategic response to both internal instability and external threats, with the military playing a central role in securing the state's survival and maintaining order. This policy decision illustrates how states balance internal political imperatives and external security pressures, particularly in volatile regions. Due to a sunset clause, both amendments expired on January 6, 2017. The 23rd constitutional amendment

⁴⁰⁵ "Parliament Passes 21st Constitutional Amendment, Army Act Amendment," *ibid.*, 6 January 2015, Available at <https://www.dawn.com/news/1155271>.

⁴⁰⁶ "Nine Military Courts Being Established," *The News International*, 10 January 2015, Available at <https://www.thenews.com.pk/print/10206-nine-military-courts-being-established>.

and amendments to the Army Act, 1952, were passed by Parliament on March 30, 2017, with retroactive effect from January 7, 2017 (when the preceding amendments to the legislation had lapsed).⁴⁰⁷ These amendments were passed into law for two years beginning on the day they were enacted, and they were set to expire on March 30, 2019. The amendment's preambles claimed that military courts had yielded positive outcomes in combating terrorism and that extending them for another term was in the national interest. As a result of this Act, the following procedural adjustments were implemented: a suspect detained in line with it must be notified of the reason for their imprisonment within twenty-four hours and provided with the opportunity to commence communicating with a counsel before their trial. This Act 15 was added to the 1984 QSO, but if there is a conflict with any other legislation, this Act will have precedence.

C) Justifications for the Establishment of Military Courts

The main grounds for the establishment of military courts were the requirements for a swift trial and the failures of tribunals to convict terrorist suspects. Regardless of the fact that the Supreme Court ordered the Anti-Terrorism Courts to conclude cases within seven days, speedy trial has been a common feature of Military Court constitutions throughout most of history. ATCs were established to expedite the prosecution of horrific crimes in attempt to relieve the strain of criminal courts, that are already overburdened with criminal and civil matters. Following the APS attack, military leaders, lawmakers, government leaders, and members of the media criticized civilian courts for their poor performance in convicting terrorist suspects.⁴⁰⁸

⁴⁰⁷ Pakistan Pakistan Army (Amendment) Act 2017, "An Act Further to Amend the Pakistan Army Act, 1952," *International Humanitarian Law Databases*, 30 March 2017, Available at <https://ihl-databases.icrc.org/en/national-practice/pakistan-army-amendment-act-2017>.

⁴⁰⁸ Muhammad Ahsan and Muhammad Shehryar Khan, "Politics and Terrorism: Case Study of Pakistan," *EA Journals*. https://www.researchgate.net/publication/348135996_Politics_and_Terrorism_Case_Study_of_Pakistan

Lengthy trials, overstretched caseloads, drawn-out prosecutions, and a refusal to incarcerate those implicated for terrorist attacks are among the criticism directed at civilian courts. Commenting on the subject, Abdullah Khan argued that;

“Military Courts initially played an important role as many hardcore terrorists who could not be prosecuted in the ordinary courts were not only prosecuted but also sentenced, and many were also executed. However, due to the provision of appeal, many cases were challenged in the High Courts and Supreme Courts”.⁴⁰⁹

Long trials, overburdened dockets, drawn-out proceedings, and a refusal to convict those responsible for terrorist attacks are among the criticisms leveled at civilian courts. These critics of civilian courts claimed that military trials are the best way to convict terrorists and prevent additional terrorist crimes. Nevertheless, supporters of civilian courts pointed to a variety of other reasons, such as incompetent prosecution, flaws in the investigations, and untrustworthy eyewitnesses, as reasons why individuals suspected of terrorist activities were not charged and convicted. Civilian judges and their dependents are more likely to be assaulted by threats and aggression than military personnel. Prosecutors and witnesses accuse the civilian judiciary of not convicting suspected terrorists notwithstanding the state's inability to recruit civilian judges. The administration constitutionalized the creation of an alternative judicial system, run by individuals without knowledge of the law, at the expense of reforms and protection for the civilian judiciary.

D) The Impacts of Military Courts on Fair Trail

Military tribunals have breached the fundamental right to a fair trial by an independent, unbiased, and qualified court, regardless of the type or severity of the accused offense. The Protection of Pakistan Act 2014 was passed to provide military and police officials more power

⁴⁰⁹ Khan, "Managing Director at Pakistan Institute for Conflict and Security Studies (Picss)."

over particular offenses. This Act permits the 90-day detention of an accused person, which is against Pakistani law.⁴¹⁰ The general rule of law holds that a defendant is presumed innocent until proven guilty and that the prosecution must establish its case beyond a reasonable doubt. This Act contravenes that rule. Anyone detained under this Act, in contrast to standard legal practice, is deemed guilty until and unless he or she proves innocence. Additionally, a special judge's failure to uphold fair trial standards during a perpetrator's trial in a special court violates the tenets of Pakistan's 1973 Constitution's Article 10-A. Military courts have always remained a contentious issue, as political parties fear that they will be used for political purposes, despite their support for the idea under the circumstances. According to the intelligentsia and academic researchers, the solution is not the creation of special courts, rather it is the strengthening, revamping, and reform of the judicial process, which will not just give insurgents a speedy trial but also fair treatment to normal citizens, discouraging people from using violent means. While arguing on the impact of a fair trial in the military courts, Abdullah Khan argued that;

“As far as the aspect of fair trial is concerned, there were apprehensions about military courts in the circles dealing with Human Rights. There was a sunset clause for these courts. They got one or two extensions but eventually they ended. Military Courts by default cannot provide fair trial to the civilians. In the presence of Counter Terrorism Courts there was no need to have military courts. Unfortunately, CT courts are unable to perform due to many factors especially in the wake of pressure from the militants. The militants used to threaten judges and lawyers appearing against the militants. Protection of CT court judges as well as

⁴¹⁰ National Assembly of Pakistan, "Protection of Pakistan Act 2014 Pakistan," *International Humanitarian Law Databases*, 14 July 2014, Available at <https://ihl-databases.icrc.org/en/national-practice/protection-pakistan-act-2014#:~:text=On%2014%20July%202014%20the,threatening%20the%20security%20of%20Pakistan.>

attorneys was always an issue. Many attacks against lawyers such as Quetta attack in which 70 lawyers were killed. Similarly attack against Islamabad Judicial complex are some of the examples. There are numerous attacks against the Judicial fraternity. CT courts are also used for political cases. Therefore, instead of reforming this existing system the leadership resorted to establish military courts and that too could not work in the long run ”.⁴¹¹

Criticism on the establishment of military courts as well as their impact on fair trial has been a major issue; however, since there have been several attacks on the legal fraternity in Pakistan, operational capacities of CT courts were impacted. Hence, the establishment of military courts became mandatory for the processes to be continued without any further hindrances.

5.7 National Internal Security Policy (2018-2023)

As maintaining national security is a never-ending challenge, national security strategies should be adaptable and flexible as potential challenges emerge. In June 2018, just prior to the introduction of the new government, the PML (N) administration unveiled its latest national internal security strategy. The revised strategy included innovative concepts as well as mentioned past accomplishments, implementation challenges, and impending vulnerabilities.⁴¹²

The NISP 2018 precisely identified each terrorist group engaged in domestic terrorism. The foremost challenges to Pakistan's national security were identified as the presence of Islamic State's (IS) in Afghanistan and its potential spillover into Pakistan, as well as terrorists who returned from Syria and Iraq and were eager to join any of the terrorist organization present in the country. It was also interesting to notice that modern educational institutions were also

⁴¹¹ Khan, "Managing Director at Pakistan Institute for Conflict and Security Studies (Picss)."

⁴¹² Ministry of Interior, "National Internal Security Policy (2018-2023)," *Government of Pakistan*, Available at <https://nacta.gov.pk/wp-content/uploads/2023/02/NationalInternalSecurityPolicy2018-2023.pdf>.

impacted by the issue of militancy and extremism and madrassas were not the only places where violent religious fanaticism was cultivated. The NISP 2018 placed a greater emphasis on introspection, emphasizing the need to identify the domestic root causes of all issues and take humane action to resolve them.⁴¹³ This strategy demonstrated a significant shift toward the use of rational strategies to deal with rising fanaticism and extremism in society. The process of developing the policy had been hampered with uncertainty, and the execution stage had been complicated. Notwithstanding the policy's contempt for many crucial areas of national security, it was successful in revising the curriculum nationwide, regulating religious schools, and taking action to stop hateful rhetoric from propagating on social networking websites. Unfortunately, the approach failed to create effective anti-terrorism and anti-extremism measures in the long run. As a response, the Government of Pakistan devised a new, all-encompassing National Internal Security Policy (2022-2026). Neo-Classical Realism can be applied to understand Pakistan's shift from the National Internal Security Policy (NISP) 2018 to the National Internal Security Policy (2022-2026) in the context of both internal and external pressures. Internally, despite the efforts to address the root causes of extremism and the policy's attempts to regulate religious schools and curb hate speech, the policy failed to produce long-term effective anti-terrorism and anti-extremism measures. This failure can be attributed to domestic political factors, including the government's challenges in fully implementing reforms, the influence of hardline religious groups, and the military's overarching role in security, which constrained the policy's potential. These domestic challenges were compounded by external security concerns, primarily the enduring threat from militant groups operating across the Pak-Afghan border and the destabilizing effects of regional geopolitics. The shift to the NISP 2022-2026 reflects a recognition that the previous approach was inadequate in the face of continuing militant

⁴¹³ Ibid.

activities and rising extremism. This new policy represents a pragmatic response to both internal challenges including instability, social fragmentation, and the failure to eradicate extremism and external pressures, particularly the growing transnational threat of terrorism and Pakistan's role in regional security dynamics. The failure of the 2018 policy to address the deep-seated structural problems in the security apparatus, combined with increased international pressure to combat terrorism more effectively, prompted Pakistan to adopt a more comprehensive strategy in 2022. This is a typical pattern in Neo-Classical Realism, where states revise internal policies not only in response to domestic dynamics but also due to external security considerations and the geopolitical context they face. Though Pakistan has immensely suffered due to terrorism and extremism, as more than 83,000 lives were lost in the War on Terror while more than \$100 billion in the economy was lost, these sacrifices have been merely addressed and acknowledged by the international community. Pakistan's domestic anti-terrorism legislation is still vague to the point that militants and criminals seldom get punished for their crimes. Furthermore, the merger of FATA with KP and reforms in tribal administrative units is a much-needed development, yet much financial capacity is required to develop the region and institutionalize the working of institutions. While it is an acknowledged fact that anything happening in Afghanistan has direct implications for Pakistan, the fencing and developing mechanism of the Pak-Afghan border, the success of Operation Radd-ul-Fasaad and the culmination of terrorist groups in Pakistan have positively impacted the national security of Pakistan.

Chapter VI

Socio-Economic and Legal Status of Afghan Refugees in Pakistan

This chapter has been divided into four sections. The first section of this chapter explains the socioeconomic and environmental impacts due to Afghan refugees on Pakistan. The second section explains the legal status of Afghan refugees in Pakistan as per the provisions of International law and the mandate of UNHCR. Third section of this chapter explains the domestic enforcement of international law while the final sections make a global comparison of refugees in different parts of the world, with Afghan refugees in Pakistan. This chapter discusses the legislative provisions related to the stay of Afghan refugees in Pakistan. A thorough analysis on the subject has been done by taking into account the international examples of Global refugee protection as well as the reference to the domestic enforcement of international law regarding refugees in Pakistan. Societal as well as environmental implications of the stay of refugees have also been discussed, while global examples of the stay of refugees in Turkey and Somalia have been quoted. This chapter holds significance since the stay of Afghan refugees in Pakistan has been an essential issue of contention between Pakistan and Afghanistan.

Armed conflict, violence, and political unrest have all contributed to forced displacement and illegal migration in recent times. Because most forcefully displaced persons do not have enough monetary capacity to leave the region, they are forced to remain displaced persons or seek employment in surrounding countries. Refugees have become the world's biggest community in the previous few years. Afghans are one of the world's largest long-term refugee groups, having been displaced for almost four decades. Even though many Afghan refugees have migrated on, Pakistan remains to accommodate a more significant number of individuals displaced by the

Soviet invasion of Afghanistan in 1979. With a total of around 2.7 million Afghan refugees in Pakistan in 2020, 54 percent of whom are males and 46 percent women, Pakistan is one of the world's largest host states for refugees, with over 60 percent of refugees residing in Khyber Pakhtunkhwa and Balochistan.⁴¹⁴ The 2.3 million documented Afghans include those registered as refugees (1.4 million refugees are registered as per the data of UNHCR), as well as the 879,198 formerly undocumented migrants who applied for Afghan citizen cards (ACC) with Pakistani authorities in 2017-18. An extra one million undocumented Afghans is an estimate based on a variety of sources, such as the IOM, which refers to half a million undocumented refugees in the same source. Afghanistan's ongoing situation, along with political and economic uncertainty, has discouraged refugees from returning home.⁴¹⁵

The refugees have low hopes for the Afghan government as they are mainly hesitant to return. Lack of livelihood opportunities and access to essential utilities in Afghanistan are primarily listed as important factors limiting the continuing repatriation of Afghans to their home state. More importantly, due to the unfavorable political and security situation in Afghanistan, the government's stance on refugee return has continued to evolve during the last two decades. As per the official website of UNHCR, Pakistan, in collaboration with UNHCR, facilitated the return of over 5.3 million Afghan refugees to Afghanistan in 2002.⁴¹⁶ Meanwhile, the Pakistani government began registering Afghan refugees, allowing them to get Proof of Registration (PoR), a sort of identification card comparable to a CNIC, in order to register Afghan refugees in

⁴¹⁴ Humayun Khan et al., "Hospitality to Hostility: Governing Afghan Refugees in Pakistan," *Mankind Quarterly* 63, no. 2 (2022): 272

⁴¹⁵ Reporter, "Undocumented Afghans," review of Reviewed Item, *Newspaper*, Issue Date, Available at <https://pakistan.iom.int/undocumented-afghans>.

⁴¹⁶ Reporter, "Afghans in Iran and Pakistan," review of Reviewed Item, *Newspaper*, Issue Date, Available at <https://data.unhcr.org/en/situations/afghanistan>.

Pakistan and minimize socio-ethnic disparities.⁴¹⁷ Furthermore, according to the UNHCR, around 1.3 million Afghan refugees who registered in Pakistan were allowed to open businesses and find employment opportunities as of 2017. Despite geopolitical differences between the governments as well as the people of Pakistan and Afghanistan, Pakistan has been accommodating millions of Afghan refugees since 1979 on the basis of human rights. Afghan refugees have emerged as Pakistan's most serious domestic security, political stability, and economic challenge.⁴¹⁸ Over the last four decades, Pak- the Afghan border has already seen illegal movement of individuals on both sides of the border due to its geographical proximity and socio-cultural ties between the people of Pakistan and Afghanistan. In a nutshell, the political upheaval in Afghanistan appears to have seriously harmed Pakistan's political, sociological, and economic structure, despite the fact that Pakistan has been established as the second home for Afghan refugees since 1979. Unfortunately, the majority of Afghan refugees have been placed in Balochistan and Khyber Pakhtunkhwa, two of Pakistan's most underdeveloped and conflict-oriented provinces in terms of economic development, governance, internal security, and socioeconomic development.⁴¹⁹ Despite the catastrophic impact of Afghan refugees on Pakistan's internal security and domestic economy, they have not been adequately resettled, and no formal mechanism or strategy to assure their proper and safe return has been put in place. Finally, they were forced to fend for themselves within Pakistan, resulting in unemployment, terrorism, sectarianism, and societal fragmentation. It produced a demographic transition in Pakistan, which raised serious concerns amongst the people because demographic growth placed additional strain

⁴¹⁷ Sanaa Alimia, "Performing the Afghanistan–Pakistan Border through Refugee Id Cards," *Geopolitics* 24, no. 2 (2019): 396-97

⁴¹⁸ Dr. Marvin G. Weinbaum, *Afghanistan and Its Neighbors: An Ever Dangerous Neighborhood* (United States Institute of Peace, 2006), 12.

⁴¹⁹ Gerald Simpson, *Pakistan Coercion, Un Complicity: The Mass Forced Return of Afghan Refugees* (Human Rights Watch, 2017), 34.

on economic resources, promoted ethnic unrest, and undermined security. Moreover, the surge of Afghan refugees into Pakistan has caused havoc on the labor force, whereby cheap labor has been relatively available, and Pakistani laborers are concerned about their employment prospects. As a result, unemployment and working population management have become major problems for succeeding administrations, as the existing situation has the chance of leading to corruption and poverty.

6.1 Historical Background of Afghan Refugees in Pakistan

Because of their geographic vicinity, ethnic affinities, and shared socio-cultural linkages on both sides of the fenced border, Afghans and Pakistanis have never encountered any political or legal impediments to emigrating from one country to another. Regardless of the fact that Pakistan and Afghanistan have had border disputes since 1947, people from both sides have continued to hold social ties, collaborate, and engage in illegal cross-border trade. Consequently, with the invasion of Soviet forces in Afghanistan in 1979, political instability and social stratification in Afghanistan has affected Pakistan, leading the way for the inflow of Afghan refugees into Pakistan.⁴²⁰

The Afghan exodus to Pakistan began in 1973 when Dawood Khan ousted Zahir Shah's government in a military takeover. This happened because Dawood Khan's military administration was based on a socialist-inspired authoritarian government, with the center holding all authority and control.⁴²¹ Thousands of Afghans have fled to Pakistan in the meantime. Furthermore, Dawood Khan's totalitarian government met with opposition and was

⁴²⁰ Douglas J. MacEachin, *Predicting the Soviet Invasion of Afghanistan: The Intelligence Community's Record* (Center for the Study of Intelligence, Central Intelligence Agency, 2002), 12.

⁴²¹ Aidan Parkes, "Considered Chaos: Revisiting Pakistan's 'Strategic Depth' in Afghanistan," *Strategic Analysis* 43, no. 4 (2019): 4-5

ousted in 1978 during the Saur Revolution, led by the People's Democratic Party of Afghanistan (PDPA). Conversely, the PDPA government got more involved in regulating the entire establishment and authority of the state. Nonetheless, the PDPA government demanded in December 1979 that the Soviet Union must repress the Afghan resistance movement. When Soviet troops landed in Afghanistan, many Afghans fled towards Pakistan.⁴²² During the Soviet occupation of Afghanistan, up to five million Afghans migrated to Pakistan. Meanwhile, Afghan refugees in Pakistan were embraced and welcomed graciously. The creation of a strategic alliance between Pakistan and the US in Afghanistan to evict Soviet forces greatly facilitated Afghan refugees in Pakistan. As per the stories published on different forums of print media, by 1988, Pakistan had taken in 100,000 Afghan refugees, who were housed in 340 refugee camps.⁴²³ Most importantly, these Afghan refugees were later equipped and trained to combat Soviet forces in Afghanistan. On the other hand, Pakistan embraced and recognized the establishment of the Taliban government in Afghanistan in 1996.⁴²⁴ Pakistan sought to resettle Afghan refugees in Afghanistan in order to restore peace, while obtain access to Central Asian markets through Afghanistan, but it was impossible to do so since the Afghan Mujaheddin were spread throughout Pakistan and had spread out in different cities, establishing their million-dollar businesses in collaboration with Pakistani counterparts. This particular factor had serious implications for internal security of Pakistan. The fact that only small fraction of Afghan refugees had stable financial backgrounds, while the bulk were destitute, imposed considerable economic burden on Pakistan. Roughly 60% of Afghan refugees were ordinary people who

⁴²² Allan Todd, *History for the Ib Diploma Paper 3 the Soviet Union and Post-Soviet Russia (1924–2000)* (Cambridge University Press, 2016), 187.

⁴²³ Shumaila Kamal Khan, Amir Jana, Dr. Muhammad Ramzani, Gulshan Munir, Abdul Rabe, Arshad Ahmed, Muhammad Yaseeng, "Socio-Economic Impacts of Afghan Refugees on Pakistan after 1979," *International Journal of Innovation, Creativity and Change* 15, no. 8 (2021): 673

⁴²⁴ Asfahan, Ali, and Arif, "Pakistan-Afghanistan Relations: An Overview before and after 9/11 Incident," 198.

landed in Pakistan with few goods and were highly dependent on Islamabad and foreign assistance. The amicable relations between Pakistan and Afghanistan during the Taliban rule were shallow, and the horrendous events of 9/11 significantly frayed them. Pakistan observed an increase in the number of Afghans migrating into the country shortly afterwards. This should be remembered that even at the time, Afghan migrants posed a greater political and economic challenge to Pakistan. Having followed 9/11, the second wave of Afghan refugees flooded into Pakistan, causing havoc on the country with increased terror acts and bombings. As per estimates, the Afghan diaspora in Pakistan is the largest group of Afghans residing outside the country since 9/11.⁴²⁵ Efforts have obviously been made to repatriate Afghan refugees. By 2016, around 4.3 million Afghan refugees were repatriated to Afghanistan, yet Pakistan is still home to millions of Afghan refugees, some of whom have made the country their permanent residence.⁴²⁶ Three generations of Afghan refugees have been welcomed to Pakistan since 1979. Pakistan has always been a great attraction for Afghan refugees for a variety of reasons. To begin, it was simply a matter of proximity. Afghan refugees could easily travel to Pakistan since it was a neighboring state. The second factor was that the two nations shared historical, cultural, linguistic and religious affiliation. Afghans could easily migrate between the two countries prior to the creation of the Durand line in 1893, which separated Afghanistan from British India. The British allowed most Afghan refugees and traders access to northern British India even after the Durand line was established.⁴²⁷ As a result, many Afghans maintained strong ties with Pakistan.

⁴²⁵ Muhammad Zubair, Muhammad Aqeel Khan, and Muzamil Shah, "Analysis of Pakistan's Policy Towards Afghan Refugees: A Legal Perspective," *Global Political Review* 4, no. 3 (2019): 34

⁴²⁶ Reporter, "Return of Afghan Refugees to Afghanistan Surges as Country Copes to Rebuild," review of Reviewed Item, *Newspaper*, Issue Date 2017, Available at <https://www.imf.org/en/News/Articles/2017/01/26/NA012617-Return-of-Afghan-Refugees-to-Afghanistan-Surges-Country-Copes-Rebuild>.

⁴²⁷ Reporter, "Afghan Labour, Colonial Borders: Regulating Migration in British and Princely India," review of Reviewed Item, *Newspaper*, Issue Date 2021, Available at <https://www.jamhoor.org/read/afghan-labour-colonial-borders-regulating-migration-in-british-and-princely-india>.

Furthermore, an extreme drought in Afghanistan in the 1970s drove a large number of rural Afghans to seek employment in Pakistan. Since there was already an Afghan presence in Pakistan, the construction of Katchi Abadis (Illegal Colonies) allowed later refugees fleeing the Soviet occupation to relocate there.

6.2 Restrictive Policy for Afghan Refugees in Pakistan

Despite an early positive reception toward Afghan refugees, the Government of Pakistan had adopted a more restrictive approach towards them. The shift in view was the outcome of a succession of events. The Shigri report, produced in 1996 by Mr. Afzal Shigri, deemed refugees to be illegal migrants. The report argued that the causes that sparked mass migration had dissipated, rendering the refugees' presence illegitimate in the country.⁴²⁸ Moreover, the US had withdrawn substantial troops, and a relatively stable Afghanistan government was established. This extended stay was no longer confined to camps but had spread across Pakistan's rural and urban areas, significantly impacting the lives of the Pakistani population. Furthermore, many migrants had established commercial ties to Pakistan, implying that they had found jobs or established businesses there. Most of the violent crimes were committed by immigrants, in addition to the introduction of the Kalashnikov culture by Afghan refugees, which reduced the cost of weapons and ammo in the market, making them more affordable to the general public.⁴²⁹ This has an adverse effect on the country's law and order situation. This report also claimed that branding and labeling were a challenge because Afghan refugees illegally acquired passports and permits for transit to foreign states and engaged in criminal activities, ostensibly identifying themselves as citizens of Pakistan. The study also discussed the predicament of Afghan refugees

⁴²⁸ Reporter, "This Crooked System Police Abuse and Reform in Pakistan," review of Reviewed Item, *Newspaper*, Issue Date 2016, Available at <https://www.hrw.org/report/2016/09/27/crooked-system/police-abuse-and-reform-pakistan>.

⁴²⁹ K. Mumtaz, Y. Mitha, and B. Tahira, *Pakistan: Tradition and Change* (Oxfam, 2003), 28.

in Pakistan, as well as the wide-ranging causes of their migration and possible alternatives. As humanitarian assistance for refugee protection had tremendously declined by the time the Shigri report was published, a framework to address the future of refugees was necessitated.⁴³⁰ The central argument of this report was whether Afghan refugees who leave the community where they acquired their first sheltering aid from the Pakistani government and travel to large cities and towns violated the tripartite agreement, thereby losing their refugee status. This analysis has been accepted as a framework for coping with undocumented refugees and migrants. The Pakistan Foreigners Act was revised, and a new provision was added to Section 14-D to create a new agency to register illegal immigrants. Pakistan's evolving refugee policy can be understood as a product of both systemic international pressures and internal political constraints. While external factors, such as shifting geopolitical alliances, the withdrawal of U.S. troops from Afghanistan, and heightened security concerns, shaped Pakistan's refugee strategy, domestic considerations—including economic burdens, law and order challenges, and rising public resentment—significantly influenced state decision-making. The state's restrictive stance towards Afghan refugees was not solely driven by security imperatives but also by the leadership's perception of national interest, shaped by bureaucratic capacity, economic considerations, and societal narratives. This aligns with the Neoclassical Realist argument that states do not merely respond to external pressures in a vacuum; rather, their foreign policy decisions are filtered through internal political structures, elite perceptions, and resource availability. Moreover, the merger of NARA with NADRA in 2015 and the subsequent withdrawal of NARA's responsibility for refugees illustrate how Pakistan's leadership recalibrated its domestic policies to align with its broader national security objectives. The

⁴³⁰ Sadiq Kamal, *Paper Citizens: How Illegal Immigrants Acquire Citizenship in Developing Countries* (Oxford University Press, 2008), 66.

deteriorating Pakistan-Afghanistan relationship, exacerbated by border tensions and the APS school attack in 2014, further reinforced the Neoclassical Realist claim that state behavior is not dictated solely by external anarchy but is deeply intertwined with internal political will and institutional capabilities. Consequently, while Afghan refugees had become embedded in Pakistan's socioeconomic landscape, the state's policy responses remained contingent on its security calculus, domestic political imperatives, and shifting regional power dynamics.

The National Alien Registration Authority (NARA) was founded in the year 2000 with the purpose of registering all foreigners on Pakistani territory.⁴³¹ In 2015, NARA was merged with the National Database and Registration Authority (NADRA).⁴³² Shortly after its merger, NARA renounced all responsibility for the status of immigrants enrolled as aliens. The major purpose was to give the Proof of Registration (PoR), which allowed Afghan citizens to access basic services like health, jobs, and education. Another element that greatly influenced people's decisions was the idea that Afghan refugees posed a severe threat to Pakistan's stability. The APS school incident in Peshawar in 2014, as well as the links of militants to Afghanistan, instilled fear in Pakistanis, who demanded that refugees be repatriated to Afghanistan immediately. Later investigations revealed merely a glimmer of a connection between Afghanistan and the terror attack. The extent of the asylum circle for Afghan refugees then dropped considerably, yet the demand of the masses existed. Furthermore, US pressure and drone strikes in the Kurram agency in 2017, which killed suspected terrorists living in a refugee house, worsened Pakistan-Afghan relations, undermining Afghan refugee policy. The senior military leadership of the country also asserted that refugee repatriation is a must for Pakistan's

⁴³¹ M.J. C, *Understanding Pakistan: Emerging Voices from India* (Taylor & Francis, 2016), 79.

⁴³² Syed Irfan Raza, "Nara Merged into Nadra," *Dawn*, 19 September 2015, Available at <https://www.dawn.com/news/1207993>.

peace and stability. Commenting on the stay of Afghan refugees in Pakistan, Dr. Sher Jan Ahmedzai argued that;

“Afghans have benefitted a lot from their stay in Pakistan before 2000 as being refugees in Pakistan. There is no doubt that any refugee benefits from security and sanctuary in the host country. They made lives. They made livings. But that is not the one-way street. Afghan refugees have become part of the economic fabric of Pakistan. They have been receiving remittances of significant value from abroad. They have started trading and businesses inside Pakistan. Since last 30 years, they have not been dependent on the refugee assistance from the United Nations or the Pakistani government. This indicates that they have depicted the capability to become the part of the formal economy of Pakistan and positively impact it by investing their own money and livelihood in the country. Despite the fact they are not allowed to own lands or open bank accounts in their own names; they still did their businesses which were operational in the name of their Pakistani friends. Hence, they cannot be considered any different than a Pakistani citizen who is contributing to Pakistani economy”.⁴³³

While it is a fact that Afghan refugees based in Pakistan since last four decades have become an integral part of the socioeconomic fabric of the country, they have primarily contributed to illegal economy more than the formal economy. They are not liable to pay any taxes to the Government of Pakistan. Subsequently, they contribute towards the pavement of illegal trade between the two countries while they are also an integral part of sociocultural ills, particularly in tribal administrative units as well as the rural and urban areas of Pakistan. Hence, their stay in

⁴³³ Ahmedzai, "Director Center for Afghan Studies University of Nebraska Omaha."

Pakistan has not remained an optimistic or contributing factor in the socioeconomic fabric of the country.

6.3 Economic Implications of Afghan Refugees on Pakistan

Pakistan is a developing state in South Asia that strives to provide basic requirements to its nationals. The influx of Afghan refugees in Pakistan in the 1980s had significant socioeconomic consequences for Pakistan, as absorbing the destitute Afghan community was extremely difficult for the country. Because Afghanistan was still a conflict zone, finding a means for about 3 million Afghan refugees to settle in Pakistan was first a challenging prospect for successive Governments of Pakistan. As a result, they have remained a financial drain on Pakistan for the last four decades. Pakistan's backing for the Taliban government in Afghanistan was primarily meant to resettle the Afghan refugees in Afghanistan that began in the late 1990s. Regrettably, the tragic events of 9/11 shattered Pakistan's efforts in Afghanistan, as the US started bombarding Afghanistan with the assistance of international coalition forces, effectively ending the Taliban regime within no time. However, it did put an end to Pakistan's continuous efforts to bring peace and stability in Afghanistan, specifically and broadly, in the region. The majority of Afghans fled to neighboring states to avoid conflict and bloodshed in Afghanistan. As a result of their social ties with the Pakistani people, a considerable number of Afghan families were relocated to Pakistan.⁴³⁴ Unlike the Afghan Mujaheddin in the 1980s, Afghan refugees after 9/11 traveled to Pakistan with the intent of settling permanently. Various national and international humanitarian organizations collected funds for Afghan refugees in the early stages. Yet, over some time, Afghan refugees gradually assimilated into the domestic community by working in

⁴³⁴ Reporter, "Afghans Who Fled the First Taliban Regime Found Precarious Sanctuary in Pakistan. New Refugees May Get an Even Colder Welcome," review of Reviewed Item, *Newspaper*, Issue Date 2021, Available at <https://time.com/6091056/afghanistan-refugees-pakistan/>.

local businesses. As per a survey conducted by UNHCR in Karachi, Afghan refugees working on daily wages in Pakistan earn around PKR 25000- PKR 30,000.⁴³⁵ Yet, many Afghan families have established their multi-million-dollar businesses in Pakistan. They greatly benefit from their stay in Pakistan as they do not have to pay any taxes to the government, and they are supported by family members who reside in Middle Eastern or Western states. Undoubtedly, Afghan labor migration has greatly benefited Pakistan economically in terms of labor, remittances, and businesses. On the other hand, the influx of many Afghan refugees raised both the demand and supply of commodities, resulting in inflation in some areas of the country. The presence of Afghan refugees increased the number of job openings in Pakistani labor markets because the refugees worked on low wages for a more extended space of time in order to keep their survival. Pakistan has paid a heavy price for being a welcoming host state in terms of the environment. Refugees required meadows for their livestock, which resulted in the degradation of certain ecological systems. Their existence wreaked havoc on Pakistan's infrastructure, specifically in the realm of education, schools, healthcare, as well as other humanitarian services.

6.4 Social Impacts of Afghan Refugees on Pakistan

The settlement of Afghan refugees in Pakistan is regarded to have serious social and security implications for the country. They've been blamed for the country's worsening security environment. Most importantly, it is believed that the settlement of Afghan refugees in Pakistan provided terrorists with a secure and easy base through which to carry out terrorist operations. Without even a doubt, the existence of Afghan refugees in Pakistan had also worsened sectarian bloodletting. Since 1980s, Afghan refugees are considered to have had an impact on the

⁴³⁵ Reporter, "Unhcr Looks at the Economic Contribution of Afghan Refugees in Pakistan," review of Reviewed Item, *Newspaper*, Issue Date 2011, Available at <https://www.unhcr.org/news/stories/unhcr-looks-economic-contribution-afghan-refugees-pakistan>.

ideological struggle between Sunni and Shia organizations, ethnic violence, Talibanization of a certain segment of Pakistani society, the philosophy of Islamization and trafficking.⁴³⁶ The Kalashnikov/gun culture is also regarded as the most dangerous gift given by Afghan refugees to Pakistani citizens. This has benefited criminal, smuggling, and drug trafficking activities in Pakistan. It should also be noted that the number of drug users in Pakistan increased drastically during the 1980s, when Pakistanis had easy access to Afghan drugs.⁴³⁷ Many Pakistani Pashtuns with strong sociocultural ties to Afghans have been implicated in the illegal smuggling of vehicles, drugs, firearms, and other small items from Afghanistan to Pakistan. This impacted Pakistan's national productivity, but it also made the country more vulnerable to militaristic and illegal actions. These nefarious practices have also resulted in significant criminal offences, such as the kidnapping of merchants and educated Pakistanis in Afghanistan for ransom money.

For example, former Khyber Pakhtunkhwa Information Minister Mushtaq Ghani alleged that Afghan citizens based in Pakistan are primarily responsible for an estimated 80% of the province's crimes.⁴³⁸ He went on to add that Afghans allegedly assassinated or abducted individuals in Pakistan for extortion before fleeing to Afghan territory. Furthermore, the December 16th, 2014 attack on the Army Public School in Peshawar, which killed 150 individuals, was orchestrated out in Afghanistan with probable Pakistani assistance. Consequently, a National Action Plan was devised by political and military leadership of the country, which along several other issues addressed the immediate repatriation of Afghan refugees. Neo-Classical Realism suggests that while Pakistan's national security policies, such as

⁴³⁶ Sial, *Radicalization in Pakistan*, 34-36.

⁴³⁷ Stephen John Stedman and Fred Tanner, *Refugee Manipulation: War, Politics, and the Abuse of Human Suffering* (Brookings Institution Press, 2004), 64.

⁴³⁸ Jehan Ul Mulk, Basit Ali, and Atta Ullah, "Impacts of Afghan Refugees on Security Situation of Pakistan," *Pakistan Journal of Society, Education and Language (PJSEL)* 6, no. 1 (2020): 44

the National Action Plan (NAP), were shaped by external threats, the internal dynamics of political instability, governance challenges, and the lack of cohesion between civilian and military institutions played a critical role in the effectiveness of the response. In the case of the ongoing cross-border terrorism, Pakistan's strategic efforts to repatriate Afghan refugees were influenced not only by the tangible security threats posed by Afghan-based militants but also by the political will and institutional capacity to address such challenges. The divergence between Pakistan's military-led initiatives and the limited capabilities of civilian governance underscores the internal hurdles faced in implementing comprehensive security measures, which hindered the full realization of the NAP's potential to mitigate transnational terrorism.

The attack on Bacha Khan University in Mardan, KPK on January 20th, 2016 which killed 20 people, was also planned and carried out from Afghanistan with the support of certain Afghans in Pakistan.⁴³⁹ There are definitely some Afghan militants who have orchestrated terror attacks in Pakistan; nevertheless, it is unfair to characterize and identify every Afghan in Pakistan as a terrorist. Considering that Afghan immigrants in Pakistan have been traditionalists with rigorous beliefs and culture does not eventually indicate that each and every Afghan immigrant endorses the illegal activities of the Taliban and other militant groups in Pakistan. Taking the point of view from an Afghan National on the social impacts of Afghan refugees in Pakistan, Mr. Zabehullah, who is also a lecturer of International Relations at Kardan University, Afghanistan, argued that;

“It is a concrete fact that refugees have direct and indirect social impacts on the host country. However, if the refugees belong to a similar ethnicity having the

⁴³⁹ Ben Brumfield and Euan McKirdy Sophia Saifi, "At Least 22 Killed in Attack on Bacha Khan University in Pakistan," *CNN*, 21 January 2016, Available at <https://edition.cnn.com/2016/01/20/asia/pakistan-university-militant-attack/index.html>.

same culture, religion, language, or belief, in such a case, the kind or level of sympathy that could be generated among the locals is different than those who do not belong to the same ethnicity and culture. In case of the Afghan refugee influx to Pakistan, I believe there were positive social impacts on the locals/society of Pakistan. A large number of Afghan refugees have migrated to parts of Khyber Pakhtunkhwa and Balochistan (Pashtun dominated areas), as compared to other parts of Pakistan. These are the areas which has the same culture, food, language, living styles, and more importantly family relations among each other. As a result of the Afghan refugee's migration, people residing on the sides of the Durand Line became closer and their socio-economic life became more interdependent prior to refugee's migration; like marriages, businesses and investment, closer family relations, human capital etc..... These factors made the people of both countries, specifically areas where Afghan refugees resides to be peaceful among each other and even call upon the governments of both countries to avoid conflicts which could affect the livelihood, businesses and family relations of people in both countries".⁴⁴⁰

6.5 Environmental Impacts of Afghan Refugees on Pakistan

The migration of Afghans into Pakistan caused havoc on the environment, resulting in the development of several ailments.⁴⁴¹ Diseases were spread from bordering areas to many parts of the state, notably in the provinces of KPK and Balochistan. Furthermore, the migration of Afghan refugees into northern Pakistan turned out to be one of the primary causes for Pakistan's

⁴⁴⁰ Zabeullah Barekzai, "Lecturer at Kardan University, Kabul," *Interviewed through Whatsapp* (9 August 2023)

⁴⁴¹ Sohail Anwar, Muhammad Hassan, and Allauddin Kakar, "Afghan Refugees Implications on Pakistan," *Pakistan Journal of International Affairs* 4, no. 3 (2021): 123

failure to eradicate poliomyelitis. As a result of migration, millions of refugees were unvaccinated, making poliomyelitis eradication difficult. The major source of polio infections in Pakistan turned out to be continuous cross-border migration from Afghanistan, and polio cases were largely observed in bordering districts.⁴⁴² Refugees require resources such as food, shelter, water, land, and fuel to live, which seems to have long-term implications for protracted restoration. Two of the environmental challenges produced by migration included soil erosion and decreasing land fertility. Afghan Refugees placed added strain on the ecology by cutting down trees and acquiring food through hunting and foraging.⁴⁴³ Furthermore, the dumping of human waste has had the potential to contaminate groundwater and lead to the formation of a variety of ailments. In Pakistan, almost three million refugees have contributed to the degradation of highways and canals. Wood is used extensively to build tents as well as the shelters. In Pakistan, refugees have been living in camps for more than three decades; as a consequence, the camps have transformed into towns, but the need for forests has grown with time, putting a pressure on forest resources. More than 2 million Afghan refugees took livestock with them, which roamed near their camps. Families fulfilled their essential necessities by foraging and engaging in desertification, which degraded the soil. In addition, the extraction of feed and the usage of fuel endangers the environment's capacity to restore its groundwater supplies. As per the estimates of United Nations Environment Program (UNEP) in 2005, the presence of a high number of refugees in Sudan resulted in considerable environmental deterioration and intense desertification.⁴⁴⁴ Large-scale refugee settlements have serious and disastrous environmental effects, and it accordingly lists the most prominent individuals, that

⁴⁴² Reporter, "Pakistan and Afghanistan: The Final Wild Poliovirus Bastion," review of Reviewed Item, *Newspaper*, Issue Date 2019, Available at <https://www.who.int/news-room/feature-stories/detail/pakistan-and-afghanistan-the-final-wild-poliovirus-bastion>.

⁴⁴³ Sohail Anwar and Muhammad Hassan, "Afghan Refugees: Implications on Pakistan," 04 (2021): 124

⁴⁴⁴ Ibid.

includes the land degradation, deforestation, firewood depletion, water pollution as well as the sustainable groundwater usage. Furthermore, human waste disposal has the tendency to pollute and contaminate groundwater, eventually resulting in disease transmission and favourable conditions for the spread of microbiological infections. Hence, Afghan refugees living in Pakistan as well as the local population may be suffering long-term issues due to such calamitous implications.

6.6 Legal Status of Afghan Refugees in Pakistan and Provisions of International Law

Refugee status determination is the process of determining an individual's refugee status in a local, regional, or international context in accordance with applicable national and international legislation. From the viewpoint of state supremacy, nation-states define the legal system in which refugees are housed. According to this viewpoint, states are sovereign entities, and each state determines the legal status of refugees. International law and treaties, on the other hand, state that humanitarian ideals are derived from international law and that governments must abide by them. On the other hand, the opposing viewpoint of international law and conventions maintains that humanitarian values are derived from international law and that states must adhere to them as such. The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol lay the international legal groundwork for refugee protection. The resulting reality is typically a compromise between these two points of view. On the one hand, state sovereignty reigns supreme, and states are free to implement their own refugee-related norms and regulations.

On the other hand, pressure from international Organizations, other nations, and human rights Organizations drives governments to follow the standards of customary international law in order to provide some reassurance to refugees. It's also important to mention that, under the Vienna Convention on the Law of Treaties, governments may well not resort to domestic law

in cases of international law violations. Pakistan, on the other hand, adheres to dualist rather than a monist legal approach when it comes to customary international law. The applicability is determined by the subject matter that specifies the type of behaviour that the state requires in order to be applied domestically. The case for dualism is based on the fact that Pakistan's legal system is mostly based on English law. In terms of the status of Afghan refugees in Pakistan, the domestic legal system of the nation is in control of refugee treatment.⁴⁴⁵ Pakistan, on the other hand, is occasionally obliged by international conventions and treaties it has signed, as well as its status as a nation state, which obligates it to obey customary international law, such as the international refugee system. Government of Pakistan basically differentiates between registered refugees and those who lack registration and are considered illegal immigrants. This differentiation is critical in determining their level of freedom, security, and comforts provided to them by the host state. The Pakistani government gave identity cards to all Afghan immigrants in the early 1980s to provide basic services, yet no legal protection was provided to any Afghan refugees residing in Pakistan. NARA was established in 2000 to register all the Afghan refugees, and it was later merged with NADRA in 2015.

The Government of Pakistan and the United Nations High Commissioner for Refugees (UNHCR) also signed a Memorandum of Understanding (MoU) on the Registration of Afghan Citizens in Pakistan in April 2006.⁴⁴⁶ The operation was coordinated by UNHCR staff, and Afghan Ministry of Refugees and Repatriation (MORR) workers assisted with registration and monitoring. Biometrics were made mandatory to ensure the authenticity of the registration process. Only Afghan refugees who arrived in Pakistan after December 1, 1979 or were born

⁴⁴⁵ Raja Irfan Azam, "Analysis of Pakistan's Policy Towards Afghan Refugees: A Legal Perspective," (2021): 10

⁴⁴⁶ Umar Rashid, "Unhcr in Pakistan: Analyzing the Global Governance Regime-Repatriation of Afghan Refugees from Pakistan," *LUMS LJ* 6 (2019): 32

there after that date and were recorded in the 2005 census were eligible to register.⁴⁴⁷ Until 2006, Pakistani refugees were not obliged to produce any formal documentation.⁴⁴⁸ After registering immigrants, the GoP began distributing the Proof of Identity Card (PoR) in 2006. Afghan immigrants in Pakistan have been categorized in to four different categories. The first is a PoR holder who is a registered refugee with impunity and basic rights. The second is unregistered or undocumented immigrants treated under the Foreigners Act of 1946. The third is Afghan citizens who have a valid visa, whether for business or family visits. The fourth is an Afghanistan Residence Card (ACC) holder.⁴⁴⁹ In 2017, the Government of Pakistan announced an ACC card program managed by NADRA and the Ministry of Refugee Repatriation (MORR) with the aim of registering and issuing ACC cards to unregistered Afghan migrants. Cardholders would be protected from violations of their rights, such as unfair illegal detention under the 1946 Foreigner Act. These credentials are valid until the card holder obtains a new passport from the Afghan Government, which will allow individuals to return home safely.

6.7 Mandate of United Nations High Commissioner for Refugees (UNHCR) in Pakistan

The UNHCR has a permanent presence in Pakistan. Despite the fact that UNHCR is involved in registration and policymaking, including control of registration and repatriation procedures, Pakistan does not grant UNHCR the authority to actively supervise refugees on its jurisdiction. However, if UNHCR had access to refugee camps, assistance would have to be supplied through domestic governments. These camps were established in Afghanistan Refugee Village (ARV).

⁴⁴⁷ Betsy Joles, "Afghan Refugees Get Cold Welcome in Pakistan," *Foreign Policy*, 22 November 2021, Available at <https://foreignpolicy.com/2021/11/22/afghanistan-refugees-pakistan-taliban-border/>.

⁴⁴⁸ Marjoleine Zieck, "The Legal Status of Afghan Refugees in Pakistan, a Story of Eight Agreements and Two Suppressed Premises," *International Journal of Refugee Law* 20, no. 2 (2008): 260

⁴⁴⁹ Alimia, "Performing the Afghanistan–Pakistan Border through Refugee Id Cards," 392-93.

The Afghan Refugee Commissionerate (CAR) was founded, with commissioners serving as a link between refugees and the government.⁴⁵⁰ UNHCR mandate is broader because it recognizes that people are fleeing not just the consequences of full-scale military conflict, but also man-made disasters such as imperialism, foreign invasion, colonization, and global domination. This wide inclusion requirement can also be seen in regional agreements. As a result, if a person meets one of the two conditions, the Party is liable for the protections provided. States must not feel obligated to people who do not adhere to such a group. Moreover, when they do, it may be out of collegiality, proportionality, or intimidation. In the absence of sufficient mechanisms in the host country, this choice is made for each individual by the country of destination or by UNHCR. Neo-Classical Realism suggests that the decision to host refugees, especially Afghan refugees, cannot be viewed solely from an international legal standpoint. The internal political dynamics of the host state, including its security concerns, economic capacity, and political will, play a crucial role in shaping how refugee protection policies are implemented. In Pakistan's case, while it aligns with international norms of asylum under UNHCR's mandate, the decision to provide sanctuary is influenced by the nation's strategic interests and the internal need to balance security against humanitarian obligations. The fragility of Pakistan's state institutions, political instability, and concerns over national security, particularly the risks associated with cross-border militancy have complicated the implementation of refugee policies. Therefore, the decision to accept refugees and grant them protection is not simply a matter of legal duty but is deeply entwined with domestic factors such as national security priorities and internal political considerations. In general, the concept of *prima facie* acceptance of refugee status is used to

⁴⁵⁰ Nasreen Ghufuran, "The Role of Unhcr and Afghan Refugees in Pakistan," *Strategic Analysis* 35, no. 6 (2011): 948

facilitate collective movement from the state with conditions which come under the UNHCR mandate, and individuals are generally awarded refugee status.⁴⁵¹

A) Global Refugee Protection

Important international legal structures pertaining to refugees include the Convention Relating to the Status of Refugees, the International Bill of Human Rights, the United Nations Convention on the Rights of the Child, and the United Nations Convention Against Torture. The UN High Commissioner for Refugees mandate also serves as a guide for handling the issue of refugees for the states. Governments are also bound by customary international law standards in their handling of refugees.

B) The Convention Relating to the Status of Refugees, 1951

The 1951 Refugee Pact and its 1967 Additional Protocol, which increased the area of its applicability, are a multilateral convention dealing specifically with refugee protection that has been ratified by 145 states. The pact governs everything including recognition of refugees to obligations of states to protect them. It defines refugees as people who fear persecution in the country from which they are migrating because of their caste, colour, race, or party affiliation. These people enjoy certain rights, including the ability to practice their faith, access to higher education, and free movement of masses. Despite the fact that Pakistan is not a signatory to the Refugee Convention or its Protocol, parts of its principles are part of customary international law, which all governments, even non-members, must follow. One example is the principle of non-refoulment. Pakistan is presently coping with issues connected to the management of Afghan refugees who have migrated in considerable numbers over the last four decades. Because

⁴⁵¹ Zieck, "The Legal Status of Afghan Refugees in Pakistan, a Story of Eight Agreements and Two Suppressed Premises," 262-64.

Pakistan has yet to ratify the main treaty, temporary and discretionary rules are utilized to handle refugees within the country. Although some of those principles remain enforceable since Pakistan is a signatory to international conventions.

C) Principle of Non-Refoulement and Customary International Law

The concepts that evolved into customary international law bind all governments, regardless of their status if they are a member-state, observer state, or non-member state. The concept of non-refoulement, which is a part of both customary international law and treaty law, is one such classic example. A lot of international accords support this concept. Despite the fact that Pakistan is not a signatory to the parent convention, the concept of non-refoulement is a part of other treaties to which Pakistan is a signatory, and also customary international law.⁴⁵² This notion prohibits governments from deporting people to regions where they may face persecution or harsh treatment because of their skin colour, race, nationality, or affiliation with a specific social or political group. Non-refoulement has been elevated to the status of *jus cogens*, which means that it is a binding law that cannot be violated. However, it does not appear that this concept has been incorporated into Pakistan's legal system. Non-refoulement is specified in Article 33 of the 1951 Convention Relating to the Status of Refugees, which prohibits contracting countries from sending refugees to dangerous places.⁴⁵³

States Parties are prohibited by Article 33 of the 1951 Convention from returning a refugee to conditions or territory where it is reasonably foreseeable that the refugee may be subjected to torture for whatever reason, because torture is banned. Furthermore, under Article 3 of the United Nations Convention Against Torture (of which Pakistan is a signatory), no governmental

⁴⁵² Muhammad Zubair, Muhammad Aqeel Khan, and Muzamil Shah, "The Principle of Non-Refoulement and Its Role in the Protection of Refugees," *Global Regional Review* 4, no. 3 (2019): 456-57

⁴⁵³ Jonas Dorschner and Felix Machts Andreas Zimmermann, *The 1951 Convention Relating to the Status of Refugees and Its 1967 Protocol: A Commentary* (United States: Oxford University Press, 2011), 1413.

entity may deport, repatriate, or extradite a person to another country if there are reasonable grounds to believe he would be mistreated.⁴⁵⁴ As a result, the non-refoulement principle bans governments from removing or dismissing someone from their jurisdiction if there are substantial reasons for believing they would face irreversible damage if they returned, such as harassment, persecution, ill-treatment, or other severe human rights abuses. Refoulement is supported by some legislative systems, such as UN General Assembly resolutions. Furthermore, a human rights committee evaluates Article 7 of the International Covenant on Civil and Political Rights' non-refoulement clause. The European Court of Human Rights (ECHR) interprets the principle stated in Article 3 of the ECHR in the same way. Regional agreements also prohibit the return of refugees who are unfriendly and belligerent. Non-Signatory states to the 1951 accord, such as Pakistan and India, are nonetheless bound by the standards of customary international law.⁴⁵⁵ Notwithstanding the insight that international law prevents Pakistan from refusing to leave refugees whose life, liberties, or safety would be jeopardized if they returned towards their own country, Pakistan has forcibly deported huge numbers of Afghan refugees to a country where circumstances are appalling. Afghanistan is involved in a number of endless conflicts in addition to a domestic armed conflict. Afghanistan is caught in the crossfire of a geo-economic power struggle, and Afghans are facing the brunt of the results. As Valentina Hiegemann pointed out that many refugees have been forced to flee Afghanistan due to a serious humanitarian crisis in the country. Police monitoring, harassment, and coercion have occurred due to the irregularity in the residence status of Afghan refugees in Pakistan. Reportedly, Human Rights Watch indicated, that Pakistani officials had initiated a systematic attempt to drive

⁴⁵⁴ Kristen B Rosati, "Article 3 of the United Nations Convention against Torture: A Powerful Tool to Prevent Removal Just Became More Powerful," *Bender's Immigration Bulletin* 4 (1999)

⁴⁵⁵ Ahmad Talha and Jahangir Shah Kakar, "The Preponderance of International Courts in the Conflict of Treaty Law and Customary International Law," *Annals of Human and Social Sciences* 4, no. 2 (2023): 545

Afghans out from the country.⁴⁵⁶ In the second half of 2016, an active combination of deportation pressures and policing infractions policy adopted by the state of Pakistan pushed an approximately 0.365 million of the country's 1.5 million registered Afghan refugees and slightly more over 0.2 million of the estimated one million illegal Afghans back to their home state. Several observers and experts of international law had then and there highlighted, that efforts by the Government of Pakistan to send such a large number of Afghan refugees to Afghanistan by threat and intimidation fairly violates international law against refoulement.⁴⁵⁷ While Pakistan might very well assert that it would have no legal obligation to accommodate Afghan refugees, this might have been interpreted as a breach of customary Law and well-established international principles such as the human dignity, freedom, and protection.

D) International Covenant on Civil and Political Rights of 1966

The ICCPR obligates sovereign states to recognize and preserve civil and political rights of the individuals, which encompass the majority of the UDHR's primal human rights. Pakistan has signed the International Covenant on Civil and Political Rights (ICCPR) as well as its two optional protocols, and is required to adopt measures to ensure that rights of the people are successfully implemented by the administrative, legislative, and executive branches of the government.⁴⁵⁸ It also deters Pakistan's inhumane treatment of refugees. It is an established fact Government of Pakistan has conformed with a number of ICCPR recommendations. Refugees have defined rights to freedom of movement and choice of abode under the International

⁴⁵⁶ Reporter, "Afghanistan Events of 2015," review of Reviewed Item, *Newspaper*, Issue Date 2016, Available at <https://www.hrw.org/world-report/2016/country-chapters/afghanistan>.

⁴⁵⁷ Reporter, "Pakistan: Mass Forced Returns of Afghan Refugees," review of Reviewed Item, *Newspaper*, Issue Date 2017, Available at <https://www.hrw.org/news/2017/02/13/pakistan-mass-forced-returns-afghan-refugees>.

⁴⁵⁸ Qasim Rashid, "Pakistan's Failed Commitment: How Pakistan's Institutionalized Persecution of the Ahmadiyya Muslim Community Violates the International Covenant on Civil and Political Rights," *Rich. J. Global L. & Bus.* 11 (2011): 6

Covenant on Civil and Political Rights. The government of Pakistan does not impose any restrictions on the eligibility of refugees to settle in the state. The Pakistani government does not enforce traveling or residence constraints on registered Afghans, nor does it refuse assistance to individuals who live outside of the camps.⁴⁵⁹ Migrants have always had a variety of options about where to settle. Refugees are typically given a great deal of leeway in determining wherever they would like to go, as well as authorization to fly across Pakistan regardless of the fact that most of them do not have the documents to travel internationally. Additional ICCPR provisions are least followed by the Government of Pakistan. The International Covenant on Civil and Political Rights specifies that law enforcement agents may not unilaterally detain or imprison Afghan refugees. Nevertheless, none of these principles were effectively observed, and violations are documented on a regular basis by multiple media outlets or the UNHCR. The authorities allegedly repressed refugees on various occasions. Neo-Classical Realism suggests that the treatment of Afghan refugees cannot solely be explained by international law and humanitarian obligations, but must also be understood through Pakistan's internal security imperatives and political calculus. The government's harsh actions towards Afghan refugees, including the vandalization of their homes and restrictions on employment, are influenced by Pakistan's national security concerns. The porous border, cross-border militancy, and the perceived threat of militant infiltration from Afghanistan have driven Pakistan to take a more restrictive and sometimes repressive stance toward Afghan refugees. From a Neo-Classical Realist perspective, the state's actions reflect a balance between international norms and the internal pressure to maintain security and political stability. While Pakistan has international obligations, its political leaders prioritize safeguarding the country from what they see as a

⁴⁵⁹ Azam, "Analysis of Pakistan's Policy Towards Afghan Refugees: A Legal Perspective," 22.

potential security threat posed by the large refugee population. Residences of Afghan refugees based in different urban and rural areas were vandalized and they were denied employment opportunities as the limits on their ongoing stay in Pakistan was further tightened.⁴⁶⁰ Many ultimatums were given by Government of Pakistan to Afghan refugees, requiring individuals to return to the country or face repatriation. Furthermore, the ambiguous status of Afghan refugees in Pakistan has given a free license to law enforcement agencies for their surveillance, coercion, and multiple ways of extortion.

E) International Covenant on Economic, Social and Cultural Rights of 1966

A more just and accepting society cannot be developed without the preservation of constitutionally guaranteed human rights. In addition, the state should grant these rights impartially. Refugee rights are also covered by this covenant.⁴⁶¹ The right to social security, the ability to work, and the right to own property are only a few of the rights listed in the previous document. Similar mixed consequences have come from Pakistan's acceptance of the International Covenant on Economic, Social, and Cultural Rights in 1966. The Foreigners Act of 1946 in Pakistan prohibits hiring anyone who is not authorized to be present in the country without having proper documentation. On the other hand, the government has traditionally and unofficially accepted refugees who are employed illegally. There are thousands of cases of Afghan refugees across Pakistan who do not possess any legal documentation, yet they are residing in the country since decades and have been employed by the Pakistani citizens. As Per the applicable legislation, refugees must collaborate with Pakistanis even in the formal economy

⁴⁶⁰ Zehra Abid, "Afghan Refugees in Pakistan Face Harassment, Discrimination, Hrw Says," *Al Jazeera America*, 18 November 2015, Available at <http://america.aljazeera.com/articles/2015/11/18/afghan-refugees-in-pakistan-facing-fear-and-discrimination.html>.

⁴⁶¹ UN General Assembly, "International Covenant on Economic, Social and Cultural Rights," *United Nations, Treaty Series* 993, no. 3 (1966)

since they are unable to own and possess the real estate that is a need for conducting business on their own. In reality, this legislation is often disregarded and is accepted by the law enforcement officials. In Khyber Pakhtunkhwa, for instance, refugees from Afghanistan are not permitted to officially own trucks, but in practice they predominantly control the entire transportation industry.⁴⁶²

6.8 Domestic Enforcement of International Law regarding Refugees in Pakistan

The governments have uniformly decided to defend the rights that refugees are subject to under both domestic and international law in addition to offering asylum. It is crucial to acknowledge that millions of Afghan refugees have been hosted by Pakistan since last four decades. Inconsistencies in this area's policymaking were mostly to blame for the enthusiasm around the refugee crisis. At the moment, there is no national legislation that addresses the needs of refugees particularly. Every person born in Pakistan is entitled to citizenship under the *jus soli* principle, which is recognized by Pakistani municipal law, however children of refugees who were born in Pakistan continue to be refugees.⁴⁶³ Discrimination against refugees in general, but particularly towards Afghan refugees, includes numerous manifestations. The Shigri study on Illegal Immigrants and Afghan Refugees in Pakistan, which concentrated on refugee grievances, established consequences of late 20th century policies. They are tortured into confessing to crimes they did not commit in order to protect their families and stay in the country, even if they are not forced to return. Another issue is economic exploitation, in which workers are forced to

⁴⁶² Reporter, "Bridging the Gaps- Migration Management and Policy Options for Afghan Refugees in Pakistan," review of Reviewed Item, *Newspaper*, Issue Date 2021, 4-5, Available at <https://library.fes.de/pdf-files/bueros/pakistan/18612.pdf>.

⁴⁶³ Jhuma Sen, "Afterlives of Partition: Citizenship and Legal Belongings" (2020), 5.

labor for pay less than the basic wage.⁴⁶⁴ The most vulnerable Afghan refugees have been subjected to bribe requests from law enforcement officials, adding to their anguish. In addition to that, they are also unable to acquire necessary healthcare services, which is considered as the basic right of any human being living in any state across the world. Government hospitals are allegedly off-limits to Afghan refugees since they are paid for by the money of Pakistani taxpayers, and constitutionally, only they should only benefit from them, yet on most of the occasions Afghan citizens with least resources are treated in the government hospitals in Peshawar and Quetta particularly. Additionally, there are restrictions on Afghan citizens for creating new bank accounts, booking hotels, and conducting other socio-economic activities within Pakistan. Primarily, these violations can be booked under international law's protections for human rights, yet neither Pakistani state nor any other international organization is concerned with these issues. Additionally, coping strategies seem to be much more horrifying, including child labor and various other antisocial conducts. With a particular quota made aside for refugee students to attend higher education on government scholarships at Pakistani institutions, the present effort in the education sector is praiseworthy as thousands of students including various members of current Afghan leadership have studied in Pakistani universities.

A) The Constitution of Pakistan 1973

Article 4 of Pakistan's Constitution is critical to refugee rights since it establishes the rule of law. The right to be treated equally in the eyes of the law is declared an intrinsic right not just for Pakistani nationals but also for foreigners temporarily residing in Pakistan. Life and liberty cannot be curtailed unless they are lawfully restrained. People are permitted to engage in lawful activities throughout the legislation's implementation. A person cannot be compelled to execute

⁴⁶⁴ Zofeen T. Ebrahim, "Refugee Dilemma," *Dawn*, 7 January 2023, Available at <https://www.dawn.com/news/1730340>.

an act if it is not legally required. All citizens of Pakistan have rights under Article 4 of the constitution, regardless of their nationality.⁴⁶⁵ A broad connotation suggests that "Person" refers to all humans because it has not been defined. Afghan refugees are thus also covered by the same legislation. The rights to procedural due process, to be treated fairly at all times, to procedural fairness and appropriateness, and to immunity from actions that endanger a person's life, liberty, or property have all been read as being covered by Article 4.

It can be described as an unassailable privilege that also embodies the principles of good governance, such as a limit on the exercise of discretionary, unjust, and excessive authority. Additionally, it places a duty on every public servant to act impartially, sensibly, and justly at all times. Chapter II of the Constitution of Pakistan outlines fundamental rights, such as the protection of life and liberty under Article 9, the right to be free from unjust detention under Article 10, the right to a fair trial under Article 10A, the prohibition of all forms of slavery under Article 11, the ban on retroactive punishment under Article 12, the ban on double jeopardy under Article 13, and the freedom of movement under Article 14.⁴⁶⁶ In addition to health and educational problems for Afghan citizens based in Pakistan, there is a serious housing crisis which has not been addressed by the Government of Pakistan since last four decades and this factor has adversely impacted the socio-economic fabric of Pakistan. Only people holding PoR cards are allowed to rent out property Using a rent document, which must be signed by two witnesses and sealed with a court stamp, according to the legislation. Problems arise when holders of PoR cards lack the power to get a judicial stamp, causing the legal title to be

⁴⁶⁵ Ayesha Masood Chaudhry and Muhammad Bilal, "Migration, Diaspora and Citizenship: A Qualitative Study of the Perceptions of Pakistani Nationals Towards the Political Rights of Pakistani Dual Citizens," *International Migration* 59, no. 1 (2021): 60

⁴⁶⁶ Reporter, "Fundamental Rights and Principles of Policy 1973," review of Reviewed Item, *Newspaper*, Issue Date, Available at <http://www.commonlii.org/pk/legis/const/1973/3.html>.

transferred to a Pakistani resident. In 2019, Bank accounts were also promised to PoR card holders by the Government of Pakistan.⁴⁶⁷ Unregistered Afghan refugees, on the other hand, are barred from even renting a room. It should be noted that the identification process is difficult and time-consuming, and that refugees require a number of documents to prove their identity. Refugees would have to wait a long time to apply for the service. The Constitution of Pakistan states that both inhabitants and non-citizens are entitled to the aforementioned rights and protections. As a result, Pakistani authorities shouldn't treat registered Afghan refugees any differently. The Afghan refugees who are now residing within Pakistan's borders are covered by all the sections of the constitution that relate to freedoms and human rights in terms of individuals rather than citizens. They do have the locus standi required to launch an action under Pakistan's Constitution if their legal rights are restricted.

B) Resort to Domestic Courts

Under international customary law, domestic courts of Pakistan have the authority to enforce human rights. This is due to the fact that, in contrast to treaty law, customary law is recognized as a component of national law since it involves the cohesive tradition followed by the most civilized nations, which eventually grows into a legally binding custom.⁴⁶⁸ The Sindh High Court's ruling, in which it emphasized the necessity of recognizing customs as automatically incorporated into domestic law in the absence of prior legislative permission, is one pertinent example in this case. This idea, therefore, only holds true if the internal laws of the state do not clash with the conventional norm. As a result, refugees may seek redress in local courts, including claims based on international law that is regarded as customary.

⁴⁶⁷ Tooba Masood, "Bank Accounts Promise to Afghan Refugees in Pakistan Comes True," *Dawn*, 5 June 2019, Available at <https://www.dawn.com/news/1486613>.

⁴⁶⁸ Z. Khān, *Human Rights: Theory and Practice* (Pakistan Law House, 2007), 18-21.

C) Case Study: Ghulam Sanai vs. The Assistant Director, National Registration Office (NADRA), Peshawar (1999)

A case was filed with the Peshawar High Court to urge that the registration officials issue him a computerized national identity card. According to the facts of the case, the petitioner's father obtained a Pakistani nationality card illegally, which was later revoked. No legal provision may be considered in isolation. According to the division bench's interpretation of the Citizenship Act, everyone born in Pakistan is awarded citizenship under sections 4 and 5. However, this is limited by a provision in Section 3 that specifies that anyone else born after the commencement of the action is entitled for citizenship if his father had been a Pakistani national just at time of his birth.⁴⁶⁹ The complainant's father was an Afghan refugee who obtained a national identity card through the use of fraudulent information and even made real estate purchases. They support their claims by citing their extensive time spent in Pakistan, where they even bought real estate under their names. Although he was not born in Pakistan, their extended and continuous residence makes them eligible for Pakistani citizenship.⁴⁷⁰ The court concluded that merely staying longer or for a comparable reason is inadequate; citizenship may only be obtained through a fair legal process. The Foreigners Act, rather than the Citizenship Act, governs Afghan refugees, who are given a temporary and restricted residence in Pakistan. This was based on the definition of "foreigner" under the Foreigners Act, which specifies that it includes everyone who is not a Pakistani citizen. Because Afghan refugees are not citizens of Pakistan, the Citizenship Act does not apply to them. Article 4 is universally applicable to everyone because it does not convey any prejudice based on a person's position.⁴⁷¹ As a result,

⁴⁶⁹ Azam, "Analysis of Pakistan's Policy Towards Afghan Refugees: A Legal Perspective," 33.

⁴⁷⁰ Ibid.

⁴⁷¹ Alimia, "Performing the Afghanistan-Pakistan Border through Refugee Id Cards," 394-95.

Section 4 may apply to even refugees. Furthermore, the Foreigners Act's Section 16 operates in addition to, not in derogation of, other laws rather than precluding their applicability. Shortcomings of these decisions are still unresolved, and they haven't been contested in any other jurisdiction within Pakistan or internationally.

6.9 Global Comparison

A) Somalian Refugees based in Refugee Camps of Dadaab Vs Afghan Refugees based in Pakistan

In order to house the large influx of Somalis fleeing the fall of their state, three refugee camps were established close to Dadaab, a small town in the Garissa area in northeastern Kenya. Ifo, Dagahaley, and Hagadera are home to more than 120,000 refugees.⁴⁷² The bulk of them came from the Jubadda Hoose and Shabeellaha Hoose region, which is situated in the lowlands of the two main rivers of South Somalia. As according to the estimates of UNHCR, Dadaab facility is home to 210,038 refugees as of February 2019.⁴⁷³ The Somali have historically been dependent on a robust social structure that established significant familial obligations in each member. Prior to the conflict, spreading out the larger family and being flexible with the migration of smaller units were crucial livelihood tactics. This empowered the Somali to cope with their dangerous, semi-arid surroundings. The deplorable living conditions in the camp highlight the drawbacks of the camp paradigm. Despite decades of humanitarian aid, the majority of refugees remain on the brink of extreme poverty with few or no possibilities for employment, education, or other steps toward independence. Due to the encampment and the prolonged refugee situation in Dadaab, thousands of individuals are living in uncertainty,

⁴⁷² Laurence Binet, *Somalia 1991-1993: Civil War, Famine Alert and a Un "Military-Humanitarian" Intervention* (Médecins Sans Frontières, 2013), 78.

⁴⁷³ Operational Update, "Dadaab, Kenya," *UNHCR*, February 2019, Available at <https://www.unhcr.org/ke/wp-content/uploads/sites/2/2019/04/February-2019-Dadaab-Monthly-Operational-Updates.pdf>.

squandering their potential and being denied their fundamental human rights.⁴⁷⁴ Due to their incapacity to better their situation or escape the camp life, refugees have poor self-worth and are horrified by their reliance on inadequate aid. Dadaab has turned into a permanent home for many individuals caught in a never-ending cycle of waiting. Due to Somalia's ongoing lack of stability and prosperous economic possibilities, voluntary repatriation has not been alluring. 46 percent of the population had no intentions to return in the future, while 36 percent said they would only think about doing so if conditions in Somalia significantly improved.⁴⁷⁵ In comparison; Afghan refugees based in Pakistan have mixed in Pakistani society. Though Pakistan initially established refugee camps in KP and Balochistan, yet a majority of Afghan refugees migrated in different cities of Pakistan to find employment or business opportunities. While Pakistan hosted around 4 million Afghan refugees during War on Terror; majority of them collaborated with Pakistani nationals to attain housing and establish their million-dollar businesses in the country. While the Dadaab facility was properly structured for Somali refugees, Pakistan could not make any such arrangements and hence there are families who have their third and fourth generation living in Pakistan. They have illegally made National Identity Cards (CNIC) of Pakistan as well while they have been continuously Using health and educational facilities of Pakistan as well. Moreover, despite being facilitated by UNHCR for their repatriation, majority of Afghan population living in past since last four decades are not interested in moving back to Afghanistan during to deteriorated security situation and least livelihood opportunities. The regional dynamics of Somali refugees in Dadaab were entirely different than the regional dynamics of South Asia and hence so was the situation of refugees based in both regions. Neo-Classical

⁴⁷⁴ G. Loescher and J. Milner, *Protracted Refugee Situations: Domestic and International Security Implications* (Taylor & Francis, 2013), 89.

⁴⁷⁵ "Somalis 'Unwilling' to Leave Dadaab Camp: Report," *Hiraan Online*, 12 April 2019, Available at https://www.hiiraan.com/news4/2019/apr/163297/somalis_unwilling_to_leave_dadaab_camp_report.aspx.

Realism emphasizes that the refugee situation in Pakistan cannot be understood only through humanitarian norms or international obligations. The domestic political environment and security challenges facing Pakistan have influenced how the state deals with Afghan refugees. The long-term presence of Afghan refugees in Pakistan is intertwined with internal concerns over security, political stability, and the country's socio-economic structure. The state has made some concessions, such as allowing refugees to integrate into the economy and society, yet the government's primary focus remains its national security concerns. With cross-border terrorism and insurgent movements, Pakistan's response to refugees is also driven by the need to secure its border and control potential threats. As the Afghan refugee issue has become more politically and security-oriented, the state has struggled to effectively manage the situation, leading to ongoing tensions regarding their legal status, economic integration, and repatriation. Being originated from Afghanistan, refugees in Pakistan were habitual to hard work and tough economic prospects. On the other hand, situation in Dadaab was entirely different as Kenya in itself is an underdeveloped state with least economic opportunities for its own people. Hence, refugee camps based in Dadaab were confined to that particular area and were not allowed by the government to merge amongst the local population. It can be assessed that refugee camps in Dadaab were more effectively managed than the Afghan refugees based in Pakistan.

B) Syrians in Turkey

The massive emigration from Syria has had a significant impact on all recipient countries, but none more so than Jordan, Lebanon, and Turkey. Since 2014, Turkey hosted the most refugees in the world. Ankara, Kilis and Konya were amongst the leading recipient of Syrian

refugees.⁴⁷⁶ The vast majority were Syrians who were only temporarily protected. Turkey was housing approximately 3.6 million Syrians, accounting for 64.4% of all internally displaced Syrians as of 2020.⁴⁷⁷ Turkey also hosted nearly 370,000 refugees and asylum seekers from other countries who were protected within the country due to the assistance provided by the international community. Border management has been a significant factor in relations between the EU and Turkey since the 2000s. Rising security concerns and ongoing irregular migrant flows, however, have been challenging forces behind Turkey's consistently evolving border management practices. Mass Syrian immigration to Turkey and the ongoing influx of unauthorized Afghan, Iraqi, Iranian, and African migrants have caused border management issues since 2011. Turkey adopted a flexible, compassionate approach with an unwavering Open-Door policy that accepted the majority of Syrian refugees fleeing the conflict up until the middle of 2012.⁴⁷⁸ The western land and maritime borders of the EU had evolved to dominate Turkey's border management system by 2015. Turkish policy and EU objectives to reduce irregular migration collided once more during the height of massive migrations from Turkish coastlines to Greece. New policy instruments and agreements involving external border controls were established in response to a significant rise in the number of border crossings from Turkey

⁴⁷⁶ İbrahim Efe and Tim Jacoby, "'Making Sense' of Turkey's Refugee Policy: The Case of the Directorate General of Migration Management," *Migration Studies* 10, no. 1 (2022): 62-63

⁴⁷⁷ Hilal Alkan, "The Gift of Hospitality and the (Un) Welcoming of Syrian Migrants in Turkey," *American Ethnologist* 48, no. 2 (2021): 181

⁴⁷⁸ K. Morgul, *Muslim Nationalism and Public Attitudes toward Syrian Refugees in Turkey* (University of Wisconsin--Madison, 2022), 35.

Greece. Examples include the EU-Turkey Statement (EUTS) of March 18, 2016⁴⁷⁹ and the Joint Action Plan of Turkey with European Union in 2015.⁴⁸⁰

Many Turkish stakeholders contributed to laws, regulations, and practices connected to border management, migrant protection, reception and micro-level integration. In order to address the mass emigration of Syrians since 2011, Turkey has developed a number of legislative policies that are rooted in historical experiences with large migration patterns as well as the political and legal repercussions of relations with EU member states and Middle Eastern states. Turkey gradually shifted its progressive stance toward Syrians in order to reinstate policies and vocabulary that consider the domestic social, economic, and political consequences of mass migration. So, before shifting to deterrence and securitization politics, border control tactics and policies were grounded on humanitarian principles. Concerns have been made about the involuntary repatriation of Syrians, as well as specific occurrences of administrative detention and deportation of irregular migrants, as a result of this change in protection laws and procedures.⁴⁸¹ Although Turkey did not pledge to accommodate asylum seekers, one of its institutional departments (Directorate General of Migration Management) did so on a case-by-case basis Using public funds. A religious-political welcoming narrative centered on guest hood and the Ansar spirit was successfully accepted in the early years of the enormous departure of Syrians. As of 2017, the vast majority of Turks no longer able to support this religious-political discourse. Despite this, Syrians were increasingly emphasizing their traditional and religious

⁴⁷⁹ Press Release, "Eu-Turkey Statement," *European Council*, 18 March 2016, Available at <https://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/>.

⁴⁸⁰ Implementation Report, "Managing the Refugee Crisis Eu-Turkey Joint Action Plan," *European Commission* 2015, Available at https://home-affairs.ec.europa.eu/system/files/2016-12/managing_the_refugee_crisis_-_eu-turkey_join_action_plan_implementation_report_20160210_en.pdf.

⁴⁸¹ Ahmet İçduygu and Maissam Nimer, "The Politics of Return: Exploring the Future of Syrian Refugees in Jordan, Lebanon and Turkey," *Third World Quarterly* 41, no. 3 (2020): 418-20

links in the face of escalating societal turmoil. Turkey has struggled to integrate Syrian refugees due to a lack of an effective integration policy. Despite the lack of a formal national integration program, there is a de facto national integration policy in place, which included integration initiatives for employment, education, healthcare, and citizenship. Turkish citizens' hatred toward Syrians has grown since 2017, owing to the country's rising political and cultural tensions.⁴⁸² Because of this disillusionment, prominent political parties had begun to express nationalistic and even anti-Arab sentiments, particularly during election seasons. However, a number of both national and local trends in Turkey indicate that integration will likely take on more institutionalized forms in the foreseeable future. Despite the multiple challenges they face, many migrants in Turkey reported a sense of identity and optimism for the future. As of April 2023, Turkey is host to around 5.5 million refugees with Syrian refugees and foreigners with residence permits living in the country; representing the largest groups.⁴⁸³ While analyzing the situation of Syrian refugees in Turkey and Afghan refugees in Pakistan; much has to be taken in to consideration. Geopolitical positions of Pakistan and Turkey have significance in their own respective positions. Turkey is located at the intersection of the Caucasus, the Middle East, the Balkans, and the eastern Mediterranean. In terms of people and territory, it is one of the bigger countries in the area, and its total area is largest than any nation in Europe. On the other hand, Pakistan's significant geopolitical position in South Asian region cannot be neglected. Pakistan is bordered by Iran to the west, Afghanistan to the northwest and north, China to the northeast, and India to the East and Southeast. Syrian and Afghan refugees prefer to live in these two states due to their geopolitical position, their proximity to Afghanistan and their Open-Door policies

⁴⁸² Joshua Levkowitz, "Turkey's Xenophobic Turn Targets Stateless Syrians," *Foreign Policy*, 26 March 2023, Available at <https://foreignpolicy.com/2023/03/26/turkey-stateless-syrians-earthquake-elections-erdogan-assad/>.

⁴⁸³ Elmas Topcu, "Turkey Elections: Refugees Are a Top Political Issue," *DW*, 20 April 2023, Available at <https://www.dw.com/en/turkey-elections-refugees-are-a-top-political-issue/a-65374605>.

towards refugees during last two decades. However; the major difference between the two sides is that Turkey initiated its border and refugee management as soon as it realized that influx of Afghan refugees has the tendency to create instability in the country. On the other hand, Afghan refugees based in Pakistan enjoyed their stay in the country for almost 4 decades without any particular hindrances from the state. They enjoyed economic opportunities, health care and education facilities in Pakistan while significantly contributing to deteriorating security situation. During last two decades, Pakistan lost over 80,000 people in War on Terror and Afghan citizens based in Pakistan meaningfully contributed to instability and chaos in the country. The possibility of managing global migration issues and refugee management has recently increased manifold over the past decade as understanding of this issue has grown exponentially. The comparatively wealthy East Asian nations have begun to recognize their commitments, while some Asian states are strengthening and harmonizing their legal systems with UN refugee agreements.

6.10 Hosting Refugees in the Absence of Legislative Measures

In the lack of state ownership and policy, the UNHCR stepped into exercise jurisdiction and provide legal, administrative, and humanitarian support to Pakistan regarding the ongoing refugee issue. Since 1988, UNHCR and the Pakistan government have reached eight agreements dealing with the systematic voluntary repatriation of refugees.⁴⁸⁴ A clear analysis of these documents reveals the application of jurisdiction and principles prescribed in the Geneva Accords on the Settlement of the Situation Relating to the then-present Situation in Afghanistan, which aimed at soviet withdrawal and relieving Pakistan of the responsibility of mass refugee hosting. The following agreements incorporated Afghanistan as a party and insisted on the

⁴⁸⁴ Muhammad Zubair, Suhail Shahzad, and Muhammad Aqeel Khan, "The Position of Afghan Refugees under Various Agreements and Constitution of Pakistan: An Analysis," *Global Regional Review* 4, no. 1 (2019): 462

voluntary character of repatriation, which, given Afghanistan's conflict-prone condition in the coming years, did not remain an exercisable or desired choice for refugees residing in Pakistan. In 1993, an agreement was drawn up between the GOP (Government of Pakistan) and UNHCR that clearly stated the status and responsibilities of UNHCR in Pakistan, a practice that is followed by states that are not signatories to the protocols that form the basis of international law on refugees but still work closely with UNHCR.⁴⁸⁵ Without a distinct legislative position and a particular set of obligations and rights towards host states, both refugees and the host country may experience a number of detrimental effects that would passively impact the situation of refugees as well as the host state. For Afghan nationals living in Pakistan, the aforementioned periodic engagements of GOP, Afghanistan, and UNHCR to register and account for refugees appear to be in context with not granting Afghan nationals living in Pakistan the status of refugees but merely to register and account for them for the purposes of census and chalking out a systematic repatriation policy.⁴⁸⁶

The rights outlined in the 1951 Refugee Convention, such as the right to education health, shelter, a means of subsistence, and transportation, appear to have already been accorded to Afghan refugees who have lived in Pakistan for more than 40 years without receiving formal asylum. Ironically, a number of European nations that have ratified the Refugee Convention and are currently hosting Syrian refugees have restricted migrants to camps and refused to permit them to cross borders in 2015. It is possible to observe a seeming absence of focus, inclination, and coordination between Pakistan's central and provincial administrations on the issue of state's incapacity to develop a constitutional asylum system and a mechanism for governing it. The inability to draft a legislation on refugees at the parliamentary level, follow-up laws, or even a

⁴⁸⁵ Ibid., 463.

⁴⁸⁶ Paolo Novak, "Refugee Status as a Productive Tension," *Transnational Legal Theory* 6, no. 2 (2015): 292-94

consistent management policy demonstrates ineptitude and a lack of knowledge of the catastrophic repercussions associated with a badly managed and poorly accounted extended refugee crisis. The consequences to govern, monitor, and expeditiously repatriate refugees have been grossly underreported given that Pakistan was engaged directly in the Afghan conflict and was constantly shifting its political stance on the matter.

Additionally, unanticipated transit and mobility limitations have been implemented along the Afghan-Pakistani border depending on political and security pressures. Instead of attempting to develop a responsive transit control plan to distinguish between terrorist elements traveling under the garb of refugees and migrants, Pakistan blocked its borders to Afghans in November 2000 and labeled them a security issue. There were also instances of unofficial entrance points across the then-poorly controlled border, when extortion money was gathered to allow persons fleeing Afghanistan to cross border in return for money or commodities. In 2001, however, as tensions grew as a result of the US invasion of Afghanistan, Pakistan softened its policy approach. The state's initiative to fence the disputed boundary between the two states in addition to construction of official checkpoints is almost complete. Due to the unclear status of Afghans and the mixed character of their movement, certain peculiar terminology has been used in official communications and agreements about their return. The registration of Afghan Citizens living in Pakistan is authorized under agreements struck in 2006 and 2007 between Afghanistan, Pakistan, and UNHCR.⁴⁸⁷ No communication has yet made clear how Pakistan and the UNHCR will address the case of individuals who are not registered while simultaneously do not wish to return to Afghanistan. Based on its experience with Afghan refugees and the data currently available on

⁴⁸⁷ Katja Mielke and Benjamin Etzold, "Afghans' Narrowing Mobility Options in Pakistan and the Right to Transnational Living: A Figurational Perspective," *Journal of Ethnic and Migration Studies* 48, no. 18 (2022): 4348-50

the movement, Pakistan should hold an extended parliamentary debate on the long-term introduction of legislation at the provincial and federal levels on the definition of Refugee and Asylum Seeker, as well as the conditions under which this status and related status will be granted. Given its geographic location and the current level of violence in Afghanistan, Pakistan should move quickly to implement a transit control policy. The transit control mechanism is already expected to intensify with the construction of the Af-Pak border barrier. However, in response to political or international pressure, Pakistan should not provide exceptions to any organizations or individuals with influence; until and unless alternative measures for complete control are in place.

The nature of Afghanistan-Pakistan bilateral relations has occasionally had a considerable impact on Pakistan's attitude toward Afghans. Analysts believe that Pakistan's treatment of Afghans in the country has evolved from being very hospitable to hostile over the course of four decades. It is critical to underline that Afghans are treated far better in Pakistan than they are in Turkey or Iran, wherein evidence suggests that beatings are intended to discourage their ongoing presence. However, it is critical to assess Pakistan's policies in light of global best practices. A variety of reasons have influenced how the Islamabad administration has created its narrative regarding marginalized Afghan minorities based in Pakistan. The second-largest inflow of Afghans after Iran was found to be occurring in Pakistan, which was anticipated to exacerbate problems for the host nation with regard to unemployment, the economy, law enforcement, the spread of undesirable cultures, unbalanced demographics, particularly in frontier regions, the burden of civil amnesties, and other issues. The host nation disregarded these worries since it was receiving significant financial and logistical backing from the US at the beginning of the movements. It consequently missed the mounting danger of a long-term change in the host

society's landscape. However, once the Soviet Union left Afghanistan and the US took total control, local Afghan forces were only moderately better armed and trained, highlighting the issues. Despite extensive efforts since 2002 to repatriate Afghans, the Afghan presence in Pakistan remained a major source of contention for all the relevant stakeholders; particularly the security institutions of the country.

Since the beginning of 2021, almost 600,000 Afghan refugees have entered Pakistan, ostensibly due to security considerations in their home state.⁴⁸⁸ More Afghans are likely to require international refugee protection than has been officially acknowledged. This demonstrates that repatriation is not a viable solution on its own. The situation deepens as Afghans enter their third and fourth generations since being uprooted. Because of Afghanistan's changing governmental system in the post-war context, host states must show extra prudence when formulating decisions regarding foreign policy. Without taking into consideration the prevailing socioeconomic realities in the relevant regions, no examination of the legislation controlling transnational migrations can be considered trustworthy. A legislation must be understood comprehensively, not just in one aspect. As a result, the socioeconomic condition in Pakistan, the host country, and Afghanistan must be holistically addressed; while Pakistan considers drafting a legislation for Afghan refugees. Afghanistan's status is still difficult notwithstanding the country's political unrest, which makes it less appealing for Afghans to return. Afghanistan's sizable Afghan population relies entirely on humanitarian aid to exist. Sanitation, water supply, medical care, assistance with schooling, commodities, and other essential relief services and supplies are just a few examples. The majority of the infrastructure was put in place there to persuade refugees to return. Among the most urgent issues faced by the

⁴⁸⁸ Portal, "Afghans in Iran and Pakistan".

Taliban administration is internal displacement. Because rapid repatriation is not an option, it is essential for Pakistan, Afghanistan and UNHCR to come up with innovative methods for gradual repatriation of Afghan refugees back to their home state.

Chapter VII

Economic Cooperation between Pakistan and Afghanistan

This chapter has been categorized in to three distinct sections. The first section of this chapter explains the economic geography of the region and the bilateral trade agreements between Pakistan and Afghanistan. Second section takes in to account the smuggling issues as well as the legal and illegal trade between Pakistan and Afghanistan. Integrating Afghanistan in to CPEC project has also been discussed. Final section of this chapter takes in to account the contemporary dynamics of trade between the two states as well as a comparative analysis in terms of pre and post fencing period. This chapter would assess the economic relations between Pakistan and Afghanistan through multilateral perspectives and how these ties have impacted the foreign policy between the two states. A critical analysis of ATA and APTTA would be conducted while transit trade between the two sides would be discussed. Moreover, the challenges and prospects to future of economic cooperation between the two sides would be discussed in-depth while the role of regional powers would also be taken in to consideration.

Pakistan and Afghanistan are two of the most significant trading partners for each other due to their geographical proximity. Economic cooperation between the two sides have been at the epicenter of their bilateral relationship since 1947, primarily due to an open, and 2610 km long and porous border. Pakistan serves as both Afghanistan's primary export and import market, while Afghanistan ranks as Pakistan's fifth-largest export market.⁴⁸⁹ Afghanistan has relied significantly on Pakistan for its transit trade with the rest of the world due to its landlocked

⁴⁸⁹ Rustam Shah Mohmand, "Pakistan, Afghanistan and Prospects of the Coal Trade," *Arab News*, 2 August 2022, Available at <https://www.arabnews.pk/node/2134651>.

status. The most comprehensive Afghanistan Pakistan Transit Trade Agreement (APTTA), agreed and signed between two states in 2010, allowed the two sides to use each other's airports, railway lines, and roads along specific routes while also conducting counter-terrorism operations.⁴⁹⁰ A preferential trade and tariff agreement between the two countries is essential to enhance market access, establish a clear framework for regional tariff rationalization, and attract investment in both countries. While bearing in mind the political, socioeconomic, historical, religious, geopolitical, and societal characteristics of Afghanistan and Pakistan, it is essential to assess the factors that have the tendency to strengthen the bilateral relationship, create new prospects, and address diverse challenges faced by the two nations. Pakistan has always made efforts to enhance its trading relationship with Afghanistan despite security challenges and political unrest there within; as economic interdependence fosters political stability and improves bilateral ties. Though relationship between two sides has predominantly remained strained due to chaotic security situation and conflict in Afghanistan during last two decades; yet economic cooperation continued due to persistent people to people interaction. Though due to fencing of Pak-Afghan border; trade between two sides significantly dropped and has continued to remain so.

Afghanistan has always remained significant in the region from a strategic point of view since it provides access to the Middle East and Central Asian states. Several attempts were made by different states around the world to annex Afghanistan; yet they failed to do so as the country is also known as the 'Graveyard of Empires'.⁴⁹¹ The current situation in Afghanistan, the IEA government and its multilateral perspectives pose a serious politico-economic burden for

⁴⁹⁰ Vaqar Ahmed, "Afghanistan–Pakistan Transit Trade Agreement," (2010): 1

⁴⁹¹ Akhilesh Pillalamarri, "Why Is Afghanistan the 'Graveyard of Empires'?", *The Diplomat*, 30 June 2017, Available at <https://thediplomat.com/2017/06/why-is-afghanistan-the-graveyard-of-empires/>.

domestic, regional, and international organizations interested in the future stability and economic prosperity of the region; however, it may take time for a war-torn country to revive and attain recognition as well as cooperation from states around the globe. Afghanistan usually held trading relationship with its neighboring states while Pakistan was its largest economic partner; however, because of strained relationships between former Kabul governments and Islamabad, which swapped charges of providing a safe refuge for terrorists, trade between Pakistan and Afghanistan significantly dropped over the past decade from \$1.5 to \$2 billion to \$870 million in 2020.⁴⁹² Afghanistan typically exports low-value items such as dried and fresh fruits, cereals, non-alcoholic beverages, pulses, medicinal herbs, leather, rugs and wool, silk and hand-woven carpets, cotton, coal, precious as well as semi-precious stones and, and several other products. Afghan traders have usually accessed the Indian market through the transit route of Pakistan; however, as a result of strain political relations between Pakistan and Indian and Pakistan and Afghanistan in recent years, Pakistan has regularly halted trade through Chaman and Torkham borders and erected a slew of superfluous bureaucratic barriers to trade. Such actions have actually spoiled Pakistan's economic relationship with Afghanistan, cutting bilateral trade in half and limiting Afghan exporters access to the Indian market.

Afghanistan is a landlocked state bordered by six CA states. With a vision to enhance its trade; Pakistan has always sought a roadway connection to Central Asian states, while Afghanistan required accessibility to a seaport for its global trade.⁴⁹³ The first Afghan Transit Trade Agreement (ATTA); also known as transit trade agreement between Pakistan and

⁴⁹² Salman Raza Maryam Younus, Dr. Khalid Mustafa, "Potential of Preferential Trade Agreement (Pta) between Pakistan and Afghanistan," *Trade Development Authority of Pakistan*, December 2021, 9, Available at <https://tdap.gov.pk/wp-content/uploads/2022/03/Potential-of-Preferential-Trade-Agreement-PTA.pdf>.

⁴⁹³ Neeraj Singh and Manhas, *Analysing the Current Afghan Context* (Taylor & Francis, 2022), 61.

Afghanistan was signed on March 2, 1965.⁴⁹⁴ In compliance with that agreement, both states aimed to enhance bilateral and transit by providing Afghanistan with commercial accessibility to the Karachi port. Bilateral and transit trade between Pakistan and Afghanistan is influenced by greater developments in the South and Central Asian region. Regional powers, such as China's engagement in Pakistan's deep-water seaport of Gwadar through CPEC project and India's cooperation with Iran on its Chahbahar port, determine how commercial engagement is perceived and managed.⁴⁹⁵ Considering the easing of sanctions against Iran and the consequent developments in the region, neither state can allow itself to take the magnitude and value of economic ties with the other for granted. Pakistan's role in allowing access to shipping ports for Afghanistan and subsequently Afghanistan's involvement in binding Pakistan to the Central Asian states is equally crucial for both sides.

7.1 Economic Geography of the Region

Afghanistan and the Central Asian states lay at the crossroads of ancient Silk Road; which was a trading route between the South Asian civilizations and the great powers. Evolution and digitization of technology shifted the trade routes to the sea lanes around the land mass of Asia. One thriving region eventually transformed in to a land-locked region that was cut-off from the maritime trading routes due to national boundaries and difficult terrain of the region.

In 21st century, Afghanistan is primarily dependent on Pakistan and Iran for its transit route of sea to the international markets.⁴⁹⁶ Uzbekistan, Turkmenistan, Tajikistan and Kyrgyzstan Republics are landlocked from dual sides; facing multiple border crossings to the South and

⁴⁹⁴ United States. Central Intelligence Agency, *Daily Report, Foreign Radio Broadcasts* (1965), 1-2.

⁴⁹⁵ Mir Sherbaz Khetran, "Gwadar and Chabahar," *Strategic Studies* 38, no. 2 (2018): 44

⁴⁹⁶ Bruno de Schaetzen Adam Bennett, Louis Dicks-Mireaux, Thierry Kalfon, Ernst Felix Fischer and Ron van Rooden, *Reconstructing Afghanistan* (International Monetary Fund (IMF), 2005), 15.

West before reaching the Open seas.⁴⁹⁷ All these states have access to the sea and each other's markets but the region as a whole remains remote and least integrated regions of the world. Afghanistan's main transit route for links with the rest of the world is through Pakistan which remained a major exporting destination for Afghan exporters until 2014. Pakistan was also the second largest source of Afghan imports for most of the time since 1947 until 2014. In the years ahead; the situation drastically evolved due to Pakistan's policies of returning back the Afghan refugees to their home state as well as the initiation of fencing of border in 2017 despite strict Afghan opposition. Moreover, the security challenges in Afghanistan further led to delays in the attainment of fiscal sustainability while volatile aid flows had also complicated the policy making. Hence trade between Pakistan and Afghanistan carry different importance for neighboring states. Afghanistan's market size is relatively smaller than Pakistani market size and prospects for economic growth of Afghanistan are clouded by near-term risks which are mostly on the downside.⁴⁹⁸ Moreover, while Afghanistan is heavily reliant on Pakistan for its cheaper bilateral and transit trade; Pakistan's geographical location and its borders to the Arabian sea makes it advantageous and provides it complete access to the global market. In addition; while bordering regions of Pakistan have tremendously benefitted due to trade with Afghanistan; the economies of bordering provinces are more intrinsically linked to growth centers and markets of Pakistan and the flow of traded goods is facilitated by the country's trade corridors governed by domestic spatial advantages and driven by national priorities in accordance with the national interest. Nevertheless; for Pakistan; development of trade links with Afghanistan acquires

⁴⁹⁷ Dave Bhavana, *Engaging Central Asia: The European Union's New Strategy in the Heart of Eurasia* (Centre for European Policy Studies, 2008), 132.

⁴⁹⁸ Shahid Iqbal, "Pakistan Loses 50pc Market Share in Kabul," *Dawn*, 4 March 2018 Available at <https://www.dawn.com/news/1393106>.

somewhat enhanced importance in the regional context because Afghanistan remains the shortest and most accessible transit route between Pakistan and the CAR's.

Pakistan's proximity to Afghanistan as well as the Central Asian states gives Pakistan an advantage of lower transportation costs over most of the other states when the region is also being viewed as potential export destination. Moreover, surplus energy in the Central Asian republics is highly attractive prospect for energy starved Pakistan.⁴⁹⁹ Pakistan's ability and capacity to develop physical and institutional infrastructure on its own to enhance its trade with the Central Asian markets and Afghanistan seems to be limited in the near future; given political uncertainty and security situation of Afghanistan as well as Pakistan's own economic challenges. A more realistic and calibrated development strategy should acknowledge Pakistan's priority to develop its trade links with the bigger markets and explore multilateral and bilateral donor supported regional programs like Central Asia Regional Economic Cooperation (CAREC) and China Pakistan Economic Corridor (CPEC) for developing links with Afghanistan and Central Asian states.

7.2 Economic Interdependence as a Tool of Secure and Controlled Pak-Afghan Border

It is a fact that economic interdependence between Pakistan and Afghanistan is the only way-forward for Pakistan and Afghanistan.⁵⁰⁰ Conflict, Instability, Intensity in politico-diplomatic relations and border disputes have refrained both states in reaching their maximum potential in terms of economic cooperation. However, leadership of both sides need to realize and understand

⁴⁹⁹ Seung Duck Kim, "In Central Asia, a Soviet-Era Electricity Network Could Power Future Energy Sharing," *Asian Development Blog*, 8 October 2020, Available at <https://blogs.adb.org/blog/central-asia-soviet-era-electricity-network-could-power-future-energy-sharing>.

⁵⁰⁰ Dr. Muhammad Zubair Khan, "Enhancing Trade and Regional Cooperation between Pakistan and Afghanistan," *The Asia Foundation*, March 2016, Available at https://asiafoundation.org/wp-content/uploads/2016/06/Political_Economy_Analysis_Dr_Khan.pdf.

the fact that intensity in relationship will not benefit either of them. Volume of trade between two sides should reach their maximum potential as it was before 1947. Historically, before 1947, open trade predominantly prevailed between Afghanistan and the British Sub-Continent and the same pattern continued between Pakistan and Afghanistan until 1965. The first trade agreement between Pakistan and Afghanistan was signed in 1965 generally known as "Afghanistan Transit Trade Agreement" (ATTA), that was later renamed as the Afghanistan Pakistan Transit Trade Agreement. The agreement was struck to enhance and formalize bilateral trade between the two states. The agreement focused on bilateral and transit between Afghanistan and Pakistan. The agreement stated that neither state would impose customs duties or other taxes on tradable products while they were transiting to any national, provincial, or municipal location. Only the Pakistani ports of Bin Qasim and Karachi were authorized for export to and import from Afghanistan.⁵⁰¹ Pakistan and Afghanistan have been connected through the important trade routes of Chaman-Spin Boldak and Peshawar-Torkham.

The Theory of Economic Interdependence suggests that increased economic ties between states reduce the likelihood of conflict by making war costlier and cooperation more beneficial. This perspective underscores why Pakistan and Afghanistan must prioritize economic integration over prolonged political tensions. Historically, economic interdependence between the two neighbors has been evident through transit trade agreements and cross-border exchanges. However, disruptions in trade due to political instability and border disputes have hindered both states from achieving their full economic potential. By enhancing trade volumes and strengthening bilateral economic institutions, both Pakistan and Afghanistan could cultivate

⁵⁰¹ Muhammad Ather Elahi Ishrat Husain, "The Future of Afghanistan-Pakistan Trade Relations," *United States Institute of Peace*, 17 August 2015, Available at <https://www.usip.org/publications/2015/08/future-afghanistan-pakistan-trade-relations>.

mutual dependence, which in turn would foster stability and peace. The economic ties between the two nations extend beyond just formal agreements—informal trade networks and border economies also highlight how interconnected they are. If leadership on both sides recognizes that economic prosperity is directly tied to political stability, they may adopt policies that reinforce economic collaboration rather than deepen hostility. According to the Theory of Economic Interdependence, greater trade connectivity and economic engagement lower the incentives for conflict and create shared stakes in regional stability. Pakistan and Afghanistan, having historically benefited from open trade, must rekindle their economic ties to ensure long-term security and development. Thus, reinforcing economic interdependence is not just an economic necessity but a strategic imperative for both nations.

7.3 History of Economic Ties Before 9/11

It is an acknowledged fact that Afghanistan is abundant in natural resources, such as natural gas, oil, sulfur, lead, aluminum, chromite, zinc, salt, and a variety of valuable and semi-precious gemstones. Due to the protracted conflict in Afghanistan since last 4 decades, Afghans were unable to benefit from the enormous quantity of resources that could have supported their economy. Soviet Union had reportedly estimated that Afghanistan possessed 440 million metric tons of coal and energy resources in 1970.⁵⁰² Afghanistan's economy has continued to face significant hurdles due to its landlocked status, instability in political and security situation, lack of economic policies and poor communication infrastructure. Due to its strategic location at the crossroads of Asia, Afghanistan has the potential to be a significant natural resource supplier. However, since 1950, it has been dependent on external influences brought about by the global community. In 1973, when Prime Minister Daoud Khan was elected President, he undertook a

⁵⁰² Ghulam Malikyar, *The State of Environment of Afghanistan 2011-2017* (2018), 92.

number of fresh modernizing initiatives, such as state-run management of the economy, state welfare programs, and institutional reforms.⁵⁰³ The export and the import channels were governed by the governments. The nationalization of banks was done to encourage economic growth. A deal was signed between the USSR and Afghanistan on petroleum, development, irrigation plants, transportation, and highway development. At the time, all of Afghanistan's bright and qualified citizens fled into neighboring states such as Iran, Pakistan, and the Soviet Union. This approach, commonly referred to as Brain Drain, resulted in food insecurity, which created a clandestine economy and boosted pricing for basics by 90% after the 1980s, resulting to agricultural failure. In order to achieve massive development, he also welcomed military and financial support from the US and the Soviet Union. Between 1950 and 1970, Afghanistan got 50% of its international assistance from the Soviet Union and 30% from the US.⁵⁰⁴ After signing an agreement, Pakistan opened its border with Afghanistan in January 1962, permitting for the eight-week transit of American goods that had stockpiled in Peshawar.⁵⁰⁵ This highlights the importance and necessity of an overland route for Afghanistan, as well as the impact this requirement has had on the country's policy. The economy was based on transit commerce, opium trade, and gemstone trade. Various minerals had recently been discovered in Afghanistan, thus various countries and corporate sectors offered their services to the country, such as the Chinese Metallurgical Group Cooperation (MCC), which invested \$3 billion in a copper mine in

⁵⁰³ Avraham Sela, *Continuum Political Encyclopedia of the Middle East: Revised and Updated Edition* (Bloomsbury Academic, 2002), 24.

⁵⁰⁴ Alan Taylor, "Afghanistan in the 1950s and '60s," *The Atlantic*, 2 July 2013, Available at <https://www.theatlantic.com/photo/2013/07/afghanistan-in-the-1950s-and-60s/100544/>.

⁵⁰⁵ R.P.G. Donita M. Moorhus and A.C.M.H.C.E. Defense Dept., *Bricks, Sand, and Marble: U.S. Army Corps of Engineers Construction in the Mediterranean and Middle East, 1947-1991 (Paperback)* (Government Printing Office), 213.

Kabul.⁵⁰⁶ In Afghanistan, exports account for around 20 percent of the country's GDP.⁵⁰⁷ Afghanistan's economy ranked 111 globally in terms of GDP, 140 globally in terms of total exports, 113 globally in terms of total imports, 188 globally in terms of GDP per person, and 109 globally in terms of economic complexity in 2020. Afghanistan's largest export partners are India (25.5%), Pakistan (48%), the US (14.9%), Tajikistan (9.6%), and Germany (5%), while its major import partners are Pakistan (23.3%) and the US (29.1%).⁵⁰⁸ Foreign trade has been a critical necessity for Afghanistan since the country's inception. Because of Afghanistan's limited natural resources, the vast majority of its consumer goods, with the exception of food, and all of its production goods are imported. Karakul fur and agrarian items are the state's principal sources of funds, while they also supply essential imports. Given that Afghanistan is a landlocked country and therefore that Pakistan and Iran's boundaries are the most practical and efficient transit channels, economic cooperation between the two sides have historically been a source of strength. These regulations were established by the Transit Trade Agreement of 1965, which enabled all products into Afghanistan only through the port of Karachi. Since Pakistan's inception, there has been illegal bilateral and transit trade along the Durand Line. In 1965, the principal routes were selected as Peshawar-Torkham and Chaman-Spin Boldak crossover locations.⁵⁰⁹ Afghanistan was exempted from paying customs charges, processing fees, seaport charges, and shipping costs on imports. In 1995, the Afghan Trade and Development Cell was

⁵⁰⁶ Samya Kullab, "China Eyes Investment in Afghanistan's Mes Aynak Mines," *The Diplomat*, 28 March 2022, Available at <https://thediplomat.com/2022/03/china-eyes-investment-in-afghanistans-mes-aynak-mines/>.

⁵⁰⁷ National Statistics and Information Authority (NSIA), "Afghanistan Exports," *Trading Economics* 2021, Available at <https://tradingeconomics.com/afghanistan/exports>.

⁵⁰⁸ Ibid.

⁵⁰⁹ Noriaki Nishimiya, *The Study for Broader Area Transport Infrastructure Development in Afghanistan and the Surrounding Countries* Future Regional Transport Network, 3.

created to enhance trade with Central Asia as well as transit, commerce and development projects in Afghanistan.⁵¹⁰

7.4 Economic Ties Post 9/11

Pakistan and Afghanistan formed a Joint Economic Commission in 2002, which presented both nations with a huge opportunity to enhance bilateral trading.⁵¹¹ JEC gave both countries the opportunity to assess their trade and devise strategies to increase economic participation. Both states hosted separate trade shows, formed connected chambers of commerce and industry, and expanded business-to-business interaction at scheduled engagements. They also implemented a number of practical steps to improve bilateral trade and streamline procedures. With the permission of both countries, the Pakistan-Afghanistan Joint Customs Committee was formed to study transit and trade issues. Pakistan paid the JEC \$100 million in development money in 2002 for Afghanistan's rehabilitation and reconstruction.⁵¹² When Pakistan's Prime Minister Shaukat Aziz visited Kabul in 2007, he announced that his country will enhance its contribution to the reconstruction of Afghanistan from \$250 million to \$300 million.⁵¹³ In this regard, he highlighted the building of the train link from Chaman to Spin Boldak as another action Pakistan was taking to promote bilateral trade with Afghanistan. Tense bilateral political relations have previously hampered trade relationships between Pakistan and Afghanistan. On the other hand, people of the border region have welcomed illegal trade as a means of increasing their living standards and compensate for the losses incurred by different businesses. Illegal trade, human

⁵¹⁰ Pakistan. Ministry of Foreign Affairs, *Foreign Office Year Book* (Ministry of Foreign Affairs, Government of Pakistan, 2005).

⁵¹¹ Kalsoom Hanif, "Pakistan-Afghanistan's Economic Relations after 9/11," *Journal of the Punjab University Historical Society* 31, no. 1 (June 2018): 95

⁵¹² "Pakistan-Afghanistan's Economic Relations after 9/11," *Journal of the Punjab University Historical Society* 31, no. 1 (January - June 2018): 95

⁵¹³ *Ibid.*, 96.

migration, and commodity smuggling have all increased along the permeable border over time. These factors exacerbated the previously existing bilateral resentments. Furthermore, the substantial tariffs imposed by Pakistan on nearly 120 of the 741 exported commodities heightened tensions in Kabul, particularly amongst the masses.⁵¹⁴ The transit of Afghan trade has evolved as a controversial subject in bilateral ties between two states. Afghanistan accuses Pakistan of making the legislation governing the transit trade route more complex. Pakistan holds Afghanistan accountable for illicit goods that reach Pakistani markets while being covered by the ATT. This shows how politics may influence economic decisions rather than just leaving each party focus on its own goals. There is a mercantilist link between them when it comes to their trading activities. Economics is commonly used as a tool to push the political agenda of the particular state because of the persistent hostility, political mistrust, and mistrust. The victims are either the businesses or the common buyer who is forced to buy either expensive or low-quality products. Three basic categories can be used to categorize the Pak-Afghan trade;

1. Bilateral trade between Pakistan and Afghanistan.
2. Transit trade under APTTA.
3. Illegal trading has grown in prominence since 9/11 as a result of stringent rules and hefty tariffs on various products by both states; nonetheless, the activity has persisted for decades owing to the open nature of the Pakistan-Afghanistan border.

As previously established, the political ties that exist between two states control their economies. Afghanistan has criticized Pakistan for imposing trade barriers and failing to provide

⁵¹⁴ Asif Jehangir Raja, Ali Khan Ghumro, and Rizwan Zeb, "A New Hadrian's Wall: Managing Pak Afghan Border Security, Diplomatic and Economic Dimensions," *Pakistan Social Sciences Review* 6, no. 2 (2022): 948

Kabul with the preferential trade instruments needed by the APTTA.⁵¹⁵ Pakistan blames Afghanistan for illegal trade conducted by Afghan traders under the cover of transit trade.⁵¹⁶ Smuggling is a serious issue in Pakistan's economic relationship with Afghanistan and the phenomenon has been going on since decades, passively impacting the legal economy of Pakistan. Unfortunately, state officials of different institutions serving on Pak-Afghan border are openly involved in this menace and have facilitated this pattern. According to Pakistan, the entry of lower-cost and illicit items into the market has impacted the ability of its domestic market and businesses to expand and establish themselves domestically. As a result, the state's market share declines and it faces a huge loss in its tax collections. During an interview, Col Riffatullah Khan (Retd) who serves as Director Research at Strategic Plans Division of General Headquarters (GHQ) stated that;

“There are only 3 check points between Pakistan and Afghanistan. Involvement of security personnel in bribes etc. cannot be proved empirically. The local economy gets a boost with economic activity at the borders, if allowed, by the government. This must be seen in the context of Free Trade and Afghan Transit Trade Agreements between the two countries ”.⁵¹⁷

The Afghan government has also been unable to regulate the channel as a result of unlawful trading techniques employed by Afghan dealers, which have had a disastrous effect on Pakistan's economy. In such a context, how might economic interdependence contribute to the growth of trust between the two countries and the enhancement of border security along the Pakistan-

⁵¹⁵ Alassane D Yeo and Aimin Deng, "The Trade Policy Effect in International Trade: Case of Pakistan," *Journal of Economic Structures* 2019, Available at <https://link.springer.com/article/10.1186/s40008-019-0169-8>.

⁵¹⁶ Zahid Gishkori, "Smuggling Flourishes under Afghan Transit Facility," *Express Tribune*, 29 March 2011, Available at <https://tribune.com.pk/story/139670/smuggling-flourishes-under-afghan-transit-facility>.

⁵¹⁷ Col Riffatullah Khan (Retd), "Director Research at Strategic Plans Division," *Interviewed through Email* (12 March 2023)

Afghanistan border? Due to inconsistent and irregular transit as well as trade between Pakistan and Afghanistan, the Torkham, Chaman and Spin Boldak crossings have occasionally been forced to close since 11 September 2001. Pakistan, on the other hand, continues to be one of Afghanistan's most important trading partner. Afghanistan is a landlocked country that relies heavily on its bilateral and transit trade with Pakistan. Furthermore, because of the low transportation costs and the country's close proximity and long border, Afghan businesses find it significantly more tempting to import and sell from Pakistan. However, in addition to exploration of prospects for energy requirements, Pakistan requires Afghanistan for its own transiting trade route into the Central Asian market. These states also represent the future of an untapped market with immense development and financial prospects. The advantages that two near neighbors might have gained through bilateral and transit commerce have not been realized. Instead, the growing credibility discrepancy had an impact on bilateral trade between the two countries from 2011 to 2014. In 2014, Pakistan received \$1 billion worth trafficked commodities from Afghanistan. Part of this substantial sum can indeed be attributable to Pakistan's tax hike of 150 percent.⁵¹⁸ The traders have chosen to engage in illegal trafficking in order to avoid incurring customs duties taxes and other fees. These efforts compelled Kabul to devise new strategies for bridging trade gaps. Because of Afghanistan's unwillingness to cooperate, Pakistan has been considering other avenues to access Central Asian markets. Due to opposition of Afghan government officials to conduct business with Pakistan due to political concerns, bilateral trade agreements and economic interdependence may not succeed. Afghanistan has air trade with different states, but its connection to Pakistan is not as reliable or long-lasting as it should be. Central Asian Regional Cooperation (CAREC), as well as bilateral projects like the

⁵¹⁸ Nawal K Paswan, "Afghan-Pak Transit Trade Agreement: Mapping Implications for South and Central Asia," *Himalayan and Central Asian Studies* 21, no. 2/3 (2017): 52

Chinese effort under OBOR and the China Pakistan Economic Corridor, might play a vital role as launch pads in such a scenario (CPEC). Afghanistan and Pakistan may eventually benefit from the CAREC program, which promotes regional economic cooperation in Central Asia, by enhancing their bilateral ties.

7.5 Legal Trade Between Pakistan and Afghanistan

Because of its geographical isolation, Afghanistan has had to rely on its neighbors Iran and Pakistan for assistance in transit trade with other governments. The Afghan Transit Trade Agreement (ATTA), the first documented transit trade agreement, was signed on March 2nd, 1965.⁵¹⁹ In accordance with that agreement, both nations made an attempt to enhance trade and gave Afghanistan free passage to the port for economic purposes. On October 28, 2010, the second Afghanistan and Pakistan Transit Trade Agreement, or APTTA, was signed.⁵²⁰ The governments signed this agreement as parties involved in the contract to strengthen their trading relationships based on reciprocal interests. Even though Pakistan will obtain access to the North-South Corridor for trading with Central Asian states, they recognized Afghanistan's access to Pakistani shipping ports as an important determinant for the diversification of its international business and economic development. They promise to make transporting products and automobiles across their region simpler, quicker and much more efficient. They also cited the concept outlined in the Almaty Transit Transport Framework Agreement of the Economic Cooperation Organization and the 1958 Convention on the High Seas.⁵²¹ The rules of the World Trade Organization (WTO) were also employed to draft this agreement. They also committed to

⁵¹⁹ S.A. Zaidi, *Issues in Pakistan's Economy* (Oxford University Press, 1999), 188.

⁵²⁰ Rooh Ul Amin, Ghulam Muhammad Awan, and Faryal Raheem, "Critical Analyses of Pak-Afghan Transit Trade Agreement: Pakistan's Perspective," *Research Journal of Social Sciences and Economics Review* 1, no. 4 (2020): 419

⁵²¹ Beatriz Huarte Melgar, *The Transit of Goods in Public International Law* (Brill, 2015), 270.

work together in accordance with Article V, usually known as Freedom of Transit, of the General Agreement on Tariffs and Trade (GATT), which was signed in 1994.⁵²² Furthermore, both states acknowledged that the 1965 ATTA agreement did not satisfy current political and economic realities as well as emerging global transiting standards. They consequently consented to a comprehensive and fruitful bilateral trade agreement. On February 21, 1957, the United Nations General Assembly issued a resolution on the unrestricted access of landlocked countries to the sea. In accordance with this resolution, the Fifth Committee of this First Conference began investigating the specific issues confronting landlocked economies. The United Nations hosted a symposium on the law of the sea on February 24, 1958, and after the culmination of this meeting, the UN proclaimed principles for international law (Convention on the High Seas, 1958). According to the 1958 Convention on High Seas, which is described in Article No. 3 and its paragraphs, states without coastlines would have the same freedom and rights for transnational transit trade as countries with sea coasts. Pakistan is required by the High Seas Convention of 1958 to offer its territory to the government of Afghanistan due to its status of a landlocked state.⁵²³ Additionally, the Transshipments Sections of Chapter No. 13 of the Custom Act of 1969 and Transit Trade clearly state that all foreign transshipments of goods imported to any landlocked country are excluded from any form of sales tax, income taxes, excise taxes, or a tariff (Convention on the High Seas, 1958). Additionally, Article V of GATT (1994) argues that the ability of transit, commodities and other goods would be granted the freedom to travel through the jurisdiction of contractual states.⁵²⁴ Under WTO guidelines, the Pakistani government was generally mandated to grant Afghanistan accessibility to its port facilities.

⁵²² S. Akbari, *The Wto Transit Regime for Landlocked Countries and Its Impacts on Members' Regional Transit Agreements: The Case of Afghanistan's Transit Trade with Pakistan* (Springer International Publishing, 2021).

⁵²³ *The All Pakistan Legal Decisions*, (All-Pakistan Legal Decisions, 1993), 105.

⁵²⁴ Yulia Selivanova, *Regulation of Energy in International Trade Law: Wto, Nafta, and Energy Charter* (Kluwer Law International, 2011), 70.

International law dictated that such action was necessary, not really a courtesy. The fifth session of the Economic Cooperation Organization (ECO) was held in Almaty, Kazakhstan, on May 11, 1998.⁵²⁵ President of the Republic of Kazakhstan, Mr. Nursultan Nazarbayev, officiated over the gathering. Both the Prime Minister of Pakistan and the President of the Islamic State of Afghanistan were participating at that summit. Respective Heads of State stressed the importance of both regional and global cohesion in order to deal with the socioeconomic and demographic challenges faced by the ECO communities.

The laws and standards described above clearly indicate that both states are required to abide by the legislative requirements of each other. It is a certain fact that geographical engagement and trading have a substantial economic impact. An excellent illustration in this regard is the Association of Southeast Asian Nation (ASEAN) organizational structure. The most crucial element in building goodwill with other states is creating economic interdependence between the two states. Between the two states, no formal agreement had been established prior to 1965. Although citizens of both sides were free to conduct transit and bilateral trade, prohibited goods were strictly forbidden. A legal agreement was necessary for both countries to boost their potential growth. Any written agreement may also develop highly sophisticated transit trading strategies. As a result, the considerable unemployed communities in both states might enjoy an increase in income and economic prospects. Furthermore, unauthorized trading may be curtailed by instituting appropriate controls and checks and keeping a close eye on border crossing locations. When both states decided to collaborate and sign a formal agreement in 1965 and eventually it turned out to be the initial step in creating and formalizing all of the regulations to facilitate reciprocal engagement. This agreement recognized the Afghan government's

⁵²⁵ Pakistan. Ministry of Foreign Affairs, *Foreign Affairs Pakistan* (Pakistan, Ministry of Foreign Affairs, 1998), 169.

sovereignty while subsequently its rights to visit Karachi's seaport. In March 1965, this agreement was signed in Kabul, Afghanistan.⁵²⁶ The second agreement between Pakistan and Afghanistan was signed after a time span of 45 years in 2010; formally known as Afghanistan Pakistan Transit Trade Agreement (APTTA), which had fifteen articles and two annexes. This agreement was created to address the needs of the twenty-first century, including seaports, various routes, forms of transportation, and customs transit protocols.

7.6 Afghanistan Transit Trade Agreement (ATTA-1965)

After King Zahir Shah deposed Prime Minister Daud in 1963, Afghanistan and Pakistan decided to boost bilateral trade and develop their socioeconomic ties. They intended to remove the barriers that currently impede commodities and products from crossing borders. After brief negotiations, the then-Commerce Ministers of Pakistan and Afghanistan, Mr. Wahid Zaman and Mr. Sarwar Umar, reached an agreement. Before signing this agreement on March 2, 1965, they exchanged ideas in good faith. This agreement substantially helped to the development of commercial prospects for the disadvantaged Pashtun ethnic communities by incorporating them in trade and service-related economic activities. The first article addresses the freedom of contractual parties to enter and exit their respective regions. The second article of the agreement describes the issues of transportation. The third article discusses transportation routes. In the fourth Article, taxes of federal, provincial, and customs are thoroughly discussed. The fifth article of the agreement states that the Pakistani government will provide Afghan businesses with accommodation and allow them to keep their goods at seaports. The sixth article describes the construction of the railroads. According to the seventh article, Pakistan must meet all transit traffic patterns. The eighth article states that each party shall appoint a liaison representative to

⁵²⁶ R. Gopalakrishnan, *The Geography and Politics of Afghanistan* (Concept, 1982), 242.

monitor the effective functioning of this agreement. Article 9 stated that the stakeholders shall evaluate the most appropriate operational expenses, such as railroad fares, etc. The establishment and implementation of laws that are detrimental to health are prohibited by Article 10. It was guaranteed in Article 11 that both states would open consulates to examine and ensure the smooth operations. According to Article 12, in the instance of a dispute, an adjudicator recognized by both sides would be appointed to resolve the dispute. The fact that this treaty would not be impacted by the political ties between the two countries was made very plain in Article 13. The terms of the Agreement's implementation, rescission, and linguistics were covered in Articles 14 and 15 of the agreement. Both states sought to diversify their aspects of the economy in accordance with the agreement, however despite the fact that Afghan commodities were transported through Karachi port and were exempted from Pakistani taxes, the agreement was incapable of having a greater positive effect over time.⁵²⁷ Other modes of transportation, particularly railways, were likewise retained at the same pricing as they were within Pakistan. When the ATTA was implemented, considerable advancements were made, particularly in the transportation sector, in which more accessible and commercial vehicles were incorporated. Furthermore, the security situation was improved while the operations of customs were modified, and a new and more efficient logistical strategy was implemented. In a nutshell, the 1965 agreement significantly contributed to the enhancement of trade between Pakistan and Afghanistan.

7.7 Afghanistan Pakistan Transit Trade Agreement (APTTA) 2010

The Afghanistan Transit Trade Agreement (1965) was designed to ease transit trade between Pakistan and Afghanistan, however most of the manufacturers and exporters in Pakistan were

⁵²⁷ Adil Khan Miankhel, *Channelizing Afghanistan to Pakistan Informal Trade into Formal Channels* (International Food Policy Research Institute, 2016), 2.

concerned about illicit and unregulated trading activities on Pak-Afghan border, which was more destructive to domestic businesses and costed the Federal as well as the provincial government more revenue.⁵²⁸ Pakistan also wanted to enhance its cooperation with the Central Asian Republics (CARs) via Afghanistan. The Pakistani government expressed desire to further increase its trading activities with the Central African Republics as soon as they gained its independence from the Soviet Union. Following the US invasion of Afghanistan and its allies in October 2001, food, medical supplies, textile products, transportation, weaponry, and ammo were in higher demand in Afghanistan and neighboring states.⁵²⁹ The unexpected engagement of the US in this situation increased the importance of the APTTA-2010 contract for shipments to its armed troops in Afghanistan. All of the aforementioned concerns influenced Pakistan's decision to ratify a new transit agreement with Afghanistan. The Afghan government, on the other hand, was interested in upgrading the earlier agreement, ATTA 1965, due to its substantial exports and imports requirements through Pakistani shipping ports. Even though the ATTA-1965 accord prohibited Afghani businessmen from undertaking deals with India over Pakistani border channels, the Afghan government desired accessibility to the Indian market via Pakistani territory.⁵³⁰ As a result, Pakistan approved the modified Agreement, allowing Afghanistan to export fresh fruits and vegetables to India over the Wagah border. It is vital to remember that Indian businessmen were not permitted by Pakistani authorities to export commodities to Afghanistan through Pakistani territory. Delegates from the two countries met in early 2008 to discuss a new transit trade agreement. The Afghan government rendered drafts of the new bilateral treaty open to delegations in November 2008, and the Pakistani cabinet granted the

⁵²⁸ John Cassara, *Trade-Based Money Laundering: The Next Frontier in International Money Laundering Enforcement* (Wiley, 2015), 131.

⁵²⁹ Defense Logistics Agency Fort Belvoir VA, "Loglines " (2011): 24-26

⁵³⁰ *Pakistan & Gulf Economist*, (Economist Publications, 2009), 45.

Ministry of Commerce authorization to restructure transit trade with Afghanistan in March 2009. World Bank experts were also consulted to formulate an agreement that would be acceptable and mutually beneficial for both states. Furthermore, the text of the new agreement was structured by primarily taking guidance from the protocols on the Revised Kyoto Convention and World Custom Organization principles. Eventually, the Afghanistan Pakistan Transit Trade Agreement (APTTA) 2010 was signed in October 2010.⁵³¹ The agreement was made possible in significant part by Richard Holbrooke, the US Special Representative for Afghanistan and Pakistan. Afghanistan's Commerce Minister, Anwar ul-Haq Ahady, and Pakistan's Minister of Commerce, Makhdoom Amin Fahim, signed the historic APTTA agreement in the presence of trade officials, media and delegates from various European embassies. The primary attendees at the occasion were Afghan President Hamid Karzai, US Secretary of State Hillary Clinton, and then-Pakistani Prime Minister Yousuf Raza Gilani. Both countries recognized that the Afghan government could use Pakistan's seaports for international trade. Furthermore, Pakistan's government will also have unrestricted access to Central Asian states for trading. India may eventually be a part of this program, as mentioned plainly in its objectives. It is worth noting that once this agreement was signed, final operations and development on it could not commence right away since there were various objections from both sides that needed to be addressed immediately.

Later in 2011, a group from Afghanistan lead by the minister of commerce visited Pakistan and had a meeting with his counterpart. High-ranking government representatives on both sides acted right away and came to a firm resolution by addressing the disagreements and misunderstandings. Finally, in June 2011, APTTA started its operations. This revised and

⁵³¹ Asia, *Islamic Republic of Afghanistan: Selected Issues* (International Monetary Fund (IMF), 2017), 13.

modified agreement is structured into thirteen sections and 48 articles.⁵³² It also includes two annexes and four protocols. These procedures constitute the most significant components of the agreement, and both stakeholders are legally mandated to adhere to them.

A) Objectives of APTTA-2010

Every agreement is made with the intention of reaping certain benefits, and Afghanistan Pakistan Transit Trade Agreement (APTTA 2010) is no exception. An in-depth examination of this agreement revealed that it was signed to preserve strategic interests of both states. This agreement provided substantial financial support to both Pakistan and Afghanistan, and it considerably streamlined the transportation and documentation operations. It also indicated the places of entry and exit for both states. It ensured Pakistan's commitment to the international agreements that were required to be adhered for Afghanistan to have access to the seaports of Gwadar and Karachi.⁵³³ Considering that Afghani businessmen frequently smuggled goods back into Pakistani markets, it also served to defend Pakistan's commercial interests. Low commodity prices caused local producers on Pakistani soil to suffer an unsustainable disadvantage. By combining cutting-edge technology and a tracking system that was monitored by government officials, this setup also deterred smuggling. The national exchequer was given the most monetary benefits as possible owing to this arrangement. Due to this international transit trade arrangement, Pakistan's government has seen an increase in revenue over the last five years. It ensures that goods move without incident along predetermined routes.

⁵³² Ashfaq Ahmad Muhammad Owais, Ishaque Ahmad, "Transit Trade Agreements between Afghanistan and Pakistan: A Comparative Study of 1965 and 2010," *Pakistan Social Science Review* (2018): 132

⁵³³ Ibid.

B) Brief Summary of the Agreement

Articles one and two, which comprise the first section of this agreement, offer the general concept and framework for the transportation of the goods through the contracting parties' jurisdictions. The third article in the second segment focuses on the mobility of transit trade along specific routes. The designation of transit transportation networks and the routes detailed in Annexure-1 of this agreement are the primary subjects of articles 4 and 5 of the third section. Section four surrounds article six, which discusses infrastructure and services. The sixth division consists of the seventh through fourteenth items. These articles address maritime terminal designation, forms of transportation, transporters licenses, and traffic congestion entitlements.

Article 15 kicks off the sixth section and concludes with Article 20 the agreement. Driving privileges, vehicle technical requirements, Road cargo, Assessment certifications as well as the entry and departure permits are among the topics covered in this section.⁵³⁴ The items twenty-one through twenty-seven are covered in the following seventh part. Cargo inspection is performed on these items. Both national and international laws must be followed when shipping. Narcotics and firearms would be forbidden, and perishable goods would be delivered immediately. If an anomaly is identified in a cargo, it will also be reviewed. Section Eight's articles twenty-eight and twenty-nine go into considerable detail about appropriate paperwork and transportation modality. Articles thirty and thirty-three of the ninth section include customs duty, assessment and charges, settlement, and payment procedures. Section 10 Articles 34 through 38 authorize the formation of the Afghanistan Pakistan Transit Trade Coordination Authority (APTTCA).⁵³⁵ This entity would be in charge of enforcing the agreement. Section 11

⁵³⁴ Ibid.

⁵³⁵ Akbari, *The Wto Transit Regime for Landlocked Countries and Its Impacts on Members' Regional Transit Agreements: The Case of Afghanistan's Transit Trade with Pakistan*, 92.

contains ten articles from Article 39 through Article 49. These articles would lay the groundwork for resolving any future disagreements. Articles fifty through fifty-eight of the following two parts allow the ability to amend any provision or article as needed. It further states that APTTA-2010 will be renewed after five years of operations. Because of this potential deal, the three seaport entrance ports into Pakistan—Karachi Port, Qasim Port, and Gwadar Port—were now available to transit trade. The agreement also boosted the number of routes available to Afghan truckers for the transportation of their goods. The ATTA only permitted Chaman-Spin Boldak and Peshawar-Torkham; however, Ghulam Khan was also permitted in the amended APTTA-2010 treaty, which included the FATA territory. Annex 1 enlisted the international transit transport corridors, as well as the points of both entry and exit.⁵³⁶ Businesses in Pakistan were able to export their goods to any state that bordered Afghanistan as a result of this arrangement.

S. No	ATA 1965	APTTA 2010
1.	The two seaports Karachi Port and Port Qasim were demarcated as entry points.	An additional seaport Gwadar Port was included as an entry point.
2.	No provision was included for Pakistani traders to export goods to CARs.	Comprehensive provision has been included for Pakistani exports to CARs.
3.	Afghanistan had not right to access to China by Pakistani authorities.	Right of entry to China was also included by Using Sost and Tashkurgan border.
4.	No transit trade routes have been specified in ATTA-1965.	Specific routes have been drawn from Afghanistan to CARs.
5.	Torkham in KPK and Chaman in Balochistan were included for transportation to Afghanistan.	Ghulam Khan in FATA region was determined as a new cross border point.
6.	Only Pakistani trucks were allowed for shipments but later on Pakistani Railways was admitted for transit.	Afghanistan transportation companies were allowed to carry Afghan goods.
7.	Afghani traders were not allowed for trading with India through Wagah border.	Afghani exports were allowed for trading with India through Wagah border; however, Indian exports were not permitted to export their goods to Afghanistan.

Differences between ATA 1965 and APTTA 2010

⁵³⁶ Shabir Ahmad Khan, Kausar Takrim, and Hayat Gul, "Pakistan-Afghanistan Transit Trade: Pre & Post Aptta Scenario," *Journal of Managerial Sciences* 11, no. 1 (2017): 140

Modifications and Upgradation of APTTA agreement had been in accordance to the requirements of contemporary times.⁵³⁷ It was also noted that legal trade between Pakistan and Afghanistan was significantly enhanced after APTTA was signed however due to evolving nature of Afghan conflict and fencing of Pak-Afghan border; the momentum and flow of trade could not be maintained.

C) Extension of the Agreement

APTTA was initially signed for a duration of five years between the two neighboring states and was renewed in 2015, which was later scheduled to expire in 2021 before being extended by the officials of both states for an extra three months. Razzaq Daud, the Prime Minister of Pakistan's Economic and Investment Adviser and Nisar Ahmad Ghoriani, the Minister of Commerce of Islamic Republic of Afghanistan agreed on prolonging the agreement digitally and endorsed it for implementation in front of senior officials from both states. The agreement was extended from 11 February 2021 to 11 May 2021 during the 8th meeting of the APTTCA (Afghanistan Pakistan Transit Trade Coordination Authority), which was held in Islamabad in December 2020. It was later extended for another six months on 9th July, 2021.⁵³⁸ Officials from both states recognized the significance of this agreement and desire collaboration in addition to it. Not only is the APTTA agreement essential for Afghanistan and Pakistan, but it could also make a significant contribution to the region's economic progress.

D) Challenges to the Implementation of APTTA

In light of their respective interests and perspectives, both states continued to cite important obstacles to the APTTA agreement. Some of the agreement's obstacles are obvious and

⁵³⁷ Amin, Awan, and Raheem, "Critical Analyses of Pak-Afghan Transit Trade Agreement: Pakistan's Perspective."

⁵³⁸ Mir Haider Shah Omid, "Afghanistan-Pakistan Trade Agreement Extended for Six Months," *Tolo News*, 9 July 2021, Available at <https://tolonews.com/business-173391>.

straightforward to transcend, while others necessitate thoughtful consideration and evaluation from policy makers of both sides. Afghan traders require reassurance to guarantee that the agreement is not thwarted by politics, notwithstanding the gloomy and tense situation between Afghanistan and Pakistan over the last few years.⁵³⁹ Despite different consultative meetings and meaningful discussions between authorities from the two countries, the challenges in this reference have yet to be addressed. The Afghanistan-Pakistan Transit Trade Coordination Authority (APTTCA) was established in accordance with Article 34 of the Accord to oversee, coordinate, and carry out the Afghanistan-Pakistan Transit Trade Agreement.⁵⁴⁰ According to media reports and official customs statistics in Afghanistan and Pakistan, transit and trade between the two countries increased between 2005 and 2010, indicating that prior to the APTTA Agreement, transit between the two countries was steadily increasing and even reached \$2.7 billion annually. However, since the APTTA Agreement, annual trade and transit transactions have gradually declined to less than one billion dollars, posing a serious problem for traders in both states. One possible explanation is that Pakistan was responsible for supplying a large percentage of supplies to international troops garrisoned in Afghanistan, so when the US announced its plans to withdraw its troops from Afghanistan after 2020, more stockpiles were cut off. Another major consideration was the APTTA's glaring oversights, which had a poor reputation and were becoming worst day by day, affecting the bilateral trade relationship between Pakistan and Afghanistan in particular. Experts of Pakistan and Afghanistan are also of the view that Pakistan-India rivalry also had a substantial influence on the way the APTTA

⁵³⁹ Suhailah Akbari, "Apta Versus Chabahar: Which Transit Trade Agreement Offers Afghanistan Broader Legal Benefits," *Research Review International Journal of Multidisciplinary* (2020): 32-33

⁵⁴⁰ Akbari, *The Wto Transit Regime for Landlocked Countries and Its Impacts on Members' Regional Transit Agreements: The Case of Afghanistan's Transit Trade with Pakistan*, 91-92.

agreement was being executed during Ghani regime. Some of the challenges relating to implementation of APTTA can be highlighted as follows;

E) Lack of Coordination

Even though a joint Afghan-Pakistani chamber of commerce had been established, Afghans and Pakistanis concurred that there was no or little coordination in the agreement as well as other trade issues for supervising, adapting, and advancing. This adversely affected businesses in particular and the public at large in both states.

F) Creation of Barriers in Legal Affairs

Aside from the strict adherence to the law, Afghan traders have also complained about Pakistani law, citing difficulties in obtaining work permits and corporate paperwork. Due to the lack of facility for Afghan citizens having bank accounts in Pakistan, where money is typically transferred through money-changers or other methodologies, financial difficulties are also slowing businesses for Afghan traders. Afghan traders frequently express worry that the significant proportion of them experience harm due to their ignorance of Pakistani litigation and the laws that are applicable to them, which recurrently creates difficulties in their work.

G) Additional Procedures at Pak-Afghan Border

Representatives of the Afghanistan Chamber of Commerce and Industry claim that Pakistan has established trade-restrictive border procedures for Afghan traders that are in violation of the agreement. Businessmen from Afghanistan must bribe Pakistani officials to ensure that these processes go quickly and smoothly. Moreover, the issue of corruption also lies in the main markets of Afghanistan as well.⁵⁴¹ Pakistan, on the other hand, has regularly brought up

⁵⁴¹ Farhad Shinwari and Abubakar Siddique, "Truckers Cite Corruption, Distress at Pakistan-Afghanistan Border" Farhad Shinwari

corruption in Afghanistan's commercial sector and has expressed significant worry about these challenges. The time-consuming screening procedures combined with pointless and unauthorized road blocking of Pakistani security forces creates serious issues and waste a lot of time. Security Institutions from Pakistani side of the border need to evaluate Afghan vehicles faster and should not waste time on the course of for irrational justifications.

H) Lack of Space for Afghan Goods at Ports

Afghan enterprises also argue that restricted port storage causes commodities to deteriorate and be stored at a loss and expense for transit cargo from Afghanistan. The Agreement requires both contractual parties to establish warehouses for offloading and goods storage until the time specified, but this is rarely the case.⁵⁴² Businessmen from Afghanistan and Pakistan have proposed a number of ideas to the representatives of both states in order to resolve issues in accordance with the exact wording of the APTTA agreement when it comes up for renewal to provision of terminals and warehouses.

I) Roads and Highways Problems

Despite the fact that Pakistani civilians and transportation utilize the same roads as Afghan-loaded automobiles and trucks, Pakistan alleges that Afghan-loaded autos and trucks have damaged all of its motorways. According to Pakistan, heavy traffic from cars carrying Afghans has caused the roads in Balochistan and Khyber Pakhtunkhwa along the route to Karachi's port unusable. Despite reconstruction, traffic on the Khyber Pakhtunkhwa highway and the Peshawar-Torkham route remains considerable.⁵⁴³ Despite the fact that their own transit through Karachi

Abubakar Siddique," *Gandhara*, 7 July 2020, Available at <https://gandhara.rferl.org/a/truckers-cite-corruption-distress-at-pakistan-afghanistan-border/30712380.html>.

⁵⁴² Amin Stanikzai, "Problems in the Implementation of the Aptta Agreement and Recommendations for Its Future," *Technium Soc. Sci. J.* 34 (2022): 670

⁵⁴³ Ibid., 669-70.

port is equally excellent, they say that the APTTA agreement has been violated due to excessive traffic on these roadways, which causes delays in customs, inspections, and other obligations in terms of cross-border trade. Another issue that concerns them is the fact that Afghanistan is fully utilizing the Agreement by making heavy use of the ports in Karachi and Gwadar, disrupting its regular economic operations and leaving Afghan goods behind. Pakistani businesses are also blaming their own government for not doing more to fix the state's traffic and transportation challenges. Afghanistan has been informed of the Chahbahar operation and has urged Pakistan to remove any impediments in the agreement's course in order to safeguard the strategic interests of both states.

J) Incoming Goods on Karachi Port are smuggled back to Pakistan once They Reach Afghanistan

Such goods, which are either prohibited or subject to high tariffs in Pakistan, are allegedly being smuggled into the country through Afghanistan, according to Pakistan. Administrative preventive measures, according to the Afghan government's reaction, have been put in place, but there needs to be much greater coordination between the two nations. Officials from Pakistan claim that Afghanistan's corrupt customs system has made smuggling possible. The Peshawar bazaar is cited by Pakistanis as a place where a variety of illicit goods are sold, including clothing, accessories, gadgets, cigarettes, cosmetics, toys, and watches. Due to the fact that most goods are trafficked without receiving customs clearance, prices are less expensive compared to other marketplaces. Furthermore, it is mentioned in the transit trade agreement between Pakistan and Afghanistan, which Pakistan is taking advantage of.

If one of the contracting parties believes that some goods, or a portion of the goods, that are allowed to transit are being smuggled and harming the economy, industry, or import revenue of

that country, it may file a complaint with the administration and express its displeasure with the facts, figures, and damages the goods have incurred. Following the determination of the claim, the administration may convene a meeting within three months of the filing of the complaint to choose the appropriate course of action to take. This considerably worries Pakistan and has slowed considerably the country's economic development. According to a study by the Pakistan Bureau of Statistics and Information, the APTTA Agreement causes Pakistan to lose 3 billion dollars in annual revenue to contraband and illicit trafficking.⁵⁴⁴ In addition, 37% of automobiles are brought into the market illegally via Afghanistan.

7.8 Trade Facilitation

Economic facilitation is a critical component to establishing long-term commercial partnerships and enhance bilateral trade with other regional actors. Pakistan has long been urged by the business community from both sides to minimize economic restrictions with Afghanistan. Geographically close to Afghanistan, Pakistan provides it with a number of alternatives for improving its trade balance with Pakistan, both bilaterally and multilaterally. In order to encourage deeper economic integration through energy ventures, the Turkmenistan, Afghanistan, Pakistan, and India (TAPI) gas pipeline should also be considered. Additionally, the inclusion of Tajikistan and Uzbekistan, who have each expressed a strong interest in the Afghanistan-Pakistan Trade Transit Agreement (APTTA), could contribute to the agreement's smoother operation and increased transparency.⁵⁴⁵ The two geographically landlocked countries have also been seeking simpler detours. Access to the Eurasian market and the warm seaports of Karachi and Gwadar will significantly lower the transit costs for the interested states. Due to growing

⁵⁴⁴ Maryam Younus, "Potential of Preferential Trade Agreement (Pta) between Pakistan and Afghanistan," 35-36.

⁵⁴⁵ News Desk, "Work Underway to Enhance Trade, Connectivity with Central Asia, Na Told," *Pakistan Today*, 12 May 2022, Available at <https://www.pakistantoday.com.pk/2022/05/12/work-underway-to-enhance-trade-connectivity-with-central-asia-na-told/>.

demand and marketplace rivalry, this gives Afghanistan a reason and an opportunity to implement stricter immigration control, trade rules, enhanced surveillance policies, and higher tariffs. In order to improve bilateral and regional integration policies and facilitate trade between the two states and anywhere else, it is also necessary to renegotiate and revise the APTTA agreement, keeping in view not only the interests of Pakistan and Afghanistan but the broader region as well. Commenting on the Economic interdependence between Pakistan and Afghanistan, Dr. Marvin Weinbaum argued that;

“Trade between Pakistan and Afghanistan needs to be continued since the government in Kabul does not have many sources of income while they have not been recognized by the states globally. What they really value is the income they receive from tariffs, primarily from Pakistan and Iran. If Pakistan had closed the border completely, it would have been devastating for Afghanistan. Hence, both states have incentives to keep the border, particularly for economic incentives. However, Afghanistan depends on Pakistan more than Pakistan depends on Afghanistan. However, it should not be minimized to that since Pakistan needs access to Central Asia through Afghanistan, and hence, in that sense, it does have a stake in this situation.”⁵⁴⁶

7.9 CPEC and Chinese Role

China is a global economic behemoth with significant influence internationally and might assist Pakistan and Afghanistan in enhancing their bilateral ties and building trust. Both countries and China are amicable with one another. In addition, China's One Belt One Road initiative can provide Afghanistan the push it needs to merge with geopolitics in South Asia. A massive

⁵⁴⁶ Weinbaum, "Director at Pakistan Afghanistan Studies Middle East Institute."

mineral deposit worth \$1 trillion exists in Afghanistan; this might be advantageous for Beijing's industrial sector.⁵⁴⁷ Additionally, China's participation in CPEC could promote regional economic development in Afghanistan. As a result of the aforementioned, China is in a superior position to exert pressure on the two governments to adopt enhanced security and structural reforms that might finally result in the development of essential mutual cooperation.

7.10 Smuggling Issue in Afghan Transit Trade for Pakistan

Smuggling, or the illegal re-entry of transit goods into Pakistan, has emerged as a significant source of conflict with Afghanistan. It has been an established fact that smuggling costs the national exchequer huge revenue while subsequently harming Pakistan's domestic industry. Pakistan annually loses around \$2.63 billion due to smuggling.⁵⁴⁸ Transit goods smuggling is estimated to cost the national exchequer \$2 to \$3 billion per annum. Pakistan has levied a 17 percent General Sales Tax (GST), a 10% import levy, a 6% withholding tax, and a 2% custom clearance fee on imports entering Pakistani markets due to inadequate border management and unscrupulous border activities on the Pak-Afghan border. Enhanced taxes will eventually tend to boost illegal border trafficking from both sides. According to the Afghan Transit Trade Directorate in Peshawar, 40% of transit commodities arrive in Pakistan through various smuggling procedures. Smugglers have also been smuggling in commodities via the transit trade with Afghanistan, which are then carried to Pakistan via Iranian ports. Lecturer at Kardan University, Mr. Zabehullah Barekzai, who has frequently traveled through the Torkham border, shared his opinion on the said subject during an interview. He was of the view that;

⁵⁴⁷ B. Chapman, *Geopolitics: A Guide to the Issues: A Guide to the Issues* (ABC-CLIO, 2011), 56.

⁵⁴⁸ Shahbaz Rana, "Pakistan Losing \$2.63b Revenue a Year Due to Smuggling," *The Express Tribune*, 22 January 2016, Available at <https://tribune.com.pk/story/1031958/impact-of-smuggling-pakistan-losing-2-63b-a-year-reveals-confidential-report>.

“Smuggling is an international phenomenon that happens around the world, even in the most developed and advanced countries of the world. Human smuggling is one of the prominent examples that even happens in European countries, the US, etc. In the case of the Afghanistan-Pakistan smuggling issues, it is a fact that smuggling happens on the Durand Line. It is both in terms of human smuggling and drugs. I believe authorities and locals in both countries are well aware of this and even involved in this business. Even though the Durand Line is almost fenced, smuggling is still a normal business there. Individuals without Pakistani visas could easily pass the Torkham and Chaman crossing points by paying some amount; is it a question mark on the surveillance and capability of the security forces at these crossing points, or are they involved in this business? I believe in the second part. Even it is very obvious and normally heard that individuals pay a greater amount of money to be posted at the Torkham and Chaman crossing points. Why should an individual pay a greater amount to be posted in these parts? Obviously, there will be certain incentives for them, which could be in terms of money return through these means. On the other hand, it is also believed that smuggling is a part of the financial means for the locals who are residing on both parts of the Durand Line. If we oversee the financial and infrastructural developments in those parts, it is almost none. All crossing points of Afghanistan-Pakistan are subject to political developments. As a result, the locals are badly affected. Therefore, smuggling could be one of the alternatives for them. Fencing, strong security surveillance, and patrolling would not have a positive impact on controlling the smuggling issues until the authorities on both sides honestly

struggle to control it. I believe the locals would not succeed in smuggling if they did not have the support of authorities there”.⁵⁴⁹

Most of the Afghan refugees are of the view that state institutions have been involved with the smugglers, and rather than resolving the challenges faced at different border points and improving the cross-border trade between two sides, unfortunately, they are part of the problem. In order to prohibit the involvement of any government entity in smuggling at different border points, Pakistan must instead tighten customs controls and increase border monitoring to avoid discouraging Afghan transit trade under the guise of smuggling. Unexpectedly, the value of transit trade between Pakistan and Afghanistan in 2014 was \$1 billion, compared to about \$3 billion in 2010, when the ATTA was in place; however, several other factors also contributed to this massive decline of trade between both sides.

7.11 Afghan Transit Trade via Iran

The first bilateral transit trade agreement between Iran and Afghanistan was signed in 1973 and revised in 2005.⁵⁵⁰ Lately, a trilateral trade pact inked by Iran, India, and Afghanistan has potentially increased transit traffic through Iran. The Iranian port of Chahbahar, which is only 72 kilometers west of Gwadar, was built with India's cooperation, and the improvement of the road network connecting it to Afghanistan has made it an appealing choice for Afghan importers. As of 2019, Iran's Chahbahar port has an annual cargo capacity of 82 million tons.⁵⁵¹ India has provided financial backing for the construction of Chahbahar and communication facilities in both Iran and Afghanistan in an effort to obstruct Pakistan's access to Afghanistan and Central

⁵⁴⁹ Barekzai, "Lecturer at Kardan University, Kabul."

⁵⁵⁰ A. Khan Miankhel, *Channelizing Afghanistan to Pakistan Informal Trade into Formal Channels* (Intl Food Policy Res Inst, 2016), 2.

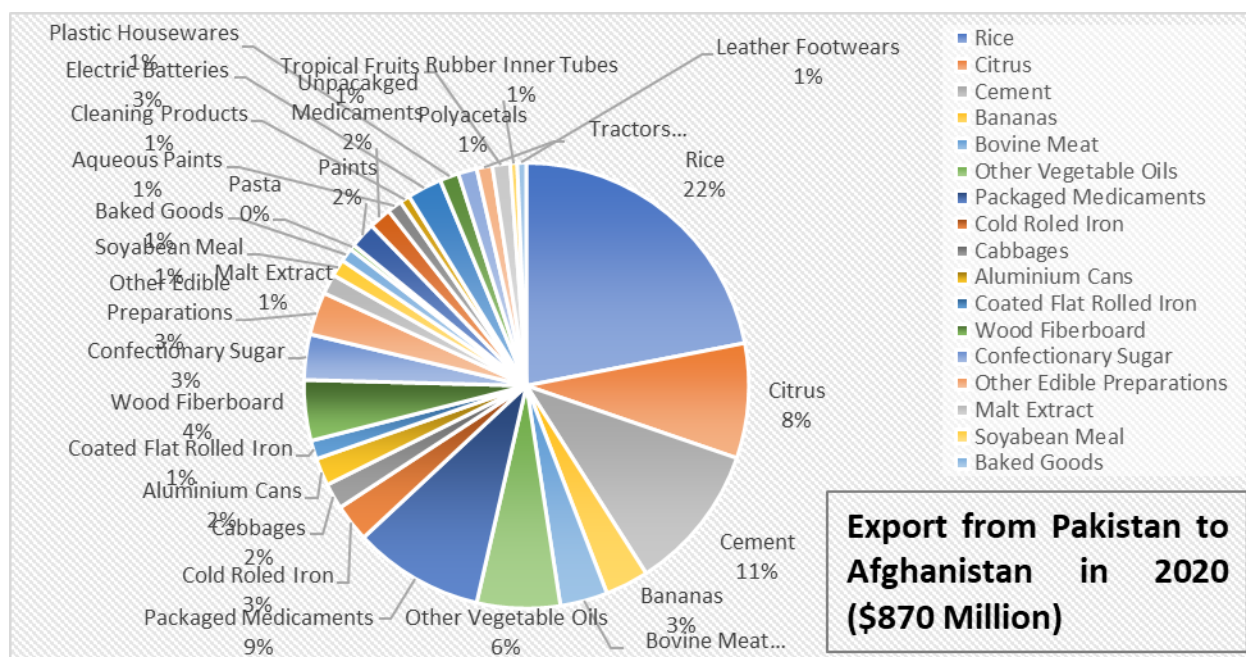
⁵⁵¹ Ryan Mitra, "India's Persian Desire—Analysing India's Maritime Trade Strategy Vis-À-Vis the Port of Chahbahar," *Maritime Affairs: Journal of the National Maritime Foundation of India* 15, no. 1 (2019): 44

Asia. India places a considerably higher importance on Chahbahar than Iran does, as it has already finished building the 218-kilometer Zaranj-Delaram road, which connects the Afghan districts of Nimroz and Chahbahar via the Zahidan-Mealak-Kandahar-Herat Ring Road. Iran has also begun construction of a train link between Chahbahar and Zahidan, which will provide connectivity to Central Asian states. Even though Iran is less prone to smuggling than Pakistan is, Iran has complete control over its own border with Afghanistan and, as a result, absolute control over the smuggling issue. This is due to far less corruption among Iran's immigration enforcement officials.

7.12 Commodities of Export from Pakistan to Afghanistan

Though a variety of products are exported to Afghanistan by Pakistani exporters through cross-border trade, eatables and textile products are primarily exported through Pakistan. Some of the major exporting items to Afghanistan comprise Sugar, oil, ghee, potato, onion, lady finger, bitter gourd, cucumber, green peas, juices, Basmati rice, IRRI rice, rice, sugar, and juices mashed potatoes, mung beans, lentils, tea, and Salt, pepper, gram flour, fine wheat flour, coarsely ground wheat flour, Portland cement variations, white crystal sugar, vegetable fats and ITS fractions, kerosene-type jet fuel (JPI), fresh or cold potatoes, Kino, milk cream, textiles, and other toiletries and household items. Pakistan supplied \$870 million worth of products to Afghanistan in 2020. The three largest exports from Pakistan to Afghanistan were packaged pharmaceuticals (\$63.1M), cement (\$71.2M), and rice (\$146M). Exports from Pakistan to Afghanistan have grown at an average pace of 4.55% over the past 17 years, from \$408 million in 2003 to \$870 million in 2020.⁵⁵²

⁵⁵² "Pakistan Exports to Afghanistan," *Trading Economics*, Available at <https://tradingeconomics.com/pakistan/exports/afghanistan>.



Products of Export from Pakistan to Afghanistan in 2020

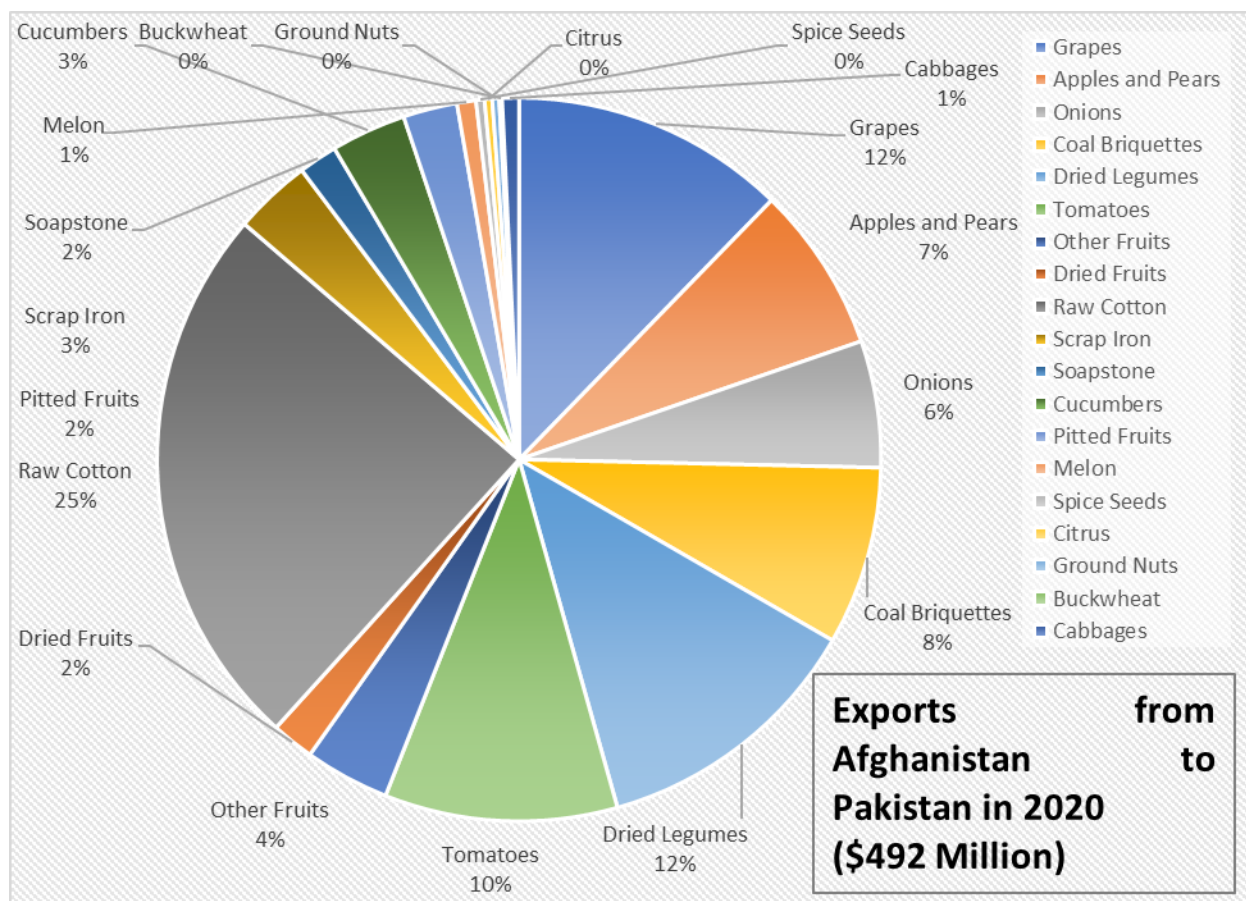
Afghanistan did not receive any services from Pakistan in 2020. Significant investment has been poured in by Pakistani businessman to pursue their exports to Afghanistan. Though after the fencing of Pak-Afghan border; economic ties between the two states have significantly deteriorated. While illegal trade has been completely halted between the two sides, volume of legal trade has also been significantly reduced.

7.13 Commodities of Export from Afghanistan to Pakistan

Pakistan's principal imports from Afghanistan are Edible fruits, nuts, peel of citrus fruit, melons, Mineral fuels, oils, distillation products, Edible vegetables and certain roots and tubers, Cotton, Salt, Sulphur, earth, stone, plaster, lime and cement, Carpets and other textile floor coverings, Oil seed, oleagic fruits, grain, seed, fruits, Cereals, Raw hides and skins, leather, Coffee, tea, mate and spices, Vegetable, fruit, nut food preparations, Lac, gums, resins, Live trees, plants, bulbs, roots, cut flowers, Vehicles other than railway, tramway, Products of animal origin, Cereal, flour, starch, milk preparations and products, Wool, animal hair, horsehair yarn

and fabric, Aluminides, modified starches, glues, enzymes, Paper and paperboard, articles of pulp, paper and board, Rubbers, Machinery, nuclear reactors, boilers, Pearls, precious stones, metals, coins, Tobacco and manufactures tobacco substitutes, Dairy products, eggs, honey, edible products, Plastics and Cocoa and cocoa preparations are among the few products with the most significant ratio of imports from Afghanistan to Pakistan. Afghanistan sent \$492 million worth of products to Pakistan in 2020. The top three exports from Afghanistan to Pakistan were dried legumes (\$56.9M), grapes, and raw cotton (\$114M). Afghanistan has expanded its exports to Pakistan over the past 17 years at an annualized rate of 17.9%, from \$29.9 million in 2003 to \$492 million in 2020.⁵⁵³

⁵⁵³ "Afghanistan Exports to Pakistan," *Trading Economics*, Available at <https://tradingeconomics.com/afghanistan/exports/pakistan>.



Products of Export from Afghanistan to Pakistan in 2020

Pakistan and Afghanistan have never had a balanced export-to-import ratio, as the former lacks any industry due to prolonged conflict and an unstable political situation; hence, a major portion of its revenue is derived from agricultural products as well as foreign aid. The smuggling of items previously used by NATO and US soldiers was also a key source of income for Afghan smugglers.

7.14 Post Fencing Impacts

A) Impact of Fencing on Smuggling, Drugs, and Human Trafficking

Less terrorist activity and smuggling of goods and control of drug trafficking and human trafficking have already improved internal security and boosted economic activities throughout

Pakistan.⁵⁵⁴ These positive possibilities for the security barrier are highly evident. Due to the merger of the former FATA and KPK, socioeconomic operations financed by CPEC, including those in tribal areas affected by terrorism, are being completed promptly. Fencing has also broken the ten-year-old drug cartel network that was deliberately poisoning Pakistani youth and operating on the radar of enemy intelligence agencies, protecting the next generations from the threat of narcotics. Therefore, a security barrier will undoubtedly play a significant role in fostering long-term peace and improving economic stability in Pakistan, which will immediately improve the socioeconomic situation of Pakistan's tribal regions that are home to the Pashtun people.

B) Socio-economic fallout of Fencing

Fencing of the Pak-Afghan border has improved the security situation of the bordering region and has promoted an affluent environment; however, it also impacted the local economy and may thus be considered a leading factor in fostering instability.⁵⁵⁵ Broken clans and families, including Afghan refugees, are now estranged. Squeezing Oak businesses and enforcing Hundi/Hawala rules hinder money flow in local marketplaces, leading to an increase in prices and leads towards an already impoverished and dissatisfied local community. The following are possible consequences of this issue;

1. Reduced cross-border movement and the influx of goods are expected to impact everyday nourishment, exacerbating estrangement.
2. The relocation of separated families, including livestock, will be hampered.

⁵⁵⁴ Press Release, "Combatting Trafficking in Persons and Smuggling of Migrants in Pakistan," *United Nations Office on Drugs and Crime (UNODC)*, 27 July 2021, Available at <https://www.unodc.org/pakistan/en/combatting-trafficking-in-persons-and-smuggling-of-migrants-in-pakistan.html>.

⁵⁵⁵ Abdul Basit, "Pakistan-Afghanistan Border Fence, a Step in the Right Direction," *Al Jazeera*, 25 February 2021, Available at <https://www.aljazeera.com/opinions/2021/2/25/the-pak-afghan-border-fence-is-a-step-in-the-right-direction>.

3. The movement of labor across will be hampered, threatening their livelihood. A crackdown on smuggling would result in the loss of employment opportunities, which will immediately impact local markets. Moreover, Narco peddlers will be out of work as a result of the narcotics blockade.
4. Local youngsters engaging in unlawful activities are likely to be drawn into undesirable behaviors. Checking non-custom-paid automobiles reduces workshop workload.
5. Divided settlements will be bisected, posing new social and political challenges. Residents of border communities with socioeconomic complaints may be used to destabilize fencing efforts and internal security situations, with sub-nationalist political groups lending support—the need to reconstitute an alternate economy.

C) Reenacting Alternate Economy in Bordering Region

The construction of Socio-Economic Zones (SEZs)/industrialization, improvement of local economies, cross-border trade (semi-formal/formal), communication with the mainland, and smuggling and drug prohibition alternatives to the negative economy (smuggling and narcotics) curtailed by fencing. The following key economic streams would serve as the strategic framework for the alternative economic model. These initiatives are divided into short-term, medium-term, and Long-term measures.

Long Term Measures comprise the Establishment of Socio-Economic Zones and the management of Afghan Refugees. Midterm measures include delivering services and enhanced public outreach, Job Creation, incentivizing people with NIC across to shift to Pakistan, Establishment of Non-Custom Paid Vehicle Parks, Enhancement of Technical Human Resource Development, Harness untapped and inactive Mineral Potential, and construction of Check

Dams.⁵⁵⁶ Short-term measures include increasing employment opportunities, harnessing local agricultural potential, promoting livestock trends, creating a dedicated investment policy for KPK and Balochistan, encouraging local investors through the Ministry of Commerce, and improving social life through quick-impact projects. Moreover, the provision of dedicated crossing points, establishment of formal Trade with a tax exemption regime, semi-formal trade with a lenient tax Regime, and connectivity with the mainland are also a few of the essential measures to be definitively taken if the Government of Pakistan intends to create trends of alternate economy in the bordering regions of Pakistan.

7.15 Comparative Analysis of Pre and Post-Fencing Trade with Afghanistan

A substantial difference has been noted in Pakistan and Afghanistan's bilateral and transit trade before and after fencing. While trade between the two sides continuously increased after 2001, a substantial downfall trend initiated after 2016, which continued until 2020 as a highly passive perception was created amongst Afghans about the Pak-Afghan border fencing. Moreover, the role of Pakistan in the Afghan peace process, as well as the advancement of Taliban leadership in the main cities of Afghanistan, also impacted the economic environment in the trading hubs of Afghanistan. The following table shows the documented figures of trade between Pakistan and Afghanistan during the timeframe of this research study. Data has been obtained from the online source of the Observatory of Economic Complexity.⁵⁵⁷

⁵⁵⁶ Asif Javed et al., "Socio-Economic Inclusion of Afghan Refugees in Pakistan," *Sustainable Development Policy Institute* (2020): 14-16

⁵⁵⁷ "Afghanistan," *Observatory of Economic Complexity* 2001-2020, Available at [https://oec.world/en/profile/country/afg#:~:text=Yearly%20Trade,-%23permalink%20to%20section&text=The%20most%20common%20destination%20for,and%20China%20\(%2449.1M\).](https://oec.world/en/profile/country/afg#:~:text=Yearly%20Trade,-%23permalink%20to%20section&text=The%20most%20common%20destination%20for,and%20China%20(%2449.1M).)

S. No	Year	Afghanistan Exports to Pakistan Value in Dollars (\$)	Pakistan's Exports to Afghanistan Value in Dollars (\$)	Total Volume of Trade
Pre-Fencing Period				
1.	2001	26 million	142 million	168 million
2.	2002	28 million	386 million	414 million
3.	2003	29.9 million	408 million	437.9 million
4.	2004	44.9 million	487 million	531.9 million
5.	2005	50.1 million	1.06 billion	1.11 billion
6.	2006	62.1 million	991 million	1.05 billion
7.	2007	85.5 million	835 million	920.5 million
8.	2008	137 million	1.69 billion	1.82 billion
9.	2009	162 million	1.48 billion	1.64 billion
10.	2010	140 million	1.92 billion	2.06 billion
11.	2011	218 million	2.93 billion	3.14 billion
12.	2012	222 million	2.25 billion	2.47 billion
13.	2013	296 million	2.4 billion	2.69 billion
14.	2014	381 million	2.2 billion	2.58 billion
15.	2015	407 million	2.14 billion	2.54 billion
Post-Fencing Period				
16.	2016	427 million	1.68 billion	2.10 billion
17.	2017	442 million	2.02 billion	2.46 billion
18.	2018	507 million	1.67 billion	2.17 billion
19.	2019	610 million	1.67 billion	2.28 billion
20.	2020	492 million	870 million	1.36 billion

Details of Bilateral Trade between Pakistan and Afghanistan (2001-2020)

Data indicates that Afghanistan's exports to Pakistan have considerably increased since 2001; however, the pace has been relatively slow. Reasons for this can be attributed to the conflict in Afghanistan, political and economic instability, activities of militant groups in the country, absence of FDI, and lack of business environment in any province of the state. On the other hand, Pakistan's exports to Afghanistan have also witnessed a substantial increase during the last 2 decades. However, a decline in numbers can be seen after the fencing of the Pak-Afghan border was initiated. During 2011-2013, official and legal trade was around \$2.4 billion annually, while illegal trade was around \$2 billion. This indicates that approximately 4.5 billion trade was conducted annually between Pakistan and Afghanistan. However, as Pakistan focused

on ensuring the securitization of its territory and initiated the fencing of its 2610 km long border, economic preferences were sidelined. While illegal trade was wholly halted after the border fencing, legal trade between the two sides was reduced to \$870 million in 2020. Various reasons can be attributed to this decline in trade volume between the two states.

The fencing of the Pak-Afghan border can be termed the primary reason for growth. In addition, conflict in Afghanistan continued to worsen as militancy grew and terrorist groups strengthened their foothold, making it more difficult for people to conduct business. Moreover, challenges between Pakistan and Afghanistan regarding the APTTA agreement were never addressed, which increased the difficulties traders faced in pursuing their businesses through Karachi ports. Operationalization of Chahbahar port is also another critical factor that has diverted Afghan traders to pursue their trade through Pakistan.⁵⁵⁸ While Pakistan has increased trade barriers for Afghan traders during the last 5-6 years in pursuit of attaining its objectives of securing its borders, Iran, in collaboration with India, has eased trade for Afghan traders through Chahbahar port. Resultantly, not only have Afghan traders reduced their dependency on Pakistan, but they have also found other alternatives to attain their objectives. Since the Taliban government is in power in Afghanistan, Pakistan needs to reinstate its policy of furthering its economic objectives through Afghanistan. The first step towards it would be reducing the difficulties Afghan traders face in conducting their transactions through Pakistan. Challenges in the APTTA agreement must be addressed by policymakers on both sides. In contrast, the revised agreement should include provisions for Pakistan's access to Central Asian markets and the inclusion of Afghanistan in China's BRI initiatives. Pakistan and Afghanistan share a socio-

⁵⁵⁸ News Desk, "Afghanistan No Longer Depends on Pakistan for Transit Trade: Abdullah Abdullah," *The Express Tribune*, 16 November 2017, Available at <https://tribune.com.pk/story/1560010/afghanistan-no-longer-depends-pakistan-transit-trade-abdullah-abdullah>.

cultural and economic linkage due to similar demographic trends, ethnographic, and beliefs, as well as a border fence known as the Durand Line and being close neighbors due to their same Muslim background. Both countries endured economic and security problems that not only paralyzed them and kept them continuously insecure on the political, social, and financial fronts but also cut them off from the benefits of globalization. Terrorists, drug cartels, and smugglers later exploited the rising trend of instability and economic uncertainties, further undermining both states. Political differences, a lack of seriousness on the part of the political establishment, a lack of trust between state departments, a lack of intelligence cooperation, and an inefficient border management system kept both states from responding quickly to issues like hard-core militancy, sectarian violence, drug and human trafficking, and goods trafficking. A secure and stable Pak-Afghan border will considerably promote bilateral collaboration and legitimate trade, fostering mutual trust between two Muslim neighbors and stabilizing the entire region. The only way to ensure that both countries can successfully safeguard their shared interests, tackle shared threats, and meet future challenges is for them to set aside their past political disagreements and move forward. The local economy of border zones has been severely affected by fencing and improved security measures, which demands urgent attention and immediate correction at the provincial, federal, and military levels.

Chapter VIII

Impact of Merger of FATA on Pak-Afghan Border

This chapter has been categorized into two distinct categories. It will briefly assess the impact of the merger of Federally Administered Tribal Areas (FATA) on the multilateral dynamics related to the Pak-Afghan border. A thorough assessment of the grievances of the people of tribal administrative units will be taken into account, and how the state has addressed these issues over the last two decades. Moreover, the easement rights of people living across the Pak-Afghan border will also be discussed. How their livelihood was impacted due to the fencing of the Pak-Afghan border, and what initiatives have been taken by the Federal government and the provincial government of Khyber Pakhtunkhwa to provide alternative economic ventures for the sustenance and livelihood of these people. Post-merger socio-economic implications for the region in terms of Education, Health, financial system, and factors associated with national security will be explained in depth. By assessing all these factors through primary and secondary data, futuristic policy recommendations will be formulated based on a holistic view of this research study.

In November 2015, the procedure to integrate Khyber Pakhtunkhwa (KPK) and erstwhile FATA was initiated under then Advisor to Prime Minister on Foreign Affairs, Mr. Sartaj Aziz.⁵⁵⁹ A cabinet-level commission for FATA reforms was established to kick off the procedure. This commission eagerly met with key regional stakeholders, including Masharaan (tribal elders), political activists, Malik's, civil society organizations, and journalists. Several meetings were organized to offer this region's population a functional legal system and effective administration. The committee's recommendation was considered for legislation in the Pakistani

⁵⁵⁹ S. Akhtar, *The Rise and Decline of the Insurgency in Pakistan's Fata* (Taylor & Francis, 2022), 2016.

Constituent Assembly. On May 31, 2018, the proposition of Fata's merger with Khyber Pakhtunkhwa legally became the 31st Amendment to the Constitution of Pakistan.⁵⁶⁰ The region's population was significantly impacted by deteriorating governance structures under FCR and political agents, as well as FATA's geopolitical nexus with Afghanistan. The tribal people have been deprived of timely justice and security for many generations by the state of Pakistan.⁵⁶¹ Due to decades of alienation from national politics and a lack of fundamental human rights, the FATA population ultimately turned against the state, particularly after the US invasion of Afghanistan. These denials and limits left a vast vacuum, which militants and religious organizations, particularly the Tehreek-e-Taliban Pakistan (TTP), filled and offered association to the masses, which they well accepted. During the Afghanistan conflict, the tribal area was being used as a training base to train the fighters. In contrast, tribals played a significant role in promoting the Western objectives in the region by defeating the Soviets in Afghanistan.

8.1 Federal Administered Tribal Area (FATA)

The Federally Administered Tribal Areas (FATA) are between western Pakistan's Suleiman Mountains and the Himalayas. It is a mountainous region that borders Afghanistan and is the gateway to the Central Asian states. The region has an area of 27220 square kilometers, with six frontier regions and seven political agencies. Khyber Agency, Mohmand Agency, Bajaur Agency, Kurram Agency, Orakzai Agency, North Waziristan, and South Waziristan are its seven semi-autonomous administrative units.⁵⁶² It encompasses a limited area along the Indus River, featuring parallel lines from north to south. FATA also includes the districts of Kohat, Bannu,

⁵⁶⁰ Asghar Khan, *Mainstreaming the Tribal Areas (Ex-Fata) of Pakistan Bordering Afghanistan: Challenges and Prospects* (Springer Nature Singapore, 2022), 324.

⁵⁶¹ S. Tierney, *Accommodating National Identity: New Approaches in International and Domestic Law* (Brill, 2021), 201.

⁵⁶² Muhammad Hanif Raza, *Journey through the Flaming Frontier: South Waziristan-North Waziristan* (Best Books, 2004), 247.

Lakki Marwat, Tank, and Dera Ismail Khan (DI. Khan). FATA is surrounded by Khyber Pakhtunkhwa in the East and North, Punjab in the South-East, Balochistan in the South, and Afghanistan in the West.⁵⁶³

Federally Administered Tribal Territories have been divided administratively between "Protected Zones" and "Non-Protected Regions." The federal government directly managed the former via political agents, while regional tribes articulately administered the latter. The Political Agent, a person selected usually at the government level and seldom at the provincial level, closely supervised the actions of the pertinent political agency while wielding the most influence and administrative power.⁵⁶⁴ He was in charge of maintaining order and security, suppressing criminal behavior, and handling administrative, legislative, and financial duties within the tribal body in issue. The Deputy Commissioners of the respective districts have managed the administrative affairs of FATA's border areas. All of these officers were responsible for carrying out their tasks under the overarching administrative direction of the Governor's Secretariat. Inside, the tribes and local communities were allowed to rule themselves according to their unwritten tribal conventions, customs, and rituals. They also dealt effectively with collective accountability for the conduct and behavior of their respective family or tribal representatives and geographical responsibility for the areas given to them.

The government's neglect in the political, economic, and social realms over the last seven decades was seriously questioned in the FATA region. People from the tribal region primarily remained disconnected from the rest of the country, bonded through their distinctive social norms. Efforts to mainstream FATA were initiated as the Khyber Pakhtunkhwa Legislative Assembly passed Resolution No.848 on December 14, 2016, to integrate FATA with Khyber

⁵⁶³ Ibid.

⁵⁶⁴ *Country Reports on Human Rights Practices for 2011*, (Government Printing Office), 2209.

Pakhtunkhwa to rebuild and reestablish the societal order in the region.⁵⁶⁵ On March 2nd, the Federal Cabinet authorized suggestions to bring FATA into compliance with the rest of the country. On December 26th, 2017, the federal cabinet sanctioned the formation of the National Implementation Committee on FATA Reforms. The FATA Reforms Bill, the 25th amendment to the Constitution, was eventually passed on 31st May 2018. Then, the President of the Islamic Republic of Pakistan, Mr. Mamnoon Hussain, abolished the 1901 rules as part of the article's final executive order.⁵⁶⁶ By abolishing the 1901 regulations, the parliamentary, administrative, and executive systems were synchronized with the 1973 constitution's national structure in the region. The FATA Interim Regulations Act 2018, signed by the President of Pakistan, Mr. Mamnoon Hussain, superseded the FCR whilst reforms were planned to be implemented. FATA interim regulations ruling was also declared unconstitutional by the Peshawar High Court because it strayed from the contemporary legal standards.⁵⁶⁷

8.2 Grievances of Tribal Population

The influx of Mujahideen from all over the world into tribal territory, as well as local tribes' engagement in the struggle against the Soviet Union, radically changed the socioeconomic dynamics of the region. Jihadists and terrorist organizations radicalized the tribal area.⁵⁶⁸ These extremist organizations constructed hundreds of Madrassas with foreign financing to disseminate extremism and militancy by misinterpreting the teachings of Islam. These religious institutions misled and exploited thousands of young people in the Afghan conflict. The post-Soviet conflict

⁵⁶⁵ Sardar Aurangzeb Nalota and Muzafar Said Dr. Haider Ali Khan, "Resolution No. 848," *Inter Provincial Coordination*, 14th December 2016, Available at <http://www.pakp.gov.pk/2013/resolutions/resolution-by-mufti-fazle-ghafoor/>.

⁵⁶⁶ Amir Waseem, "President Signs Kp-Fata Merger Bill into Law," *Dawn*, 31 May 2018, Available at <https://www.dawn.com/news/1411156>.

⁵⁶⁷ Waseem Ahmed Shah, "Court Declares Fata Interim Regulation Unconstitutional," *ibid.*, 31 October, Available at <https://www.dawn.com/news/1442474>.

⁵⁶⁸ Musa Khan Jalalzai, *The Prospect of Nuclear Jihad in South Asia: Pakistan's Army, Extra-Judicial Killings, and the Forceful Disappearance of Pashtuns and Balochs* (Algora Publishing, 2015), 27.

scenario exacerbated its status as a hotbed of extremism and terrorist organizations. The Afghan Taliban, Al Qaeda, and the Haqqani network were able to consolidate their power in the tribal territory due to the lack of writ of the state of Pakistan. The rise of the Tehreek-e-Taliban Pakistan (TTP) in Waziristan in December 2007 resulted from unsatisfactory regional administration.⁵⁶⁹ The TTP, together with several indigenous terrorist and militant organizations, carried out numerous tragic and violent terrorist acts, killing over 50,000 people and causing a \$107 billion economic loss to Pakistan. In the conflict against these terrorist groups in the last two decades, Pakistan has reportedly lost over seventy thousand lives and almost USD 123 billion in economic losses by the end of 2018. Pakistan's constitution guarantees people's fundamental rights, regardless of geographic location, and requires the judiciary to protect those rights fairly and justly. Regrettably, all of these legislative articles governing fundamental rights only apply to inhabitants of mainstream Pakistan; persons in FATA are immune from these rights and advantages.

The Pakistani National Assembly has 12 members who represent tribal people, and the Senate has eight members who represent tribesmen.⁵⁷⁰ These tribal leaders can attend, debate, and vote on any subject in parliament's proceedings; however, they have no say in FATA's administration or policy. Although FATA is geographically adjacent to Khyber Pakhtunkhwa, it is not represented in the KPK provincial assembly. Furthermore, the Pakistani constitution prohibits FATA residents from participating in a national strike. The region's population was prevented from participating in the political process. Until 2018, the region's people were not constitutionally authorized to vote in general elections. Thus, according to the statistics, FATA is

⁵⁶⁹ Siddique, *The Pashtun Question: The Unresolved Key to the Future of Pakistan and Afghanistan*, 97.

⁵⁷⁰ Kriti M Shah and Federally Administered Tribal Areas, "Too Little, Too Late: The Mainstreaming of Pakistan" S Tribal Regions," *New Delhi: ORF, Observer Research Foundation* (2018): 13-14

one of the poorest communities in Pakistan.⁵⁷¹ According to the World Bank, people who earn just under \$1.90 per day are considered to be in absolute poverty. More than 60% of the population of FATA survives in abject poverty. The multidimensional poverty index is another tool for determining poverty levels. This score considers health facilities, living standards, and education. By this score, seventy-three percent of the population in Fata and seventy-one percent of the population in Balochistan are multi-dimensionally poor, compared to forty-three percent in Sindh and thirty-one percent in Punjab. According to another study, there is only one hospital for every 4200 people in the region and only one doctor for over 7800 people.⁵⁷² FATA has an adult literacy rate of less than thirty percent, significantly lower than the country's average of seventy-five percent. The percentage of children enrolled in primary school is fifty percent, compared to sixty-five percent nationally. The gender disparity is even more pronounced: men have a literacy rate of 45 percent, while women have a literacy rate of less than ten percent.⁵⁷³ In addition, tribal agencies have a greater unemployment rate than the rest of the country.

⁵⁷¹ United States. Congress. Senate. Committee on Foreign Relations. Subcommittee on Near Eastern, South, and Central Asian Affairs, *Pakistan's Federally Administered Tribal Areas (Fata) Challenge: Securing One of the World's Most Dangerous Areas : Hearing before the Subcommittee on near Eastern and South and Central Asian Affairs of the Committee on Foreign Relations, United States Senate, One Hundred Tenth Congress, Second Session, May 20, 2008* (U.S. Government Printing Office, 2009), 37.

⁵⁷² Asghar Khan, "Understanding the Governance of Federally Administered Tribal Areas of Pakistan: Identity, Culture, Political History, and Governance of Tribal Pakhtuns," in *Mainstreaming the Tribal Areas (Ex-Fata) of Pakistan Bordering Afghanistan: Challenges and Prospects* (Springer, 2022), 68-70.

⁵⁷³ Pakistan, *Situation Analysis of Children and Women in Pakistan: National Report June 2012*, Pakistan (Government of Pakistan, 2012), 35.

8.3 Post-Merger Impacts

A) Constitutional Status of FATA

The 25th amendment to the Pakistani Constitution completed the Ex-FATA merger, officially known as the FATA Reforms legislation.⁵⁷⁴ This constitutional modification is significant and represents an upbeat step by the government of Pakistan for the people of FATA.

F) As paragraph "c" of Article 1 recognizes FATA as a distinct territory, its elimination will guarantee the union of FATA and KP. Article 1 of the constitution describes Pakistan's territories.

G) Article 59, clause 3, was amended to remove sub-paragraph (b), which required elected FATA senators to resign after three years.

H) It is proposed that the body in charge of awarding seats to the federal capital and provinces be abolished; a modification to Article 51, which governs seat distribution, be made; and the new number of seats be 326.

I) Another revision to Article 59 was proposed, reducing the number of senators from 104 to 96 by deleting sub-clause "b" from clause-1.

J) New clauses 1A and 1B were introduced to Article 106, specifying the province seats; the arrangement included 16 general seats, four female seats, and one non-Muslim seat out of 21.

Within one year, elections for these positions shall be conducted.

⁵⁷⁴ Bakhtiar Khan, Arif Khan, and Sajjad Ali, "Reforms in the Erstwhile Federally Administered Tribal Areas of Pakistan: A Critical Analysis," *Journal of Humanities, Social and Management Sciences (JHMS)* 3, no. 2 (2022): 106

K) The designation of these tribal vicinities was based on the omission of Clause "C" from Article 246. The law should apply unless it is superseded by authority, as stipulated by clause "d" in Article 246.

L) Article-247, which governs tribal vicinities, was required to be removed from the bill.

B) Relevance of Merger of Fata with Pak-Afghan Border Management

The management of the Pakistan-Afghan borderline and the country's foreign policy towards Afghanistan is directly tied to the gradual integration of the Federally Administered Tribal Areas (FATA) into the country's primary democratic and bureaucratic framework. The region that borders Afghanistan became an essential component of Pakistan after the FATA region merged, opening the door for implementing initiatives to promote development, enforcement of laws, and uniform border management procedures. This integration has attempted to promote regional peace and security by addressing enduring security issues along the frontier. Pakistan sought to reduce extremist cross-border movements and improve intelligence collaboration with Afghanistan while advancing the region's security by fortifying its authority throughout the area bordering Afghanistan. This action aligned with Pakistan's foreign policy objectives of ensuring regional stability and security. It showed the country's dedication to tackling common security problems and promoting good ties with Afghanistan. The FATA merger allowed for an even more effective and unified action against cross-border issues like terrorist activity, illegal trade, and irregular incursions. Partnering and collaborating to resolve these issues was emphasized prominently in Pakistan's foreign policy towards Afghanistan. The FATA merger improved border management processes, facilitating Pakistani and Afghani diplomatic efforts. Pakistan sought to demonstrate its competence in border management to enhance its credibility in bilateral and regional talks, fostering trust and cooperation with Afghanistan.

C) Jirga System

The Pashtunwali culture is a tribal way of life that includes regional customs, moral codes, and a comprehensive framework for leading a communal life.⁵⁷⁵ It speaks of Pashtun values handed down from generation to generation and are therefore highly regarded, including courage and honesty, nobility and dignity, compassion and patriotism, generosity and dedication, rectitude, devotion, and elegance. The Pashtunwali is a comprehensive way of thinking that impacts every facet of tribal life. The Jirga System, a customary gathering of tribal elders to resolve tribal issues while protecting regional traditions and culture, is incorporated into the Pashtunwali.⁵⁷⁶ Following military operations by the Pakistani army to purge the province of extremists, residents of erstwhile FATA were relocated as Temporarily Displaced Persons (TDPs) and Internally Displaced Persons (IDPs) to diverse locations of KPK. The imprisoned population of FATA was further propelled toward establishing an entirely new form of administration in these areas. Pashtuns have historically been isolated from the modernity of the world due to their physical disjunction from the rest of the world and strong attachment to Pashtun-dominated regions of Afghanistan. The disparity between tribal customs and Pakistan's governmental and legal framework had an even more significant impact on Pashtunwali culture.⁵⁷⁷ According to tribal tradition, these tribesmen would show their bravery by brandishing their weapons, but after being uprooted, they were left helpless. Following the merger of FATA and KPK, the region is gradually becoming weapon-free. Similarly, IDPs with limited interaction with the outside world began to instill local norms and traditions in the villages where they had settled, paving the way for societal revolution.

⁵⁷⁵ Mahir Ibrahimov, *Across Cultures and Empires: An Immigrant's Odyssey from the Soviet Army to the Us War in Iraq and American Citizenship* (University Press of Kansas, 2021), 57.

⁵⁷⁶ Jon Unruh and Rhodri Williams, *Land and Post-Conflict Peacebuilding* (Taylor & Francis, 2013).

⁵⁷⁷ Farooq Yousaf and Syed FurrukhZad, "Pashtun Jirga and Prospects of Peace and Conflict Resolution in Pakistan's 'Tribal' frontier," *Third World Quarterly* 41, no. 7 (2020): 1206

D) Introduction of a Formal Justice System

Though the Jirga system holds strong roots in the tribal region, the Government of Pakistan formally introduced the state's national justice system and police force. Though they are not fully operational, the KP government, in collaboration with the Federal government, is continuously trying to establish the writ of the state in the entire region. Establishing the first-ever FATA police station in Wana in 2018 was considered an achievement.⁵⁷⁸ Because there is no dependable system to regulate how it functions, it has fallen considerably short of our expectations. Then, there is the discrepancy between the Federally Administered Tribal Areas Interim Governance Regulation of 2018 and the Pakistani Constitution. Establishing a formal juridical structure aided in establishing the rule of law in frontier regions. This implies that conflicts, particularly those involving cross-border operations, cannot be arbitrated in a way that can be considered just and lawful. Trafficking in goods and unlawful border crossings are among the criminal behaviors that the judicial system as a whole tries to discourage by making sure that individuals and business entities are held responsible for their conduct. Discouraging unlawful behaviour and encouraging an atmosphere of responsibility amongst the residents of the region contributes to securing borders.

In January 2018, the government of Khyber Pakhtunkhwa filed a civil lawsuit. However, the Supreme Court of Pakistan rejected it after pointing out these inconsistencies. This undoubtedly resulted in the disintegration of FATA's administration, particularly the justice system and police force. Because the Jirga System would bring swift and affordable justice to the local society in the tribal villages, a significant proportion of the population in FATA continued to support it. Similarly, to that, this has led to serious violations of human rights, particularly regarding

⁵⁷⁸ Tariq Mehmood and Mobeen Jafar Mir, "Understanding the Post-Merger Federally Administered Tribal Area: Challenges and Its Impact on National Security," *NDU Journal* (2019): 188

women's and children's rights. The absence of a professional police force, a national justice system, and a Jirga system has made an already unstable justice system untenable. However, it has exacerbated tribal members' mistrust of the federal government and heightened the number of unresolved tribal grievances for which no established regulatory structure exists. People in the tribal belt are least likely to want to call the police or hire an attorney since doing so takes time and money. They lose faith in themselves and begin to question their ability to make a positive difference in the prosperity and development of the nation.⁵⁷⁹ Until the Constitutional System is fully implemented and people have become accustomed to its procedures, the only practical choice is to continue using both systems (the National Judicial System and the Local Jirga System). This will surely boost their chances of resolving their issues through all accessible means. People will also be able to reduce the possibility that someone would be overlooked in the Local Jirga System. If they believe justice has not been served, they will be able to go before the National Tribunal. Gaining public trust is bound to be difficult given that the people of Pakistan's tribal regions have no knowledge to embrace an institutional judicial system. Local communities are expected to continue to favor and follow the conventional Jirga system; however, a delicate balance must be struck between establishing official institutions and honoring deeply ingrained customs and traditions.

E) Economic System of Tribal Region- Introduction of a Regulated Economy

Tribal Administrative units are rich in natural resources. However, they cannot use all the resources due to a lack of development experience, insufficient infrastructure, and a poor telecommunications network. As a result, the region's economic activity and job opportunities have declined. The Kurram Agency, fortunately, features a few dams, including the Zara,

⁵⁷⁹ John Braithwaite and Ali Gohar, "Restorative Justice, Policing and Insurgency: Learning from P Akistan," *Law & Society Review* 48, no. 3 (2014): 534

Malana, and Maidani dams. These dams do provide the region with a much-needed source of water. Fruit cultivation is abundant in Kurram Agency, including apples, apricots, and peaches, which, if handled well, can be a significant source of income. Likewise, fruit and vegetable production, specifically apricots and pine nuts, is rich in the Orakzai Agency and Waziristan.⁵⁸⁰ Livestock is presently the region's major source of income and is considered a primary indicator of financial activity.⁵⁸¹ According to the sources, the region is also home to over four million livestock, which includes buffaloes, lambs, and goats. As a result, milk and cooking oil have a sizable market in the region. Despite having access to such a big dairy market, tribesmen cannot capitalize on promotional strategies due to a lack of contemporary technology and reliance on nonprofessional approaches. Mohmand and Bajaur agencies are abundant in natural resources, including marble, copper, granite, gypsum, chromite, and agricultural and livestock potential.⁵⁸² Related to power shortages, a poor communication network, and a lack of contemporary technology, the country's full economic potential has yet to be realized. The main consequence of these flaws is the confinement of local entrepreneurs to domestic marketplaces. The Pakistan Army has once again played a key role in stimulating economic activity in the region by constructing and repairing road networks. The projects in Waziristan, such as developing a Market Complex, a Bus Terminal, and an Agri Park, are a stepping stone to encourage small businessmen instant access to regional and international markets.⁵⁸³ Poverty was a significant influence in the emergence of terrorism in the region. Therefore, business activism is urgently

⁵⁸⁰ Noor Ul Amin, "Impact of Fencing Upon Pak-Afghan Bilateral [Un] Declared Land Trade Routes: District Kurram," *Peshawar Islamicus* 14, no. 01 (2023): 36

⁵⁸¹ United Nations, "Evaluation of the "Project for the Restoration of Livelihoods in Khyber Pakhtunkhwa Tribal Districts": Project Code: Unjp/Pak/148/Unj," 2021, 6, Available at https://books.google.com.pk/books?id=gx4_EAAAQBAJ.

⁵⁸² Muhammad Sadiq Malkani et al., "Mineral Deposits of Khyber Pakhtunkhwa and Fata, Pakistan," *Lasbela University Journal of Science and Technology* 6 (2017): 28-30

⁵⁸³ Arab News Pakistan, "Army Chief Inaugurates 2 Megaprojects in South Waziristan," *Arab News*, 6 April 2018, Available at <https://www.arabnews.pk/node/1279961/pakistan>.

needed. Terrorists are known for luring the poor, ignorant, and destitute these people into performing horrible actions. Military operations have now expelled extreme forces from the region. Following the military operation's success, the rehabilitation process necessitates the creation of economic opportunities through quick reforms in agriculture, mineral extraction, animal husbandry, and the provision of government jobs. A society evolved after two decades of conflict and terror may emerge as susceptible if it is faced with the issue of minimal economic opportunities, as lack of economic prospects could be troublesome, hurting national security as foreign players always try to find ways to exploit the vulnerabilities of Pakistan.

A) Education System of Tribal Region- Madrassa System in Comparison to National Education Standards

FATA's education system is categorized into three groups: government education, informal education, and the Madrassa system. Resources for training of teachers and higher education, such as at universities, are routed through KPK and other provincial capitals across the state. Various organizations that provide skills training in tribal societies bear the burden of education in areas that were previously part of FATA.⁵⁸⁴ Regrettably, education in FATA is abysmal and substandard. Almost 600 educational institutions have been closed or have remained non-functional due to security concerns or residents being relocated to other parts of Pakistan.⁵⁸⁵ According to reports, educational institutions for females are similarly problematic. The Khyber tribal district has the most significant percentage of non-educational institutions of any FATA district, at 44.5 percent. Tribal regions have a literacy rate of 33%, which is much lower than the 58% national average. Only 22% of the population has completed elementary education, while

⁵⁸⁴ Tahir Shad and Hussain Shaheed Soherwordi, *Religion, Economics, and Politics in Fata-Kp: The Enduring Challenges of Merged Tribal Districts in Northwestern Pakistan* (Peter Lang, 2022).

⁵⁸⁵ Zulfiqar Ali, "600 Educational Institutions in Tribal Districts Non-Functional for a Decade," *Dawn*, 16 September 2018, Available at <https://www.dawn.com/news/1433189>.

only 7% have attained their education till Matric. Moreover, only 3.5pc of the population has attained an Intermediate degree.⁵⁸⁶

Besides customary traditions, excessive poverty inhibits youngsters from enrolling in formal education schools. Formal education, which is essential to address the challenges of the modern world, is both difficult and expensive for the locals. KP has an estimated 2.6 million out-of-school children, which includes regions that were originally part of the FATA. Prior to the FATA merger, there were around 8,971 religious schools providing services to more than 150,000 students.⁵⁸⁷ As per the education department, the Taliban and their affiliates have destroyed about 750 schools since 2005.⁵⁸⁸ Education institutes in the war-torn FATA have been rebuilt by the Pakistan army in collaboration with the federal government. These institutions offer housing for married and single staff members and hostel facilities for both boys and girls for the first time. Both the recently renovated Degree College Miran Shah in North Waziristan and the Educational Complex Dogar in Kurram district have had these facilities. Similar to this, new model schools and colleges have also been constructed in these areas, replete with dormitories. A cutting-edge institution called Cadet College Mohmand has also been built to provide children in the area with an education and opportunities for professional growth.⁵⁸⁹ The civil government also approved a total of 3376 million rupees for 345 education-related projects, according to the Demand Response Research Center Round 1 and II, 2018–19. However, the development of these initiatives to enhance tribal infrastructure has either slowed down

⁵⁸⁶ "Illiteracy in Tribal Districts," *ibid.*, 1 September 2021, Available at <https://www.dawn.com/news/1643852>.

⁵⁸⁷ IPS, "Poor Paths Lead to Madrassas," *Relief Web*, 21 November 2013, Available at <https://reliefweb.int/report/pakistan/poor-paths-lead-madrassas>.

⁵⁸⁸ *The Herald*, (Pakistan Herald Publications, 2013), 30.

⁵⁸⁹ Shakirullah Mohmand, "Cm Mahmood Khan Inaugurates Cadet College in Mohmand District," *The News International*, 3 November 2020, Available at <https://www.thenews.com.pk/print/738052-cm-mahmood-khan-inaugurates-cadet-college-in-mohmand-district>.

significantly or not at all. There is a grave concern amongst the locales about the lack of essential institutions, particularly in difficult mountainous areas like Waziristan. Summarizing the issue, the FATA-KPK merger has had a minimal effect on upgrading the education system of these rural districts. The need for such a strong system to undertake education changes is imperative. Only by promoting education in these places will it be a source of addressing the grievances of FATA's abandoned people. Eradicating the afflictions of terrorist attacks and unemployment in the tribal zone would undoubtedly assist and progress in the long term. It will be extremely detrimental to national programs aiming at rehabilitation and maintaining regional security and economic connections if illiteracy continues in the region.

F) Health System of Tribal Region

The Federal and KP governments would both take into account the existing state of health in tribal districts. There is currently no sufficient infrastructure for a health clinic, and a lack of doctors, nursing employees, up-to-date laboratories, necessary medical equipment and pharmaceuticals aggravates the problem. Tragically, FATA has only one doctor for every 7000 patients.⁵⁹⁰ Due to a lack of healthcare system, residents must commute an average distance of 12.3 kilometers in order to reach Tehsil Headquarters, as there are only 784 physicians and 363 nurses available. Figures indicate volume about the developing health emergency in the region. Though there have been certain development activities by the provincial government in the region, yet they are not sufficient. These initiatives include the establishment of a trauma center and a category D hospital in Kurram district, as well as the renovation of District HQ hospitals, including 40-bed facilities in Mohmand district, a 100-bed hospital in Orakzai district, and a 100-

⁵⁹⁰ Farhat Taj, *Taliban and Anti-Taliban* (Cambridge Scholars Publisher, 2011), 169.

bed hospital in Mohmand district.⁵⁹¹ These facilities offer gynecology, pediatric, and psychiatric departments, outdoor patient departments (OPDs), indoor patient departments (IPDs), operating theaters (OTs), administrative offices, and lodging for hospital professionals. Solar energy is also being used in a number of locations to maintain a constant supply of electricity. The Pakistan Army has also undertaken around 20 minor and medium-scale health projects. The former PTI government's initiative of the introduction of "Health Cards" and the Federal government's approval of PKR 777.1 million in funding for 76 health projects throughout the region will indeed be crucial in addressing tribal health-related difficulties.⁵⁹² The lack of access to healthcare may hamper the political, economic, and cultural progress of the region. In any society, having access to medical care is a requirement for the long-term sustainability of the region. A society stays underdeveloped, hungry, and destitute without it. The conflict-torn FATA region has never been able to prioritize health issues, which, if ignored, could destabilize a whole system. Numerous facets of the geographical region along the Pakistan-Afghan border are impacted by the general condition of the medical care system in FATA, which involves public health security, the welfare of the refugee population, the prevention of cross-border health emergencies, regional peace and security, as well as bilateral ties concerning the two countries. A strong, flexible healthcare infrastructure is essential to the bordering region's general resilience and well-being. In response to violence and catastrophic natural events in Afghanistan, the area surrounding the border has seen surges of refugees as well as people who have been internally displaced. With the goal of providing these disadvantaged individuals with medical services, an effective healthcare system is essential. Successfully meeting the unique requirements of

⁵⁹¹ "Chief Minister Inaugurates Hospital, Road Projects in Mohmand," *Tribal News Network*, 25 September 2020, Available at <https://menafn.com/1100855563/Pakistan-CM-inaugurates-hospital-road-projects-in-Mohmand>.

⁵⁹² Bureau Report, "Sehat Insaf Card Launched," *Dawn*, 1 September 2016, Available at <https://www.dawn.com/news/1281267>.

refugees and internally displaced individuals is crucial for the healthcare system because it immediately affects the general state of health in the bordering region. Moreover, People moving across borders might make it easy for viral illnesses to spread without control. Maintaining the general well-being of populations living along the border region can be achieved through the detection, treatment, and prevention of infectious disease outbreaks through an efficient healthcare system.

G) National Security Issues Related to Erstwhile FATA and KP

Though the Government of Afghanistan categorically criticized the merger of FATA with KP and termed the move as unacceptable, yet improvement in the security, economic system, health and education system has helped realize the people of FATA about the multilateral benefits they ought to receive after their inclusion in the national domain. More importantly, Pakistan's border with Afghanistan has been much more secure after fencing of Pak-Afghan border and hence national security of the country has drastically improved. Though there are still issues of internal security in the country, particularly the FATA region, yet successful operations such as Operation Zarb-e-Azb, which began on June 15, 2014, and Operation Radd-ul-Fassad, which began on February 22, 2017 have forced TTP command elements to flee to Afghanistan hideout areas. Terrorist attacks, which were formerly widespread in the FATA, have significantly diminished as a result of military operations initiated by the Pakistani Army. The Pashtun Tahafuz Force (PTM), led by Manzoor Ahmad Pashteen, also launched its campaign in 2018 with the cold-blooded murder of an ethnic Pashtun, Naqibullah Mehsud, at the hands of a suspected serial murderer and a known police officer in Karachi. Resultantly, PTM began to

chant anti-state slogans, which received widespread media attention.⁵⁹³ Despite Maj Gen Asif Ghafoor's unwavering vow to settle their grievances, PTM furthered its anti-state agenda, which was condemned by the military leadership. According to the DG ISPR, PTM was cultivating the seeds of unrest in Pakistan in cooperation with Afghan and Indian intelligence services. There was a strong possibility that the merged territory, which lacks a functioning political apparatus, would be the most vulnerable, becoming a ferment of terrorism and extremism in Pakistan. Although the Government of Pakistan tactfully addressed the situation, anti-Pakistan sentiments fueled by PTM persist in the tribal administrative units. Furthermore, because Pakistan shares a porous border with Afghanistan, Afghanistan's stability will have a direct impact on FATA's stability. After the Taliban's takeover of Afghanistan, the overall security and economic situation of Afghanistan have been less than ideal. With no international recognition, it is becoming difficult for the Taliban with each passing day to govern the country. Furthermore, Pakistan has also announced categorically that it will not accept any Afghan refugees as it has already hosted 1.6 million registered Afghan refugees in the last two decades, in addition to around 0.5 million unregistered Afghan nationals in Pakistan. Considering the entire situation in FATA and Afghanistan, it can be assessed that development in FATA is a prerequisite to peace, stability, and economic development across the region, and international recognition of Afghanistan will ultimately remove the barriers and open multidimensional avenues for regional economic interconnectivity.

H) Easement Rights of People Living Adjacent to the Pak-Afghan Border

Several Pashtun and other tribes are divided on both sides of the Durand Line, and they have been frequently crossing the border daily since ancient times. Historically, the legal idea of

⁵⁹³ Tariq Mehmood and Mir Mobeen Jafar, "Understanding the Post-Merger Federally Administered Tribal Areas: Challenges and Its Impacts on National Security," *NDU Journal* (2019)

easement rights has allowed these separated tribes and their families to go back and forth. It's a common fallacy amongst the people of Pakistan and Afghanistan that the language of the Durand Line Agreement grants easement rights to the people living alongside the borderline, allowing them for arbitrary cross-border transit.⁵⁹⁴ These rights are not officially stated or implied in the Agreement but have grown independently of it through the acts of the tribes divided by the Durand Line. Based on the concept of easement of rights, it has been argued that the Durand Line is a soft boundary or a legal entity considerably smaller than an international border. This is a twisted argument. Easement rights are not diminished or weakened in any manner by their execution.⁵⁹⁵ It nevertheless completely complies with the non-intervention principle of universal international law. This is substantiated by the fact that ordinary Afghan or Pakistani citizens cannot get easement rights; they are only accessible to those who are part of the communities segregated by the Durand Line. The Pakistan-Afghanistan border divides around 17 tribes alongside the border.⁵⁹⁶ The idea of fencing was never popular with border tribes on either side since it restricted their freedom of travel across the IB under Easement Rights granted by successive administrations on both sides over the decades. The split tribes were convinced to accept the Durand Line in exchange for such benefits, allowing them to cross with little to no legal documents. These privileges also facilitated the people of both sides since they crossed the border regularly, particularly the Afghan citizens, as they continuously traveled to Pakistan for education, health, or economic purposes.

⁵⁹⁴ Tore Bjorgo and John G. Horgan, *Leaving Terrorism Behind: Individual and Collective Disengagement* (Taylor & Francis, 2008), 228.

⁵⁹⁵ Nutrition United States. Congress. Senate. Committee on Agriculture and Forestry, *Oversight on Forest Land Conservation and Related Economic Development within the Northern Forest Lands Study Area: Hearings before the Committee on Agriculture, Nutrition, and Forestry and the Subcommittee on Conservation and Forestry of the Committee on Agriculture, Nutrition, and Forestry, United States Senate, One Hundred Second Congress, First Session ... July 15, 1991--Lyndonville, Vt, July 15, 1991--Bangor, Me* (U.S. Government Printing Office, 1991), 124.

⁵⁹⁶ Shujaul Mulk Khan and Abdullah Abdullah, "Contribution of the Wild Food Plants in the Food System of Tribal Belt of Pakistan; the Pak-Afghan Border Region," (2020)

Several scholars of Pakistan also argue that there is no documentary evidence of easement rights. Nonetheless, Article 4 of the Durand Agreement states that the border will be delineated while considering the existing local rights of villages adjacent to the border. However, the '*Rights*' has not been defined in the Durand Agreement or any other subsequent Anglo-Afghan agreements. Throughout the demarcation procedure, the rights of tribes residing on both sides of the border concerning agriculture, forestry, and meadows were comprehensively protected. On the other hand, Afghanistan claims that due to the fencing of the Pak-Afghan border, the Pashtun population living across the border has lost its business, socio-cultural and political rights, and tribal ties with the adjoining communities based on the borderline in Afghanistan.⁵⁹⁷ Though communities living on both sides of the border have extensively enjoyed the privileges granted to them due to easement rights, the War on Terror followed by the fencing of the Pak-Afghan border has undoubtedly changed the dynamics of the border.

From the lens of Neoclassical Realism, the evolving nature of the Pakistan-Afghanistan border issue reflects a complex interplay between structural pressures, domestic political considerations, and the perceptions of policymakers. Unlike classical realism, which attributes state behavior solely to power politics, and neorealism, which emphasizes systemic constraints, Neoclassical Realism posits that a state's foreign policy is shaped by how its leadership interprets external threats within the domestic political framework. In the case of the Pak-Afghan border, Pakistan's approach to border fencing and the restriction of easement rights stems from both external security threats (such as terrorism and cross-border militancy) and internal political considerations, including nationalist sentiments and regional stability concerns. The fencing of

⁵⁹⁷ Reporter, "Divided by Pakistan's Border Fence, Pashtuns Lose Business, Rights, and Tribal Ties," review of Reviewed Item, *Newspaper*, Issue Date 2021, Available at <https://www.rferl.org/a/pakistan-afghan-border-pashtun-lose-business-rights-tribal-ties/31258865.html>.

the border was largely driven by Pakistan's strategic imperative to secure its western frontier in the post-9/11 era, as the porous nature of the border allowed for the movement of insurgents, smugglers, and other non-state actors. However, the decision to restrict cross-border movement was not merely dictated by systemic anarchy but also by how Pakistan's leadership perceived threats emanating from Afghanistan.

For Afghanistan, opposing border fencing aligns with its long-standing rejection of the Durand Line as an international border. Afghan leadership, shaped by internal political pressures from Pashtun nationalists and anti-Pakistan sentiments, has historically viewed unrestricted border movement as a means to maintain tribal unity and economic linkages. Here, Neoclassical Realism explains how domestic political narratives influence Afghanistan's foreign policy stance despite the broader structural realities of state sovereignty and international borders. Thus, the shift in border policy from easement rights to strict controls is not merely a structural necessity but a policy choice shaped by elite perceptions and domestic constraints. The War on Terror, coupled with Pakistan's evolving threat assessments, has fundamentally altered how decision-makers in Islamabad interpret the need for border management, prioritizing security over historic tribal customs. Similarly, Kabul's rejection of border fencing is less about systemic international pressures and more about preserving its internal political legitimacy among Pashtun constituencies. It is essential to remember that granting easement rights across international borders can be a challenging administrative issue that may call for discussions and agreement among the parties involved. Moreover, boundary disputes and political sensitivities may make granting easement rights to people living alongside the border difficult and may call for diplomatic efforts to reach a consensus. Constitutionally, the situation in the bordering region

demands strict security measures, and rights enjoyed by the Pashtun communities before 2017 are no longer feasible for either Pakistan or Afghanistan.

8.4 Reaction of Afghanistan on Merger of FATA

The merger of FATA was rejected by then Afghanistan's government of Ashraf Ghani. It was of the view that the adjustments were impulsive and unwarranted. It highlighted the importance of considering Afghanistan's perspective before making any political or military decisions in tribal areas. It further claimed that the alterations breached the 1921 agreement between British India and Afghanistan. It also stated that any changes that could compromise the sense of independence of the tribal groups and would be detrimental to finding answers to the existing challenges. First Deputy Speaker of the Senate of Afghanistan, Mohammad Alam Ezedyar said that;

“I think the Afghan government has the right to act based on the commitments we have in the past and the agreements between the two countries particularly between the Afghan government and the British India”.⁵⁹⁸

A Leading Newspaper of Afghanistan, Tolo News also reported that at a gathering in Kabul, a number of tribal elders from the Federally Administered Tribal Areas (FATA) expressed their opposition to Pakistan's merger of FATA with Khyber Pakhtunkhwa.⁵⁹⁹ Reportedly, Maulana Fazl-ur-Rehman led Jamiat Ulma-e-Islam (JUI-F), and Pakhtunkhwa Milli Awami Party also opposed the concept of the merger since its concept was introduced in 2015. Categorically rejecting all the claims made by the civil society as well as the State of Afghanistan, the Ministry

⁵⁹⁸ Massoud Ansar, "Afghanistan Criticizes Pakistan's Unilateral Decision over Fata," *Tolo News*, 27 May 2018, Available at <https://tolonews.com/afghanistan/afghanistan-criticizes-pakistan%E2%80%99s-unilateral-decision-over-fata>.

⁵⁹⁹ Tolo News TV Network, "Tribal Elders Oppose Fata, Khyber Pakhtunkhwa Merge," *ibid.*, 29 May, Available at <https://tolonews.com/afghanistan/tribal-elders-oppose-fata%C2%A0khyber-pakhtunkhwa%C2%A0merge>.

of Foreign Affairs of Pakistan (MOFA) warned Afghanistan not to intervene in its internal issues.

It is an established and recognized fact that Pakistan has not attended to the needs of the FATA region for almost seven decades since the independence of Pakistan. Masses were left at the behest of Political Agents and Maliks (Traditional Tribal Leaders), while no development, infrastructural, or legislative measures were introduced in the region. Consequently, the silent treatment backfired with full zeal and strength. Extremist approaches were introduced in the region during the Soviet-Afghan conflict. In contrast, the region became a basepoint and hub of militancy during the Taliban rule and early years of the War on Terror. Intelligence organizations of different states targeted the FATA region due to its reputation as the most dangerous place on earth, as characterized by Former President of the US, Barack Obama. US and NATO forces regularly conducted drone strikes in different agencies of FATA. Security forces of Pakistan also conducted several operations in other districts, and this particular fact caused outrage and passive sentiments amongst the locals against the state. People lost their family members in the collateral damage. However, they continued to support militancy for various reasons. Money, relationships, and revenge from the state can be termed a few. Security remains the prime issue in the tribal region, and the state and the security forces may have to initiate soft measures for the local community to give them a sense of satisfaction, hope, and optimism for a bright and secure future.

The merger of FATA alongside its intricacies can also be viewed through the prism of Neo-Classical Realism. Neo-Classical Realism holds states frequently alter their foreign policy in response to lessons learned from history. With the FATA merger, Pakistan made a calculated adjustment to the geographical region's changing geopolitical and security landscape. Pakistan's

foreign policy towards Afghanistan is likely to be impacted by the focus on better governance and economic growth in FATA, which could be seen as an attempt to address the root causes of the turmoil. Pakistan's relationships with Afghanistan and other neighboring countries might improve if these reforms within the country successfully stabilize the frontier region. Neo-classical realism emphasizes power and influence as essential elements of global governance. Strengthening the state's posture and strengthening its authority along the border region appeared to be the primary objective of the FATA merger. The relationship between power and influence among regional actors may be impacted by consolidation, which could impact cross-border interactions and relationships with counterparts in Afghanistan. Neo-Classical Realism focuses on how domestic power structure shifts can affect states' ties.

Merger of FATA with KP will be termed successful if the Federal as well as the KP government will focus on the development of region. Securitization of the region will worsen an already volatile region. Infrastructural and Institutional development are currently the prerequisites of the economic development for every tribal agency. Moreover, economic ventures for locals is the need of time as they have immensely suffered since last two decades. Anti-State sentiments will eventually fade away if the state will facilitate the local communities with the economic opportunities. Since trade and movement across border is monitored, it will also help the state as well as the masses to regulate and conduct legal trade with Afghanistan. Impact of merger on Pak-Afghan border is undeniable. However, actions of the state of Pakistan will eventually decide whether the fate of region transforms in development and economic independence or will the region continue to remain the hub of conflict, chaos and militancy.

Chapter IX

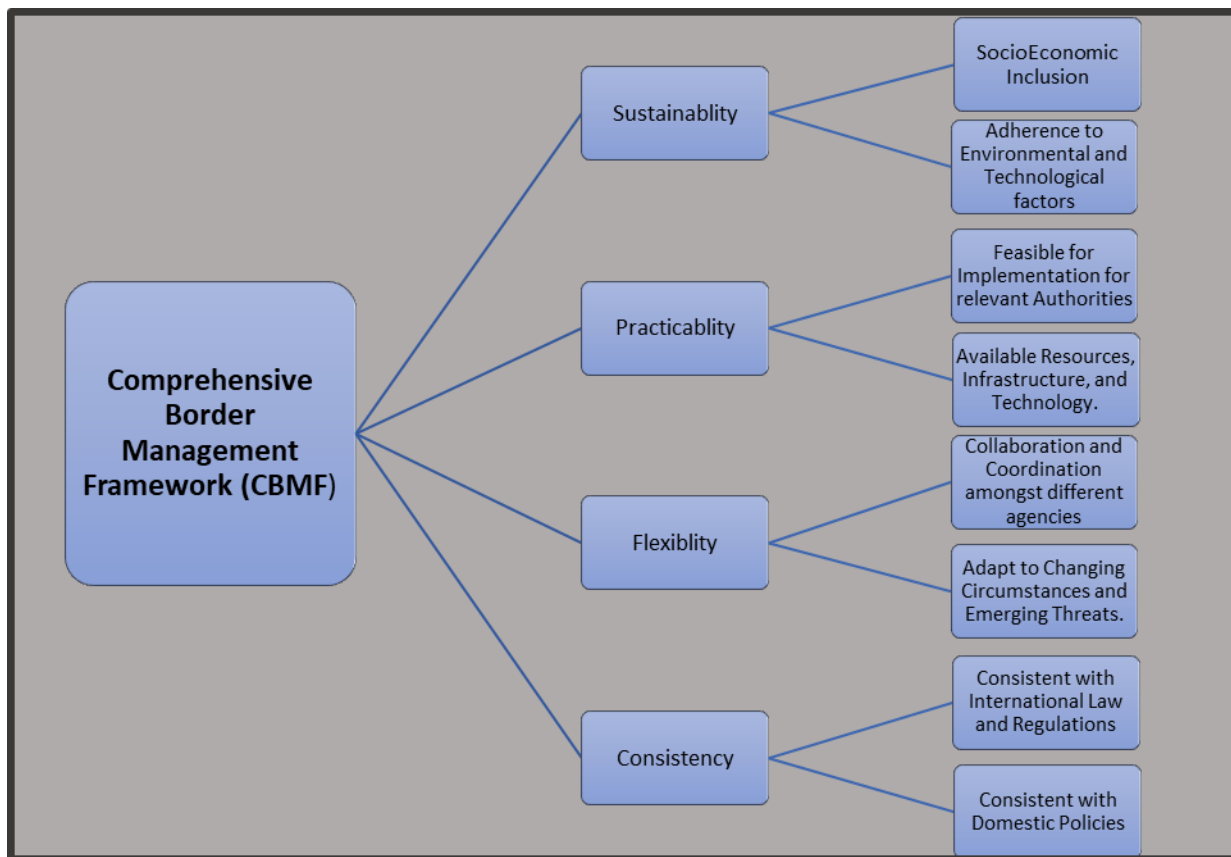
Comprehensive Border Management Framework (CBMF) for Pakistan and Afghanistan

This chapter has been categorized in to two distinct sections and aims to propose a Comprehensive Border Management Framework (CBMF) for Pak-Afghan border while assessing the frameworks applied by different states of the world to secure their borders. Borders managed by states around the world have been analyzed thoroughly. While the theoretical foundation of CBMF has already been discussed in Chapter I, Policy framework will be highlighted in this chapter to highlight a comprehensive model that is applicable between Pakistan and Afghanistan in the long-run. Since the relationship between both states has experienced a see-saw trajectory; particularly with reference to 2600 km long border, application of Comprehensive Border Management Framework will help them address the gaps in their relationship.

Severity of relations between Pakistan and Afghanistan dates back to the initial days of independence of Pakistan when Afghanistan not only contested Pakistan's validity by claiming its land and challenging its establishment, but it also refused to acknowledge the international border between the two countries and voted against Pakistan's UN membership. From 1947 to the 1980s, both states were at conflict and primarily fighting a cold war. This was anticipated to reverse when Pakistan fought tenaciously for Afghanistan's independence from Soviet invasion, however happenings in the 1990s and the very first decade of the 2000s proved that this enthusiasm was misplaced and misapprehended by Pakistani leadership. The Pak-Afghan border had lost its friendly character due to the deteriorating security situation, the start of the Global

War on Terror (GWOT), and Pakistan's expectations from the international community in the wake of 9/11. To cope with terrorists and terrorism on both sides of the border, Pakistan had previously decided to implement stringent border security procedures and security measures. Despite the realities, anti-Pakistan organizations in Kabul joined hands with other regional allies to blame Islamabad for the entirety of Afghanistan's difficulties. In addition, it said that Pakistan was housing a large number of insurgent groups that had fled the GWOT in Afghanistan. Furthermore, Afghanistan pushed for harsh border management measures from Pakistan while refusing to acknowledge the border. Pakistan built a border fence in April 2017 to prevent terrorists from crossing and to keep an eye on illegal trade, as is its prerogative under international law. Several aspects of the relationship with Pakistan need to be strengthened. Above all, all stakeholders must recognize how intertwined their fates are. The CPEC will not only allow Pakistan to benefit from it and become a regional energy and trade powerhouse but will also serve as a corridor and gateway to Central Asian states. For Afghanistan to develop into a viable state, Pakistan must be courteous and accommodating while dealing with its economic policies in a war-affected Afghanistan. Even though a stable Afghanistan is in Pakistan's best interests, Afghanistan cannot afford to become Asia's Denmark, where neighboring nations may engage and stage conflicts. Kabul would suffer without Pakistan's support, and harming or isolating Pakistan would not accomplish its goals. After realizing this, each state should develop its unfavorable engagement plan. This calls for an intelligent system that is integrated, reliable, and capable of facilitating prompt and quick communications between the two states. Sharing of intelligence is a key component of this method. The governing authorities of each state must also create an atmosphere that fosters understanding of diverse viewpoints. Borders define sovereign states, and Afghanistan should accept its established border as an independent and sovereign

state to safeguard its integrity and prevent excessive incursion by coalition troops. While various dynamics of the Pak-Afghan border have been discussed at length, proposing a comprehensive border management framework requires conceptual understanding, which is highlighted in the theoretical framework. This is shown in the following infographic,



Aspects of Comprehensive Border Management Framework (CBMF)

Comprehensive Border Management Framework (CBMF) provides a structured approach to border management, focusing on the integration of security, socioeconomic factors, and technological advancements. This approach is especially critical for regions like the Pakistan-Afghanistan border, where security, trade, and tribal movements are key issues. This framework emphasizes sustainability, which goes beyond traditional security measures to consider the economic and social well-being of border communities. In the context of the Pakistan-

Afghanistan border, this reflects the need to balance security concerns with the livelihoods of local populations, many of whom rely on cross-border trade and migration. Neo-Classical Realism would argue that the internal dynamics of a state—such as domestic political pressures, economic conditions, and societal interests—shape how the state approaches border management. The framework's focus on socioeconomic inclusion aligns with the recognition that the state must manage not only external threats but also internal factors that influence its security and stability. Furthermore, the adherence to environmental and technological factors highlights the importance of integrating modern tools like biometrics, surveillance, and AI to enhance border security. Neo-Classical Realism underscores that states in regions of strategic importance, such as Pakistan, will seek to employ advanced technologies to safeguard national interests. This technological emphasis aligns with the reality that in the face of persistent cross-border security threats, like terrorism and smuggling, states must use every available resource to secure their borders. Similarly, in terms of Border Securitization theory, this technological development represents an effort to securitize the border by framing it as an urgent issue for national survival, warranting exceptional measures.

Practicability within the framework focuses on ensuring that border management policies are feasible and can be effectively implemented by local authorities. In the case of Pakistan, where the border is porous and complex, ensuring that resources and infrastructure are adequate is critical. Border Securitization theory suggests that when states perceive significant security threats, they may adopt extraordinary measures, often through securitized narratives that justify stringent border controls. In this context, the practicality of implementing the CBMF is contingent on the state's ability to project a sense of control over its borders while addressing local and regional realities. Moreover, Flexibility is another pillar that underscores the need for

collaboration between agencies and adaptability to emerging threats. In the case of the Pakistan-Afghanistan border, collaboration among military, customs, intelligence, and immigration agencies is vital for effective border management. Neo-Classical Realism suggests that state behavior is influenced by external threats and internal factors, including political stability, inter-agency coordination, and resource availability. The evolving nature of cross-border threats, from terrorism to migration crises, necessitates a flexible approach. Border Securitization theory would view this adaptability as part of the ongoing effort to frame the border as a space of intense security concern, necessitating constant vigilance and flexibility in response to shifting geopolitical dynamics. Consistency within the framework emphasizes alignment with both international law and domestic policies. For Pakistan, the need to balance international commitments, such as those under various UN conventions, with national security and immigration policies is particularly important. Neo-Classical Realism would argue that states act in their national interest, which can sometimes conflict with international norms, especially when security is at stake. Pakistan's approach to border security, therefore, must consider both external pressure for human rights compliance and internal demands for securing its territorial integrity, which is often framed in a securitized narrative in the context of the Pakistan-Afghanistan border. In order to define the provisions for Pak-Afghan Border, case-studies of international borders will be analyzed to assess how their border management addresses these challenges and what mechanism has been implemented to effectively address all the related issues pertaining to border.

1.1 US-Mexico Border

The US-Mexico borderline constitutes one of the most critical and challenging frontiers in the world, stretching more than 3000 miles.⁶⁰⁰ Management of border areas and migration have historically remained contentious issues between US and Mexico and successive leadership of US has made its efforts to amicably resolve the outstanding conflicts between the two sides pertaining to the management of border. Any state in the world is obligated to secure its external borders, and the US-Mexico Border Framework accomplishes it through a practical approach. The US-Mexico Border Environmental Programme Border 2025 is an illustration of how partnerships and cooperation between our neighbor nations could end up in outcomes that can be considered useful, tangible, and advantageous to the natural environment as well as the public health of the communities where they operate.⁶⁰¹ With the goal of addressing the main issues related to the environment and public health and regarding the wellness of communities along the border, the Environmental Protection Agency (EPA) in the US and Mexico's Ministry of Environment and Natural Resources have been collaborating together on this initiative. The project blends tangible barriers, technological devices, and additional personnel from the border patrol for improved surveillance.⁶⁰² By focusing on extremely dangerous sectors, the effectiveness and productivity of the border forces is increased by prudently allocating assets. This targeted strategy reduced the adverse environmental effects by reducing the requirement for substantial structures across the entirety of the bordering region while retaining an aggressive surveillance component. The strategy recognizes the importance of coming up with practical, permanent approaches to problems related to immigration. It stresses an extensive immigration

⁶⁰⁰ C.G.T. Ho and J. Loucky, *Humane Migration: Establishing Legitimacy and Rights for Displaced People* (Stylus, 2012), 73.

⁶⁰¹ P. Ganster and K. Collins, *The U.S.-Mexican Border Today: Conflict and Cooperation in Historical Perspective* (Rowman & Littlefield Publishers, 2021), 207.

⁶⁰² Gerard McMahon et al., "Developing a Spatial Framework of Common Ecological Regions for the Conterminous United States," *Environmental Management* 28 (2001): 294-96

overhaul and aims to combat both legal and illegal immigration by developing a fair and efficient system for authorized immigrants. The regulatory structure promotes measures that aid immigration through authorized channels, hence reducing the motivating factors for illegal crossings of the border. The Framework also recognizes the interconnectedness of the economy of both states while promoting long-term mutually beneficial economic relationships. It promotes bilateral trading, investments, and employment growth via streamlined customs regulations, and expansion of infrastructure, through cross-border partnerships. By permitting legal business and trade, the structure reduces the attraction for criminal conduct and trafficking while promoting prosperity and stability in both economies. Understanding the environmental considerations for people living across the bordering regions, the framework incorporates the sustainable environmental practices. Issues such as land management, wildlife conservation and habitat restoration have been supported by both the US and Mexico through this framework. Moreover, the framework also recognizes the humanitarian needs of the Mexican immigrants and facilitates them in their asylum process while subsequently providing them security from violence and persecution.

1.2 Schengen Agreement

The Schengen Agreement is a framework for controlling borders among 26 European states. It has been made practicable by creating a single external frontier for the nations involved and accomplishing the elimination of border inspections within these states. It encourages the unrestricted movement of people throughout the Schengen Area whilst ensuring safety via enhanced communication and collaboration.⁶⁰³ Owing to the Schengen Accord, over four hundred million individuals are allowed to move unhindered across member countries regardless

⁶⁰³ Council of the European Union. General Secretariat, *The Schengen Acquis: Integrated into the European Union* (Office for Official Publications of the European Communities, 2001), 168.

of encountering restrictions at the border. Around 3.5 million individuals cross their national borders daily for employment, educational purposes, and to see friends and relatives, whilst approximately 1.7 million individuals reside in a single Schengen state whilst employed in a different one. The Schengen region attracts roughly 1.25 billion travelers from European states annually, making it tremendously advantageous for the travel and artistic sectors.⁶⁰⁴

1.3 Canada-US Safe Third Country Agreement

The Canada-U.S. Safe Third Country Agreement was signed in 2002 and eventually came into effect in 2004.⁶⁰⁵ The objectives of the accord between Canada and the US were to regulate asylum applications and enhance security at the border. An individual must file an application seeking refugee status in the first secured country they arrive in, which has to be either the US or Canada.⁶⁰⁶ It enables cooperation in addressing migration-related challenges and exchanging information, including coordinated management of borders. However, there remains a substantial disparity in the agreement. The only crossings of the border included were legal territorial borders. Hence, the US is unlikely to deport asylum seekers who satisfactorily submit a refugee claim within Canada without using an authorized border crossing. The issue had its practical implications as thousands of people cross the Canadian border illegally, and this issue has created conflicts between the US and Canada over the renegotiation of the agreement.⁶⁰⁷

⁶⁰⁴ Kemal Kirişci Sinan Ekim, "Why We Need to Save Schengen from the Anti-Immigrant Populists," *Brookings*, 16 February 2016, Available at <https://www.brookings.edu/articles/why-we-need-to-save-schengen-from-the-anti-immigrant-populists/>.

⁶⁰⁵ J. Henneby and B. Momani, *Targeted Transnationals: The State, the Media, and Arab Canadians* (UBC Press, 2013), 59.

⁶⁰⁶ Border Security United States. Congress. House. Committee on the Judiciary. Subcommittee on Immigration and Claims, *United States and Canada Safe Third Country Agreement: Hearing before the Subcommittee on Immigration, Border Security, and Claims of the Committee on the Judiciary, House of Representatives, One Hundred Seventh Congress, Second Session, October 16, 2002* (U.S. Government Printing Office, 2002), 13.

⁶⁰⁷ Inc Ibp, *Us Citizenship, Naturalization Regulation and Procedures Handbook: Practical Information, Regulations, Contacts* (IBP USA, August 2013), 42.

1.4 Australia's 'Operation Sovereign Borders'

Operation Sovereign Borders emphasizes deterrence as a strategy for border security and protection. Since border securitization enters the area of centralized control over immigration, causing criminal immigrants to be concerned. The primary goal of this border management approach is to prevent unlawful immigrants from entering Australia.⁶⁰⁸ It makes application to a range of strategies, including offshore processing, imprisonment, vessel seizures and turnbacks, and bilateral relationships with other states. The goal of the strategy is to halt the trafficking of humans, protect Australia's boundaries, and ensure the dependability of its immigration policy. When immigrants are classified based on their mode of transportation, a stigma of illegal and unqualified maritime migrants acquiring houses from human traffickers is formed.

1.5 India-Bangladesh Border Management

Bangladesh and India have been obliged to regulate their respective borders efficiently, considering the length of their shared border. The length of the border between these two states is 4096.7 km.⁶⁰⁹ Their border control policy aims to halt intrusion, drug and human trafficking, as well as other forms of illegal activities. It involves utilizing technological advances, sending out law enforcement officers, and routinely coordinating and cooperating amongst the border control institutions of the two countries. India and Bangladesh agreed in 2016 to implement a Coordinated Border Management Plan (CBMP) to address cross-border criminal acts along with additional issues.⁶¹⁰ The Border Security Force (BSF) and Border Guards Bangladesh (BGB) decided to take action, including monitoring particular regions to combat international criminal

⁶⁰⁸ Paulina Espejo Ochoa, *On Borders: Territories, Legitimacy, and the Rights of Place* (Oxford University Press, Incorporated, 2020), 55.

⁶⁰⁹ Anshuman Behera and Sitakanta Mishra, *Varying Dimensions of India's National Security: Emerging Perspectives* (Springer Nature Singapore, 2022), 22.

⁶¹⁰ Amit Ranjan, *India–Bangladesh Border Disputes: History and Post-Lba Dynamics* (Springer Nature Singapore, 2018), 120.

activity, such as narcotics smuggling, livestock gold, forged currencies, and people trafficking.⁶¹¹ In addition, both border protection agencies decided to send out Quick Reactions teams, step up synchronized inspections, especially at nightfall in dangerous areas, and inform border citizens of the value of the border between their countries. India and Bangladesh discussed the immediate completion of their ongoing fence construction across the border between the two countries in 2021.

1.6 China's Integrated Border Management System

China has implemented an integrated border management system to safeguard the security of its borders and advance businesses and tourism. China's Comprehensive Integrated Border Management System (CIBMS) comprises four essential components.⁶¹² These comprise of infrastructure development, regulation, and border security. The Gemalto Border Administration System, which integrates visa management with the central office, is installed at 20 Chinese crossings of the border.⁶¹³ The system makes use of advanced technologies, such as biometrics and surveillance digital visas to be processed and intelligence capabilities, to track and control cross-border mobility. The system contains a concept for integrated border management and immigration information systems in order to enable automated border control (ABC) for travelers who arrive from outside the European Union (EU). Despite the fact that these entry points are allowed for international trade, vast amounts of Chinese technology, as well as additional consumer items, are nonetheless smuggled through them. While maintaining the efficient cross-border flow of goods and individuals, China aims to strengthen security of its external borders.

⁶¹¹ Satish Kumar, *India's National Security: Annual Review 2012* (Taylor & Francis, 2016), 115.

⁶¹² A. Estevadeordal and L.W. Goodman, *21st Century Cooperation: Regional Public Goods, Global Governance, and Sustainable Development* (Taylor & Francis, 2017), 162.

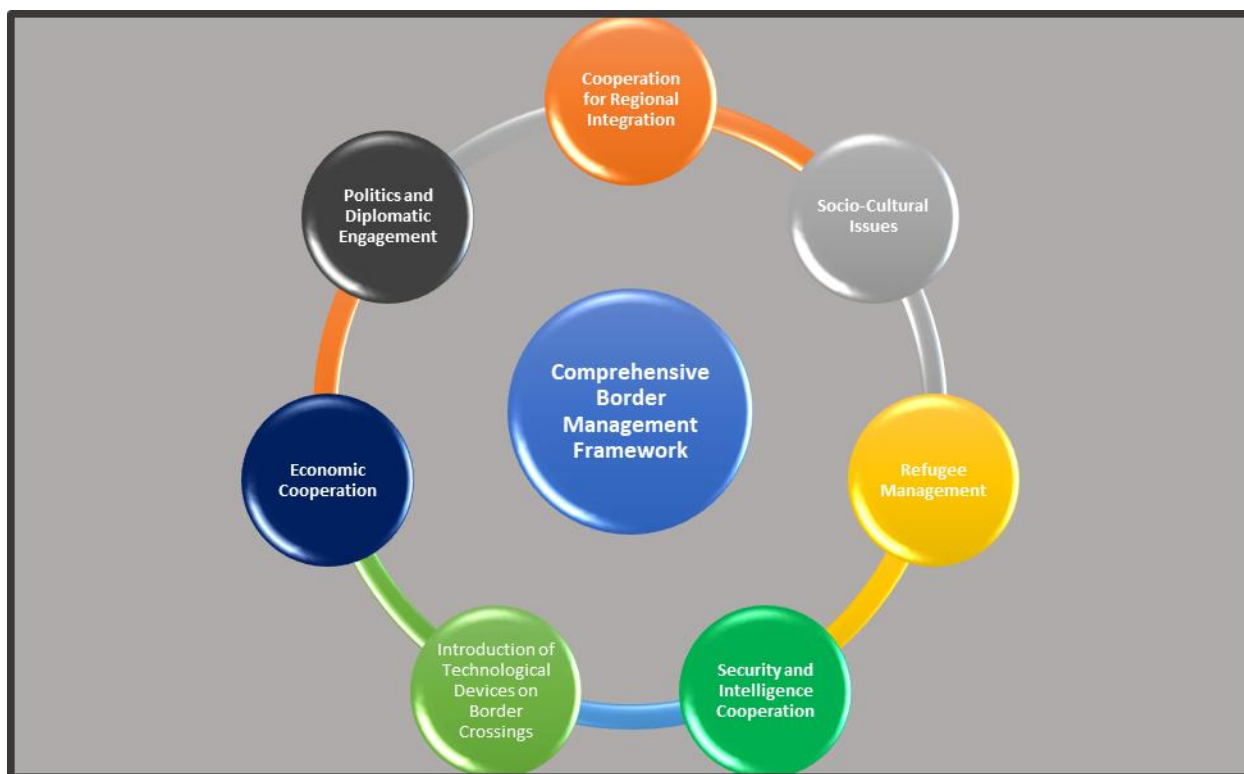
⁶¹³ Mary Bosworth and Lucia Zedner, *Privatising Border Control: Law at the Limits of the Sovereign State* (Oxford University Press, 2023), 243.

1.7 Provisions of Comprehensive Border Management Framework (CBMF)

The border between Pakistan and Afghanistan necessitates a thorough and complete application of the comprehensive border management framework that is acceptable for the people as well as the policymakers of both the states. Both states have to cooperate on a balanced framework that may take into account the preferences as well as the motivations of both sides. Addressing the concerns of Afghan government is a prerequisite in terms of the application of this framework, since mutual trust will eventually lead towards shared cooperation between both sides. The phenomenon of interdiction, deterrence, and exploited networked intelligence remains to be achieved until and unless the border is wholly controlled and administered by both states. Until and unless absolute security is attained between Pakistan and Afghanistan; economic interdependence may continue to remain a myth for both nations. Pakistan has the legal right to completely fence the border by the rules of the 1969 Geneva Convention on the Law of Treaties; however, initiating a dialogue with Afghan government and addressing their concerns with respect to fencing of the border may reduce tensions between the two sides while both sides will eventually be willing to address the phenomenon of terrorism throughout the border region jointly.

While Pakistan is addressing terrorism on its side of the border, the Taliban government may implement similar security protocols to encircle militant groups on its side of the border. Though there are capacity challenges in Afghanistan with the Taliban government, a long-term and sustainable approach with broader objectives would require the facilitation of international donor agencies. The Pakistani border fence will regulate the flow rather than create barriers for the residents, businesses, and students on both sides. The Pakistan-Afghan border fence has normalized a range of obstacles, including the transportation of people as well as trade between the two states. However, the challenges are not completely addressed and need serious

consideration from leadership and policymakers on both sides. Last but not least, security engagements and intense relationships between leadership of both sides can put additional strain on both stakeholders without arising primarily from bilateral cooperation; instead, economic cooperation can be brought about by multilateral programs, multilateral treaties, the involvement of international organizations, and actors such as the WTO or the UN, or regional organizations such as the SCO, or regional programs such as CAREC. Kabul's concerns about militant groups such as IS (Daesh) slipping across to their havens on the Pakistani side would be allayed by a strengthened border. One could only comprehend why people would protest the fencing if Kabul still had territorial rights over Pakistani territory, which eventually turned into a national security issue for Pakistan. The futures of Pakistan and Afghanistan are comprehensively entangled and dependent on one another. Islamabad must be a bigger brother, while Kabul must acknowledge that borders and neighbors are permanent. To attain this objective and realize this broader vision, a comprehensive border management framework is proposed as a policy recommendation for this research study. This framework should be implemented by a state committee that is comprised of interdepartmental policymakers who are responsible for a broader objective of improving the relationship with Afghanistan by executing a comprehensive border management framework. This framework would encompass policy recommendations related to politics and diplomatic engagement, economic cooperation, security and intelligence cooperation, refugee management, socio-cultural issues, and cooperation for regional integration.



Multidimensional Facets of Comprehensive Border Management Framework (CBMF)

Each section recommends policy prospects that can be applied in the existing circumstances to improve the bilateral ties between Pakistan and Afghanistan while simultaneously enhancing regional integration.

A) Politics and Diplomatic Engagement

Since political ties between the respective governments of Afghanistan and Pakistan have continued to remain intense over the past seven decades. Afghanistan repeatedly accuses Pakistan of providing safe havens to extremist Organizations while Pakistan has repeatedly refuted any such claims by successive governments of Afghanistan. Moreover, Afghanistan also accusess Pakistan of meddling in its internal affairs and creating instability in the country. Pakistan is believed to have an influence over Afghan Taliban, yet this particular notion seems to have faded away in the recent times. Opium trade between the two states as well as the water

sharing rights are few of the other issues that have complicated the relationship between the leadership of both countries.

To strengthen the nature of the relationship between both sides, dialogue on Tier-II and Tier-III needs to be initiated on a bi-annual basis. Conflict issues must be resolved through regular engagement, which will pave the way for enhanced economic interdependence. Pakistan should persuade the Taliban to recognize the border, as this issue can be termed as the baseline of all conflicts. Since the Taliban administration is seeking recognition from states around the world, Pakistan can explore the option of conditioning the recognition of the Taliban administration with the recognition of the Pak-Afghan border. Pakistan may be able to achieve this long-overdue objective associated with its National Security through the use of soft power and global influence. The government of Pakistan has been working with Afghan officials on the Afghanistan-Pakistan Action Plan for Solidarity (APAPS) to facilitate constructive and meaningful engagement between the two states. On both sides, experts for border control have been established to communicate, evaluate, and collaborate to find ways to address problems with boundary controls. The border security teams will indeed form working groups to address issues relating to Afghan refugees in Pakistan. A globally recognized Afghan government that is making progress toward normalization would be in a more advantageous position to deal pretty with Pakistan, discuss and resolve significant issues like the Durand Line, and represent Afghans all across the region. A scenario like this would allow Afghanistan and Pakistan to eventually put an end to their destructive pattern of clandestine wars and move forward with economic collaboration, multilateralism, and development that would be advantageous to their respective communities, the region, and the global community. If the Afghan interim government is bypassed, it will be challenging to offer the Afghan people any genuine assistance. However,

despite Pakistan's efforts to increase the likelihood of a prosperous and peaceful Afghanistan by pushing the global community to collaborate with the Afghan government, Islamabad faces a variety of challenges as a result of ongoing developments in Afghanistan since the comeback of the Taliban. These issues have led to mutual resentment. However, cooperation between the two nations must come first. Pakistan and Afghanistan must confess and regret their transgressions throughout history. Only then can both states be expected to move forward. Addressing the enhancement of the relationship between Pakistan and Afghanistan, Ambassador Jalil Abbas Jelani (Retd) said that,

“We need to improve communications with Taliban and all ethnicities in Pakistan. We need to treat Afghanistan as a sovereign, independent state. We need to be polite but firm when it comes to the protection of our national interests ”.⁶¹⁴

Through the prism of constantly evolving regional and international realities, Pakistan must reconsider its approach towards Afghanistan. Afghanistan must be viewed as an independent and sovereign state capable of making its own decisions. Conflicts over the respective borders of the states cannot be settled with a wall or barricade. Dialogue and arbitration can be used to accomplish this objective. However, if no agreement is reached between the two sides, the issue must be put on hold, and the economic relationship between the two sides must not be strained. The relationship between Afghanistan and India should be avoided unless we perceive Afghan soil being exploited against the US. Afghanistan, like every other state, has the right to maintain bilateral relationships with other countries, and India, as an essential neighbor in the region, cannot be overlooked. In addition, Afghanistan has an ancient legacy with that country. We should not object as long as this friendship is not used to execute missions against Pakistan.

⁶¹⁴ Jelani, "Former Foreign Secretary of Pakistan."

Pakistan must reassure Afghans that it has no long-term strategic goals for their country or desire to interfere in their domestic affairs. Afghans should be responsible for making their own choices and determining how to form a government and restore peace to their country. As a result, the bilateral relationship will progress faster than anticipated. Enhanced diplomatic engagements between the two states are the only way to improve bilateral ties. The political relationships would be furthered, economic exchanges would improve, and conflicting issues would amicably be resolved if effective diplomacy were practiced between the policymakers of both states.

B) Addressing the Preferences and Motivations of Afghanistan

No Border Management Framework can be successful if the Government of Pakistan does not take Afghanistan's preferences and motivations into consideration concerning the Pak-Afghan border. It needs to be realized by Pakistani policymakers that despite international acceptance of this border as a Pak-Afghan border, neither the Government of Afghanistan has recognized this border. Instead, the Afghans still consider this border as the Durand Line, while the Afghan politicians consider it a politically and culturally sensitive issue. The government of Pakistan has to bring this issue to the table by initiating a dialogue. After seven decades of Pakistan's independence, it must be understood that any Afghan government will only recognize this border in case of any particular trade-off. This bargain may be political or economic. Recognition of the Taliban government in front of the international community can be considered one of the bargains Pakistan may offer. Subsequently, the Governments of Pakistan and Afghanistan have to devise a framework that may ease people's to and fro movement across the border region. Menace of terrorism can be dealt with only if joint efforts are made collectively from both sides. No independently framed policy would effectively prevent TTP and other terrorist groups from attacking inside Pakistani territories. Pakistan and Afghanistan are

obligated to respect each other's sovereignty and territorial integrity, which is the only way forward for both states to resolve long-standing disputes constructively.

C) Economic Cooperation

Pakistan has started to emphasize geo-economics as a key part of its diplomatic and economic strategy because of its geography and potential as a crucial indicator for forming alliances, interconnectivity, and transit trade. Close cooperation with Afghanistan is not only a top priority but also a crucial element of Pakistan's goal of creating a peaceful neighborhood. Pursuing transit and bilateral trade with Afghanistan will connect South and Central Asia and encourage regional economic integration. Prior to the construction of the fence, Pakistan was the principal economic partner of Afghan people. Dangerous, illegal, and drug-related commodities were being smuggled through illicit methods. Exports and imports had increased at the border more than in the preceding ten years, owing to the closure of the majority of sensitive areas and the creation of new, technologically sophisticated border checkpoints to detect illegal items. Customs restrictions have been enhanced in order to successfully produce income in conformity with worldwide best practices. To deter financial assistance of terrorists, extremists, and fundamentalists, the government of Pakistan must also recognize and promptly resolve hybrid deep divisions in its currency trading regulations and policies in accordance with the National Action Plan (NAP). Economic cooperation between Pakistan and Afghanistan is an essential component of their bilateral relationship. This problem can be remedied if Pakistan and Afghanistan consolidate their infrastructures and identify existing macroeconomic challenges. Development of border crossings and the implementation of transit trade agreements between Pakistan and Afghanistan face substantial challenges. Because it impedes transit trade, both countries must overcome this issue. Afghanistan has the largest mining sector in the area. The

cost of Afghan mining is projected to be between \$15 and \$20 trillion USD. Afghanistan requires Pakistan to use its people potential to address the issue of human capital and resource shortfall. This will provide Afghanistan with a huge proportion of earnings, and therefore this strategy may allow Pakistani nationals to contribute to Afghanistan's economic prosperity. Both countries require such extensive collaborative cooperation to promote their respective economies. Negotiations on the revised agreement of APTTA have already been completed between the Taliban administration and the Government of Pakistan as of December 2022; however, the agreement has not been signed. The signing of the APTTA agreement between the two states is a prerequisite for the enhancement of bilateral trade, or else the business communities of both sides will continue to suffer, eventually resulting in millions of dollars in economic loss per annum.

D) Security and Intelligence Cooperation

Pakistan Army has completely decimated the bases of terrorist organizations based in erstwhile FATA and rural areas of Balochistan, where militants routinely traveled across the border and sought shelter in the tribal regions of Afghanistan bordering Pakistan. The difficult task of securing Pakistan's extremely porous border with Afghanistan significantly curtailed the inflow of terrorists, smugglers, narcotics criminals, and their financiers. Eventually, the idea that the Durand Line cannot be fenced has already been dispelled. Gun culture must be outlawed immediately in tribal communities without predisposition, and this could be accomplished by passing rational laws and enforcing them strictly through the use of all law enforcement authorities. Moreover, Strict gun-control laws need to be implemented across the region as practiced globally by states like Japan, China, and several states of the United States. In order to safeguard the safety of fencing in their distinct domains, the two governments should cooperate

to win over, cooperate with, and reestablish confidence of community leaders and trust of tribesmen and give them moral support, and physical protection. To ensure the timely identification of anti-state individuals or the presence of militants in the region, patrolling units of law-enforcement agencies stationed along the Pakistan-Afghanistan border need to perform unannounced territory sanitization operations in border areas regularly. Intelligence cooperation between two states is direly needed in order to counter militancy as well as refrain from creating any controversies. Inter-agency collaboration and regular communication between two sides are prerequisites for a securitized and economically interdependent region. While giving an Interview, Former Foreign Secretary of Pakistan, Mr. Jalil Abbas Jelani, highlighted that an intelligence and security mechanism is already in place; however, the Taliban administration has repeatedly told the Government of Pakistan that due to their capacity issues, they are unable to take the kind of actions required to secure the border. Such admission also indicates that the Taliban government is well aware of the challenges at the Pak-Afghan border. Their incapacity to take the necessitated action will eventually cost both states enhanced terrorism and hence cooperation in terms of security and defence can be enhanced to secure the border.

E) Refugee Management

Government of Pakistan needs to make sure that all unregistered Afghan refugees are documented and this can be done in collaboration with UNHCR. Currently, three million Afghan refugees are residing in different Pakistani provinces. The government of Pakistan should create a realistic path for their dignified repatriation with the assistance of the international organizations, global financial donors, and the government of Afghanistan through assertive and strong diplomatic engagements. Afghanistan has suffering a conflict since last four decades while its masses are still fighting against militancy, religious intolerance, extremism, lack of

economic opportunities and a mature political leadership that is acceptable to the world. Hence, it is certain that around three million registered and unregistered Afghan refugees currently based in Pakistan will not return to their homeland without any assurances. Government of Pakistan in consultation with UNHCR and the Government of Afghanistan should initiate reward and time-based repatriation for Afghan refugees. Other donor agencies must also be taken in the loop; however, this would only be possible if the state of Pakistan will initiate consultations with all the stakeholders, while taking in to account all the related factors as well.

F) Introduction of Technological Devices on Border Crossings

Introduction of technology in various spheres of life has facilitated the application of procedures and regulations. States have introduced technology to facilitate and digitize the entry of refugees as well as the visitors from the bordering states, minimize the infusion of illegal immigrants, ensure the accurate data of trade while subsequently minimizing the illegal trade alongside the border crossings. Pakistan has implemented biometric authentication validation technology alongside its borders with Afghanistan to bolster security at the border. On two critical border entry points, biometrics ID systems have been put in place. Sophisticated surveillance techniques, particularly unmanned aerial vehicles (drones), are additionally being employed to provide uninterrupted border monitoring. It is necessary to install latest technology on all the border crossings with Afghanistan in order to ensure the effectively surveillance in addition to the digitization of data. With the objective to safeguard susceptible regions of borders and infiltration routes, sophisticated surveillance equipment or artificial intelligence (AI) establishes undetectable barriers. Therefore, Security patrol troops may quickly identify any suspicious activity. Correct application of AI empowers border patrolling units to efficiently lead, supervise, and deal with unauthorized immigration or other unconventional factors that lead

to confrontation. Moreover, the legalization of economy also requires the introduction of technology on the border in order to digitize the economy and remove any loopholes currently existing in the system. Digitization of border crossings will accelerate the process of Customs, facilitate the traders and will eventually results in the enhancement of the trade between the two states.

G) Highlighting Socio-Cultural Dynamics of Pakistan and Afghanistan

The federal government ought to establish an upright, trustworthy, and meticulous justice system in tribal regions. Those families who have been detached due to fencing must be given certain privileges to meet their family members on either side of the border. This would substantially impact the public image of Pakistan within both states. Pakistan can play a significant role in finding a comprehensive solution to Afghanistan's growing humanitarian catastrophe. It would be beneficial to provide humanitarian relief, engage the Taliban, and take a practical solution to the health and economic crises. Taliban should understand that they cannot interact with the rest of the world in a positive way until they respect basic human rights of Afghan people. As a result, they ought to uphold the social, economic, religious, and cultural rights of the populace, acknowledge the rights of women, girls, and minorities, and put an end to the flagrant abuses that are still being committed. Afghanistan could only be guaranteed long-term development via wise continuous interaction with the international community. The fundamental goal must be to make it simpler for Afghans to obtain visas, particularly students and the sick. Furthermore, border crossing must be made easier. This is not the case right now. The current circumstances necessitate smooth business transactions in Torkham, Chaman, Ghulam Khan, and Angoor. Facilitating transit trade with Afghanistan is also critical. Public and cultural diplomacy projects between Pakistan and Afghanistan are the need of the time. People of

both states have been seriously affected by war during last two decades and it is time for revival and rehabilitation of their socio-cultural lives. This will actually improve the public image of both states regionally as well as globally.

H) Cooperation for Regional Integration

Research Scientist, John Mueller from Mershon Center for International Security Studies at the Ohio State University in an interview stated that;

“Pakistan is in a good position to take the initiative in creating a stable environment where Afghanistan can return as much as possible to a state of traditional normalcy.⁶¹⁵ There should be significant international support for such an endeavor because it would be in the interests of not only Pakistan but also of Russia, China, the US, Iran, and India”.

While cooperation for regional economic integration is a mandatory prerequisite, Pakistan, Afghanistan and China should formalize the vision of leading CPEC projects towards Afghanistan. Policy makers of all three states should propose projects and formalize negotiations, so as to materialize the dream of transforming the region in to a economic hub. Moreover, TAPI project could not be materialized if relationship between Pakistan and India normalizes and peace and security is established in Afghanistan. However, the project has the tendency to meet the energy needs of Afghanistan, Pakistan and India for the next few decades. While ensuring security is the primary concern of all three states, economic interdependence is the only way forward to do so. Example of European states can be quoted in this regard where the economic interests of all the Scandinavian states have led them to live peacefully. China has

⁶¹⁵ John Mueller Research Scientist, "Mershon Center for International Security Studies at the Ohio State University " *Interview through Email* (2023)

heavily invested in various projects in Afghanistan and hence Pakistan can explore the possibilities of initiating collaborative projects with China, Afghanistan and Central Asian states, which would eventually lead in minimizing the profits of businessman, yet trade volume would significantly enhance through Pakistani ports of Karachi and Gwadar. Relationship between and Iran have predominantly remained strain during last two decades, particularly due to securitization of relationship and border disputes. Since border with Iran is also being fenced, enhancement of economic cooperation may lead towards optimism in relationship. Iranian oil is regularly being smuggled through Balochistan. Formalized import of Iranian oil would reduce its cost in Pakistan and will provide employment to underprivileged Baloch citizens. Regional integration in this side of the world is only possible if the conflict is pacified and economic interdependence between and amongst states is enhanced. Central Asian States, Pakistan, India, Iran, Afghanistan and China have to realize this particular notion and initiate a collaborative venture where interests of every state will coincide leading towards prosperity of the region. SCO and SAARC may play a leading role in this regard.

Implementation of Comprehensive border management framework is only possible if Governments of Pakistan and Afghanistan would seriously focus on the said issues and address them through dialogue and negotiations. The central argument of this framework is effective diplomacy and enhanced economic interdependence between and amongst states in the region. Effective diplomacy amongst the policy makers would result in resolution of the outstanding disputes and enhancement in ties of political leadership. Moreover, establishment of peace and security in Afghanistan is a prerequisite to the normalization of relationship between Pakistan and Afghanistan. Defense and intelligence cooperation between two states is the need of the time as it will lead to reduction of militancy and presence of militant groups while simultaneously

lead to increased economic activity. Enhancement of bilateral trade would lead to mutual trust and confidence.

Findings/ Conclusion

Findings of the Study

Research findings of this study are highlighted as follows;

1. Over the course of the last seven decades, political leadership could not deal Pak-Afghan border properly. Since the border has been primarily dealt with for political purposes, both states have employed it for attaining political purposes while the institutions have not strategized the mechanism of this border. War on Terror and deteriorated security challenges in Pakistan and Afghanistan proved to be the high point of this pertinent factor. Hence, State of Pakistan eventually decided to fence this border.
2. The internal security situation of Pakistan compelled political leadership in 2017 to fence the Pak-Afghan border. A policy shift was witnessed after the APS attack in December 2014, and the introduction of the National Action Plan strengthened the security dynamics of Pakistan. The decision to fence the Pak-Afghan border was also taken with reference to this pertinent aspect.
3. Both states must formulate border management strategies in a manner that cultural and historic sensitivities are respected while a dispute may be avoided from both sides. Pakistani policymakers, as well as the political and military establishment, may refrain from provocative statements on public or private platforms so that the Afghan stakeholders are not disrespected. Pakistan has to take in to consideration as how does Afghanistan perceives the Pak-Afghan border and what policy strategies can be adopted to address their grievances.

4. Long stay of NATO forces in Afghanistan was a serious concern of Pakistani leadership. Incidents like Salala attack and killing of Osama Bin Laden in Abbottabad, Pakistan compromised the sovereignty of Pakistan. This particular challenge impacted Pakistan's sovereignty and its position as a state in the international system.
5. In order to destigmatize Pakistan as a hub of terrorism, the decision of border management appears appropriate.
6. Pakistan has to facilitate the Afghan immigrants living in different areas of Pakistan since last four decades. Although the State of Pakistan has allowed the registered Afghan refugees to live in Pakistan; they are treated as second-grade citizens by the law-enforcement institutions of the country. Introduction of a Grievance Redressal Mechanism may pacify the grievances from the Afghan community while help them live in Pakistan with honor and dignity.
7. Issue of refugees needs to be dealt in accordance with the International laws and conventions since forced expulsion of Afghan refugees is not a viable solution. Pakistan must take in to confidence the Government of Afghanistan as well as the International organizations before deciding on any futuristic course of action.
8. The proposed Comprehensive Border Management Framework (CBMF) may be recommended as a strategic approach for both Pakistan and Afghanistan to address the persistent security challenges at their shared border. Both countries face complex issues related to cross-border terrorism, smuggling, migration, and tribal movements, which require a coordinated and sustainable solution. The CBMF's emphasis on sustainability, practicability, flexibility, and consistency offers a holistic framework that can address these

challenges while ensuring socio-economic inclusion, technological integration, and inter-agency collaboration. To ensure its success, both countries must prioritize joint efforts to harmonize their border management policies, share intelligence, and invest in necessary infrastructure. By adopting this framework, Pakistan and Afghanistan can better manage their borders, enhance security, and promote stability in the region, ultimately fostering a sustainable and peaceful future.

9. Under-development of Tribal administrative units has caused concerns amongst the tribal population since they have been impacted by collateral damages in the two decades-long conflict in Afghanistan. If the Government of Pakistan does not focus on the provision of basic necessities in erstwhile FATA, they may face multi-dimensional security-related challenges in the region.
10. Pakistan must not intervene in Afghanistan's internal affairs since it is an independent state capable of making its own decisions. Expert interviews indicated that all the previous efforts by our intelligence agencies to create strategic depth in Afghanistan have backfired and caused issues for Pakistan.
11. Formal Recognition of the Pak-Afghan border from the Afghan government must be aligned with a certain political benefit, such as the Recognition of the Taliban Administration or the Facilitation of Afghan Refugees in Pakistan. Though the Pak-Afghan border is an international border and has been recognized by states internationally, the acceptance of the Afghan government is necessary since it will pacify most of the outstanding issues between Pakistan and Afghanistan.

12. The approach of the blame game needs to be replaced with economic cooperation and the phenomenon of multilateralism until and unless this approach is adopted by both states, they may not be able to benefit from the geographical dynamics of this region.
13. Joint actions for the surveillance of a fenced bordering region are necessary. AI models need to be integrated to restrict militants' movement; otherwise, security challenges will continue to deteriorate and intensify the nature of the relationship between the two sides.

Conclusion

The management of the Pak-Afghan border has been a central issue in the relationship between Pakistan and Afghanistan, particularly after the US invasion of Afghanistan. The primary point of contention is the legal status of the border, with Afghanistan not recognizing the border as an international boundary. This dispute has fostered an environment of suspicion and blame. Over the past two decades, both nations have denied allegations of interference in each other's internal affairs. Afghanistan has accused Pakistan of instigating revolts and supporting terrorism to destabilize the country. Conversely, Pakistan has accused Afghanistan of supporting Baloch nationalism and aiding insurgent groups in Balochistan and KP. The US presence in Afghanistan and the conflict between TTP and US forces have also exacerbated tensions.

Despite the historical baggage, it is crucial for both nations to address the border issue through bilateral dialogue to foster constructive engagement. A comprehensive strategy is necessary to address the key challenges both nations face. Border management should focus on combating insurgency, enhancing security, and improving relations. Advanced technology should be implemented at key checkpoints to boost security, and more law enforcement personnel and increased security checks can contribute to these efforts. Continuous monitoring on both sides of the border will help bring stability to the region. Given the ongoing instability, engaging with the

Afghan Taliban is essential for a collective approach to the challenges posed by the Tehreek-e-Taliban Pakistan (TTP).

Over the past two decades, Western analysts have consistently argued that Pakistan exercises significant influence over the Afghan Taliban, a claim that Pakistan has officially denied. However, this assertion has not been widely accepted by the international community, which continues to believe that Pakistan has played a role in supporting or guiding the Afghan Taliban's activities. The relationship between Pakistan and Afghanistan has remained highly tense, especially since the Afghan Taliban's takeover of Kabul in August 2021. This shift in power has resulted in an escalation of conflicts along the border, with numerous incidents of unprovoked firing being recorded. Furthermore, the Afghan Taliban has been accused of facilitating the operations of the Tehreek-e-Taliban Pakistan (TTP), an additional and increasingly dangerous challenge for Pakistan. The tribal areas of Pakistan, particularly in regions bordering Afghanistan, continue to serve as sanctuaries for various terrorist groups, including the TTP, which has caused significant security concerns. Pakistan's security forces have been engaged in an ongoing battle against these militants with limited success. While these military efforts continue, the key to a long-term solution lies in engaging with the Afghan government and working collaboratively to address and dismantle the roots of these militant groups that thrive in the region. Only through a concerted effort between both countries can the security situation improve and stability be restored.

Public diplomacy is a crucial aspect that can significantly improve the relationship between Pakistan and Afghanistan. Unfortunately, Pakistan has faced a negative perception among the Afghan population, particularly due to its security establishment's presence and actions in the tribal regions of Pakistan. This perception has been exacerbated by the ongoing security

operations that have lasted for over 20 years, resulting in the loss of thousands of innocent lives. Tragically, the state has not been able to effectively address the grievances of these people, leaving a significant gap in public trust. While security remains an essential priority, it is equally important for Pakistan to take concrete steps to ease the restrictions placed on Afghan citizens living in the country or those visiting for various purposes. Numerous reports have surfaced about Afghan citizens being imprisoned and subsequently released by security forces after paying bribes, further tarnishing Pakistan's reputation. This ongoing issue has led to a sharp decline in the number of Afghan citizens visiting Pakistan, as they fear exploitation and mistreatment. To reverse this trend, the Government of Pakistan must implement policies that prioritize the welfare of Afghan nationals while promoting mutual respect and cooperation. Such policies would not only benefit the citizens of Pakistan but also help restore the country's public reputation. In addition to political measures, engaging the people of both countries through sports and cultural diplomacy can be a powerful tool to foster goodwill and understanding. Furthermore, expanding educational opportunities for Afghan students, such as the Allama Iqbal Open Scholarship program, could help build bridges between the two nations. Similarly, providing work opportunities for Pakistanis in Afghanistan would promote economic exchange and bilateral cooperation. While restoring public reputation is a long-term undertaking, if executed effectively, it can yield lasting benefits for both Pakistan and Afghanistan, contributing to peace, stability, and mutual prosperity in the region.

Over 5 million Afghan citizens continue to live in Pakistan, many of whom have resided in the country for over four decades. Despite their long-term presence and significant contributions to the local economy, these individuals remain without citizenship. This situation highlights a glaring issue in Pakistan's approach to managing its foreign-born population. The global

community has varying policies on citizenship, with countries like the United States granting citizenship within five years and Australia taking twelve years. However, Pakistan has failed to address this pressing matter, leaving millions of Afghan nationals in a state of legal limbo. This neglect not only deprives these individuals of the full range of rights and privileges afforded to Pakistani citizens, but it also exacerbates socio-economic inequalities, as these Afghans, while integral to the economy, remain excluded from the formal sector. These Afghan nationals, who have established multi-million-dollar businesses, contribute significantly to Pakistan's economy, yet they do not pay taxes to the government. Their exclusion from the formal economy further entrenches a system of informality and lack of regulation, which limits Pakistan's fiscal capacity and its ability to harness the full potential of these residents. The absence of citizenship also perpetuates an underclass of people who, despite living in the country for decades, remain vulnerable to exploitation and denial of rights. Furthermore, this situation feeds into the broader problem of economic inequality and weak governance, as these individuals are denied access to services, social welfare, and political participation, thus continuing to operate outside of the formal systems. Granting citizenship to these long-term Afghan residents would allow them to fully integrate into the nation's economy, contributing taxes and participating in the formal labor market. This would not only benefit the Afghan citizens themselves, ensuring they receive equal rights and protection under the law, but it would also bolster Pakistan's economy by expanding the tax base, encouraging business formalization, and fostering a more inclusive society. However, this requires a bold legislative effort to move away from the status quo and take the critical step of granting citizenship to those who have become an indelible part of the country. The failure to act on this issue is a missed opportunity that undermines Pakistan's potential for

economic growth, social cohesion, and international credibility. The longer the state delays addressing this issue, the more it risks perpetuating inequality and instability within its borders.

The creation and facilitation of economic interdependence between Pakistan and Afghanistan represent a strategic opportunity to foster a closer, more cooperative relationship between the two neighboring states. While issues related to defense, security, intelligence cooperation, refugees, culture, and foreign policy will continue to evolve based on the changing dynamics of regional cooperation, it is the economic relationship that can ultimately act as the bedrock for a more stable and mutually beneficial partnership. Through economic collaboration, both Pakistan and Afghanistan can enhance their respective stakes in maintaining peaceful relations, thus reducing the likelihood of military conflicts driven by a lack of trust and cooperation. Pakistan and Afghanistan must fully understand the shifting strategic landscape of the region. The underlying trends of the South Asian and Central Asian regions are in flux, and these changes significantly impact the peace and stability of the entire region. The growing influence of external powers, the rise of non-state actors, and the changing nature of global politics demand that both governments act responsibly and proactively. This is an opportunity for Afghanistan, in particular, to demonstrate its solidarity and commitment to peace by collaborating with Pakistan on shared security challenges, most notably the persistent threats posed by terrorism. By working together to strengthen border security and bolster regional stability, both countries can contribute to a more peaceful and secure future for the region. A critical step in this process involves addressing the management of the shared border. Both Pakistan and Afghanistan must prioritize the protection and preservation of their borders to ensure the effective flow of trade, people, and goods while limiting the illicit activities that undermine security. Economic interdependence is not just about trade or infrastructure development; it also requires comprehensive efforts to curb

insurgent mobility, human trafficking, illegal drug production and trade, and the flow of weapons across the border. These issues, which have long plagued both nations, can only be addressed through coordinated, mutual efforts. Failure to tackle these challenges will only perpetuate the cycle of distrust and hostility, fueling the endless blame game between Pakistan and Afghanistan. By shifting the focus towards collaboration, both countries have the opportunity to break this cycle and pave the way for a new era of cooperation. However, this requires a comprehensive strategy that not only addresses immediate security concerns but also builds long-term economic, social, and political ties that will contribute to the lasting peace and stability of both nations.

Post-Script

Post-2020 Shifts in Pakistan's Foreign Policy and Border Management Towards Afghanistan

The events of August 15, 2021, marked by the fall of Kabul and the Taliban's assumption of power, signaled a transformative shift in Afghanistan's political trajectory, with significant repercussions for Pakistan's border management and foreign relations.⁶¹⁶ Aspiring for enhanced border security cooperation under a Taliban-led government in Kabul, Pakistan maintained an unwavering focus on securing its frontier in the face of enduring challenges such as drug trafficking, illegal migration, cross-border terrorism, and broader regional security threats. The post-2020 environment, however, introduced both new opportunities and evolving complexities. While Islamabad had anticipated that the Taliban's ascension would facilitate closer border security collaboration, the persistence of historical issues and the increasing intricacy of the politico-economic relationship reinforced the prioritization of border security by both sides.

Through diplomatic overtures and strengthened border security measures, Pakistan's foreign policy has shifted toward cautious engagement with the Taliban leadership. Security concerns remained the top priority, even though Pakistan acknowledged the necessity of political and economic interaction with Afghanistan. Islamabad persisted in its two-pronged approach, preserving diplomatic relations with the Afghan Taliban while bolstering border restrictions to safeguard its interests as a nation. These actions showed that, in spite of Afghanistan's political transformation, Pakistan's foreign policy and border management priorities in the post-2020 era were still influenced by the four main factors that were identified in the pre-2020 period: drug trafficking, illegal migration, cross-border terrorism, and regional security issues. Although there

⁶¹⁶ Gul Dad, Abdullah Khan, and Jens Vesterlund Mathiesen, "Post-August 2021: Taliban Governance, Security Dynamics and the Road to Stability in Afghanistan," (2024)

was a brief period of prudent hope following the transformation in Kabul, it quickly became clear that the underlying structural problems plaguing the frontier region were strongly entrenched and would not be easily resolved. Pakistan understood that reducing long-standing dangers coming from the other side of the border required more than just political goodwill. As a result, Islamabad took a practical stance, reiterating its focus on strict security measures while continuing to have constrained but crucial diplomatic relations with the new Afghan government.

After 2020, Pakistan's border policy focused on two primary objectives: preventing the spillover of instability from Afghanistan and safeguarding its economic recovery, territorial integrity, and regional diplomatic standing.⁶¹⁷ To support these goals, Pakistan accelerated border fortification efforts, enhanced surveillance and intelligence operations, and intensified diplomatic engagement at both regional and global forums to advocate for greater international assistance in stabilizing Afghanistan. It can be ascertained that managing the Pakistan-Afghanistan border remains a delicate balancing act between competing demands. Economic, tribal, and humanitarian linkages called for flexibility and compassion, while the National Security imperatives required a robust and comprehensive Securitization framework, viewing the border as a critical barrier against emerging threats rather than merely a line of control. Consequently, Islamabad's post-2020 strategy reflected a complex yet security-first approach, with border management closely aligned to the broader goals of preserving Pakistan's stability, sovereignty, and regional influence. Given this context, it becomes essential to examine how each of the primary concerns, cross-border terrorism, illegal migration, drug trafficking, and regional security, individually shaped Pakistan's post-2020 border management and foreign

⁶¹⁷Amir Hamza Marwan and Madeeha Naz, "Representation of the Fall of Kabul in Pakistani and Afghan Media," *Media, War & Conflict* 17, no. 4 (2024)

policy orientation. A closer analysis of these factors highlights the layered challenges Pakistan continues to face.

A. Cross Border Terrorism

Even after the Afghan Taliban regained control of Afghanistan in 2021, Pakistan's primary security fear continued to be cross-border terrorism. At first, Islamabad was under the impression that an administration headed by the Afghan Taliban would stop terrorist organizations from attacking Pakistan from Afghan territory. But the reality on the ground soon dampened these hopes. Terrorist occurrences in Pakistan sharply increased as a result of militant groups, especially the Tehreek-e-Taliban Pakistan (TTP), maintaining secure territories across the border and stepping up their activities. According to the Pakistan Institute for Conflict and Security Studies (PICSS), terrorist violence surged in 2024, with a 21 percent increase in deaths from terrorist attacks compared to the previous year. A total of 1174 people were killed in these incidents, including 488 civilians, 461 security forces personnel, and 225 terrorists. Although the number of injuries decreased slightly by 5 percent, the overall rise in fatalities underscored the escalating lethality of militant operations.⁶¹⁸ The statistics revealed a strategic shift: the deaths of terrorists rose by an alarming 51 percent, while arrests of suspected militants and facilitators dropped by 65 percent, indicating that Pakistan's security forces had focused more heavily on eliminating threats rather than capturing them. The total death toll from terrorist attacks and security operations reached 1,969 in 2024, with 950 terrorists neutralized, the highest annual figure since 2016. These figures highlight not just the ferocity of the militant threat but also the intensity of Pakistan's counterterrorism efforts. Several militant groups were active across Pakistan's volatile regions. The Tehreek-e-Taliban Pakistan (TTP) remained the principal actor,

⁶¹⁸ "Significant Decrease in Suicide Attacks Recorded in 2024: Picss Report," *The News*, 02 January 2025, Available at <https://www.thenews.com.pk/print/1267794-significant-decrease-in-suicide-attacks-recorded-in-2024-picss-report>.

responsible for the majority of attacks, while the Balochistan Liberation Army (BLA) ranked second in terms of operational activity.⁶¹⁹ Other groups, such as factions of the Hafiz Gul Bahadur network, intensified attacks in North Waziristan and its adjacent areas. Meanwhile, Lashkar-e-Islam ramped up its operations in Khyber District, and the Balochistan Liberation Front (BLF) also maintained a significant presence in Balochistan. Although the Baloch National Army (BNA) was less active compared to previous years, it continued to engage in sporadic violence. In Sindh, the Sindh Desh Revolutionary Army (SDRA) carried out low-intensity attacks, maintaining a simmering insurgency. Notwithstanding its substantial effectiveness in lowering the rate of terrorist infiltration, the Pak-Afghan border fence project was unable to completely eliminate the threat. To sustain their operations, militants modified their tactics and took advantage of the remaining unfenced areas, rough terrain, and unofficial crossing spots. Furthermore, Islamabad's attempts to take decisive action against the Afghan Taliban and the TTP were hampered by their ideological similarities.

In practice, the Taliban government's counterterrorism pledges were either ineffective or contradictory, notwithstanding its public denials of sheltering anti-Pakistan terrorists. Pakistan responded by stepping up its border defenses, bolstering military checkpoints, sending more troops, and improving monitoring tools like drones and ground sensors. Furthermore, security guarantees are now a crucial part of bilateral talks with the Taliban leadership as Islamabad has become increasingly tied to cross-border terrorism in its larger diplomatic relationship with them.⁶²⁰ To preserve its sovereignty, Pakistan's foreign policy toward Afghanistan remained highly securitized, either emphasizing counterterrorism collaboration or, in the absence of it,

⁶¹⁹ Ibid.

⁶²⁰ Rifat Kaleem, "Pakistan Afghanistan Relations: Case Study of Land Border Management in Relation to National Security of Pakistan," *Contemporary Journal of Social Science Review* 3, no. 1 (2025)

depending on unilateral actions. Instances of Cross-border terrorism highlighted that physical barriers alone could not secure Pakistan's border. Lasting peace in the region required political stability in Afghanistan, effective governance from the Afghan Taliban, and the assurances that Afghan territory would not be used to destabilize neighboring states.

B. Illegal Migration and Refugee Flows

The instability and continued violence in Afghanistan have exacerbated the long-standing problem of illegal movement between Pakistan and Afghanistan. The dynamics of migration over the Pakistan-Afghan border grew more intense in the post-2020 era, particularly when the Taliban retook control of Afghanistan in August 2021. Many Afghans sought refuge in neighbouring Pakistan due to the unstable political and economic conditions in Afghanistan, while others used porous border regions to enter without the required paperwork. With over 1.4 million officially recognized Afghan refugees living there, Pakistan still has one of the biggest refugee populations in the world.⁶²¹ It is estimated that there are hundreds of thousands more Afghan migrants in Pakistan without legal status, making the number of unregistered migrants much greater. Pakistan, which is already struggling economically, is under a lot of social and economic strain as a result of this refugee crisis. After the Taliban's return to power, the refugee flow into Pakistan became even more pronounced. In 2023 alone, over 260,000 Afghan migrants crossed into Pakistan illegally, adding to the already substantial numbers of unregistered refugees.⁶²² At the same time, Pakistan's border security efforts, including the continued construction of the border fence, sought to curb this flow, with estimates suggesting that between 31,000 to 50,000 people attempt to cross the border illegally every month. Though the numbers

⁶²¹ Saima Zarbat, Malik Fahim Bashir, and Yasir Bin Tariq, "Impact of Afghan Refugees on the Labor Market of Pakistan," *Journal of the Asia Pacific Economy* (2025)

⁶²² Marco Mogiani, Ayesha Qaisrani, and João Reis, "Navigating Uncertainty: Challenges, Aspirations, and Perspectives of Potential Afghan Migrants in Pakistan," (2024)

are lower than before due to stricter monitoring and border controls, illegal migration continues to be a persistent concern for Pakistan. While many refugees and migrants flee from Afghanistan due to the precarious situation there, ranging from violent conflict to economic hardship, others are motivated by the desire to reach better economic opportunities in Pakistan. The result is a complex web of motivations for migration that makes it difficult for Pakistan to manage, particularly given the social and economic pressures that the country already faces. This illegal migration, coupled with the refugee crisis, presents several challenges for Pakistan. Socially, the presence of large numbers of unregistered Afghan migrants strains public services and infrastructure.⁶²³ Legally, the lack of proper documentation makes it difficult for authorities to manage migration, and many migrants live in precarious conditions without access to healthcare, education, or other essential services. From an economic perspective, the growing number of migrants has compounded Pakistan's already overburdened welfare and employment systems. Many Afghan refugees and migrants live in informal sectors, leading to competition for jobs in an economy struggling to create sufficient employment opportunities for its citizens. The presence of these migrants also raises concerns about the potential exploitation of vulnerable populations by traffickers and human smugglers, further complicating border management. In terms of policy response, Pakistan has sought to balance humanitarian concerns with National Security priorities. On the one hand, the country has continued to grant asylum to those fleeing conflict in Afghanistan, in line with international refugee conventions. On the other hand, Pakistan has taken increasingly stringent measures to control illegal migration, including deportations, registration campaigns, and the further fortification of the border. Between 2023 and 2024, over 6000 Afghan migrants were deported through official channels, and Pakistan

⁶²³ Kalsoom B Sumra et al., "The Refugees and Health Crisis: Migration Policy Management and Government Response to Afghan Migrants," *BMC Health Services Research* 25 (2025)

authorities continue to tighten border surveillance and impose visa restrictions on Afghan nationals. Pakistan's foreign policy has been increasingly shaped by these migration challenges, as Islamabad seeks to work with international organizations, including the United Nations High Commissioner for Refugees (UNHCR), to ensure that Afghan refugees are treated with dignity while also addressing the security and economic challenges posed by their presence. The return of refugees to Afghanistan, should the security situation improve, remains a long-term goal for Pakistan, but the prospects of large-scale repatriation seem uncertain in the current environment. It needs to be ascertained that the issue of illegal migration and refugee flows from Afghanistan remains a critical challenge for Pakistan, reflecting the broader complexities of border management in the context of regional instability. While Pakistan has fulfilled its humanitarian responsibilities by hosting millions of Afghan refugees over the course of the last 4 decades, the increasing strain on its resources and infrastructure highlights the tension between National Security priorities and International obligations.⁶²⁴ The balance between providing refuge and ensuring security is increasingly difficult to maintain, as the porous nature of the border and the ongoing instability in Afghanistan create a cycle of immigration and displacement that is difficult to resolve. Ultimately, the evolving dynamics of migration from Afghanistan demand a comprehensive policy approach that integrates both humanitarian considerations and strategic border management, while also leveraging international cooperation to address the root causes of displacement. As Pakistan navigates these challenges, its foreign policy and border management strategies must continue to evolve, ensuring that Security concerns are met without compromising its obligations to those in need.

⁶²⁴ Mujeeb ur Rehman Khuhro, Shakeel Ahmed Rajper, and Abdul Razzaque Mirani, "Refugee Rights and the Repatriation of Afghan Nationals: A Legal Perspective in Pakistan," *Pakistan JL Analysis & Wisdom* 3 (2024)

C. Drug Trafficking and Organized Crime

Afghanistan remains the world's leading producer of opium, though its production has been volatile in recent years, particularly following the Taliban's return to power in 2021. In 2024, Afghanistan produced 433 tons of opium, marking a 30% increase from 2023, yet it remains 93% below pre-drug ban levels.⁶²⁵ However, this still represents a dramatic 93% decrease compared to 2022 levels, primarily due to the Taliban's imposition of a nationwide ban on opium poppy cultivation. The area under poppy cultivation in 2024 increased to 12,800 hectares, a 19% rise from 2023, though it remains significantly below pre-ban levels. Despite the decrease in production, the value of the Afghan opium harvest in 2024 was approximately \$260 million, a 130% increase from 2023, yet still 80% lower than the peak levels of 2022. This shows that while the Taliban's ban has led to a significant reduction in both the quantity and value of opium production, Afghanistan remains a crucial player in the global drug trade. Approximately 40–45% of Afghan opiates, including heroin and opium, are trafficked through Pakistan, making the country the primary transit route for narcotics bound for international markets in Europe, Africa, and Asia.⁶²⁶ The strategic location of Pakistan, combined with its porous borders with Afghanistan, facilitates the movement of illicit drugs. As a result, Pakistan continues to grapple with the complexities of both domestic drug consumption and the transit of narcotics. The country itself is estimated to have between 600,000 and 1.1 million heroin users, consuming around 20 tons of heroin annually. Despite local consumption, Pakistan serves as a transit route for approximately 120 tons of heroin each year, with an end-user value exceeding \$8 billion in

⁶²⁵ UNODC Advocacy Section, "Afghanistan: Opium Production Remains 93 Per Cent Below Pre-Drug Ban Levels, Says Unodc" *United Nations Information Service Vienna*, 27 November 2024, Available at <https://unis.unvienna.org/unis/pressrels/2024/unisnar1492.html>.

⁶²⁶ Dr Aneel Salman Rida Sajid, Maryam Ayub, "Narcotic Trafficking in Pakistan: A Comprehensive Review," *Islamabad Policy Research Institute (IPRI)* (2024)

international markets.⁶²⁷ This positions Pakistan as both a consumer and a conduit in the global drug trade. The nexus between drug trafficking and militancy is one of the most pressing security concerns in Pakistan. Militant groups such as Tehreek-e-Taliban Pakistan (TTP) and the Balochistan Liberation Army (BLA) are known to control key drug trafficking routes, using the proceeds from the narcotics trade to fund their insurgent activities. In regions such as Khyber Pakhtunkhwa and Balochistan, law enforcement agencies have seized large quantities of heroin and hashish, highlighting the pervasive influence of drug trafficking in these areas. The Kabul–Quetta–Karachi corridor, which spans across Afghanistan and Pakistan, serves as a primary route for drug smuggling. Militants often control this corridor, engaging in smuggling activities in exchange for financial support from international criminal networks. This symbiotic relationship between drug traffickers and militants exacerbates the security situation, as it fuels both insurgency and organized crime. Additionally, the production and trafficking of synthetic drugs, particularly methamphetamines, have escalated since the Taliban's return to power. Synthetic drugs are easier and cheaper to produce than opiates, which has made methamphetamines an increasingly popular illicit commodity. In 2024, the Anti-Narcotics Force (ANF) of Pakistan made its largest-ever seizure of methamphetamine, 224 kilograms hidden in containers at Karachi port, destined for international markets.⁶²⁸ The rise in synthetic drug trafficking adds another layer of complexity to Pakistan's drug control challenges, as these drugs are not only easier to produce and smuggle but are also more difficult to trace and control. The illicit drug trade's pervasive influence on both Pakistan's economy and its security situation cannot be overstated. The revenues generated from drug trafficking, particularly heroin, contribute

⁶²⁷ United States Department of State, "International Narcotics Control Strategy Report," *Bureau for International Narcotics and Law Enforcement Affairs* Volume 1: Drug and Chemical Control (2024)

⁶²⁸ News Desk, "Anf Nets Record 'Ice' Haul in Major Anti-Trafficking Operation," *Daily Times*, 3 May 2024, Available at <https://dailytimes.com.pk/1191449/anf-nets-record-ice-haul-in-major-anti-trafficking-operation/>.

significantly to the financial coffers of militant groups, allowing them to continue their insurgencies and terrorist activities. This dynamic ties together organized crime, terrorism, and the drug trade, creating a vicious cycle that is difficult to break. While law enforcement agencies in Pakistan have made significant strides in countering drug trafficking, seizing over 1,077 metric tons of illegal narcotics and arresting thousands of traffickers, there are still significant challenges in dismantling the entrenched networks that fuel the narcotics trade. Pakistan's role as a transit country for Afghan opiates and as a destination for synthetic drugs underscores the broader regional implications of the drug trade. The issue is not confined to Pakistan alone; it has far-reaching consequences for regional security and stability. Efforts to combat drug trafficking must go beyond national borders and involve regional cooperation, especially between Afghanistan and Pakistan. In this regard, addressing both the supply of illicit drugs from Afghanistan and the demand for these substances within Pakistan and beyond, requires a multifaceted approach that includes enhanced law enforcement, judicial reforms, and a comprehensive strategy to curb militancy and organized crime. Afghanistan's opium production and its trafficking routes through Pakistan remain significant drivers of both local and regional instability. The interplay between drug trafficking, militancy, and organized crime complicates Pakistan's ability to address the broader security challenges it faces. The growing trade in synthetic drugs only adds to the complexity of this issue, making it more difficult for authorities to manage. A more comprehensive and coordinated approach is necessary to tackle the root causes of drug trafficking and its ties to militancy, which will be critical for improving security and stability in the region.

The deep entanglement of the drug trade with Pakistan's border dynamics is a critical element shaping the country's security and foreign policy priorities toward Afghanistan. The

Afghanistan–Pakistan border, particularly porous regions like Khyber Pakhtunkhwa and Balochistan, has long served as the primary corridor for the trafficking of Afghan opiates into global markets. This persistent trafficking has placed enormous pressure on Pakistan’s border management system, compelling Islamabad to tighten surveillance, fortify crossings, and enhance counter-narcotics operations as part of its broader border security strategy. The same routes used for drug trafficking often overlap with the movement of militants, arms, and illicit goods, creating a complex web of cross-border challenges. Militant groups like the TTP and BLA benefit from controlling segments of these smuggling networks, using the proceeds to finance attacks inside Pakistan and resist state authority in frontier regions. Consequently, drug trafficking is not just a criminal issue but a national security concern tied intimately to the broader instability along the Afghan border. This dynamic has reinforced Pakistan’s two-pronged policy of maintaining diplomatic ties with Kabul while simultaneously hardening its border to protect against the dual threats of narcotics and terrorism emanating from Afghanistan.

D. Regional Security Challenges

Regional security challenges remain a defining factor in shaping Pakistan’s border policies and its broader relationship with Afghanistan in the post-2020 era. Even after the Taliban's return to power, instead of stabilizing, the regional security environment around Afghanistan became more volatile, posing renewed threats to Pakistan’s strategic interests. The absence of a cohesive, inclusive political structure in Kabul and the Taliban’s inability or unwillingness to prevent the regrouping of militant outfits have intensified Pakistan’s concerns. Groups like the Tehreek-e-Taliban Pakistan (TTP), the Islamic State Khorasan Province (ISKP), and Baloch insurgent factions continued cross-border operations, highlighting Afghanistan’s role as a launching ground for instability in the broader region. Moreover, regional rivalries have become increasingly complex. Pakistan fears that hostile intelligence agencies could exploit the Afghan

vacuum to stoke unrest in its border provinces, particularly Balochistan and Khyber Pakhtunkhwa. This concern has been exacerbated by the emerging footprints of India's strategic interests in Afghanistan and the perceived threat from non-state actors gaining a foothold there. At the same time, the broader Central and South Asian region has witnessed heightened competition over connectivity projects, natural resources, and political alignments, further complicating Pakistan's security calculus. China's Belt and Road Initiative, the uncertain future of CPEC (China-Pakistan Economic Corridor), and the contest for influence in Central Asia all intersect at Pakistan's western frontier, magnifying the strategic importance of securing its border with Afghanistan. Thus, the regional security challenges are not just limited to the immediate threat of terrorism but extend into the larger geopolitical contest that is reshaping South and Central Asia. Pakistan's intensified border management, new fencing initiatives, stricter visa controls, and enhanced military deployments along the Durand Line are not only responses to immediate threats but also preemptive measures to secure its strategic depth amid an unpredictable regional environment.

Future Prospects

In terms of future prospects related to the Pak-Afghan border and Pakistan's foreign policy towards Afghanistan, several key areas of opportunity can be highlighted as follows:

1. With the Afghan Taliban currently in power, Pakistan has a unique opportunity to reshape its foreign policy approach, shifting away from the notion of strategic depth to one centered on bilateral cooperation and regional stability. This shift could focus on fostering and recognizing each other's sovereignty while, promoting non-interference in internal affairs. By engaging diplomatically with the Taliban, Pakistan can establish a framework for lasting trust

and collaboration, addressing shared security concerns and creating a foundation for long-term peace and stability in the region.

2. Modernized crossing points, biometric checks, and coordinated security protocols promote transparency and legitimacy. Institutional frameworks replace informal arrangements, leading to predictability in cross-border movements. This builds a rules-based relationship between both states. Improved governance at the border translates into diplomatic goodwill.
3. Effective border management has the tendency to encourage transparent communication and crisis de-escalation between Pakistan and Afghanistan. Joint patrols and mechanisms will reduce misunderstandings and foster trust. Over time, this builds confidence at the political and diplomatic level. Such trust is essential for sustained engagement on broader political and economic issues.
4. With the foundation laid by the previous two agreements, the Afghanistan-Pakistan Transit Trade Agreement (APTTA) can now be updated to meet the requirements of contemporary trade and security dynamics. Streamlined customs processes, efficient border checkpoints, and modernized trade protocols can help formalize trade flows while reducing reliance on informal routes. Given the evolving political landscape, Pakistan should engage with the Afghan Taliban to finalize a long-term, mutually beneficial agreement that addresses current challenges and strengthens economic ties, reducing smuggling and fostering greater trade interdependence between the two countries.
5. Modernized crossing points, biometric checks, and coordinated security protocols promote transparency and legitimacy. Institutional frameworks replace informal arrangements,

leading to predictability in cross-border movements. This builds a rules-based relationship between both states. Improved governance at the border translates into diplomatic goodwill.

6. With border fencing and biometric systems largely in place by 2025, the next step lies in transforming rigid security measures into channels for structured cooperation. Future prospects include joint border commissions, regular dialogue mechanisms, and shared security responsibilities that make the border a point of collaboration, not contention.
7. With the Pak-Afghan border now more secure through fencing and advanced surveillance, the likelihood of successfully completing the TAPI (Turkmenistan-Afghanistan-Pakistan-India) gas pipeline has increased. A regulated border not only minimizes cross-border threats but also contributes to the overall security of Afghanistan by reducing militant movement and illegal activities. This improved environment strengthens investor confidence and paves the way for infrastructure projects like TAPI, which can enhance regional energy cooperation and bring economic stability to both Afghanistan and Pakistan.
8. Previously conflict-prone zones along the border can be reimagined as Special Economic Zones or cross-border trade hubs. Investments in infrastructure, logistics, and vocational training can turn borderlands into engines of growth for both countries; offering jobs, reducing extremism, and shifting the local economy toward peace dividends.
9. A major shift could come in making border management more humane. Policies that respect the rights of border communities, ensure dignified return of Afghan refugees, and facilitate cultural and familial ties across borders could build goodwill and reduce resentment on both sides. Furthermore, a well-managed and fortified Pak-Afghan border significantly reduces the risk of future Afghan conflicts impacting Pakistan. The physical barrier, supported by

advanced surveillance and tighter controls, serves as a defensive shield against the infiltration of militants and illegal arms. This proactive approach helps insulate Pakistan from external instability and reinforces national security in times of regional unrest.

10. A peaceful and cooperative Afghanistan opens the path for its inclusion in regional initiatives like CPEC, where stability along the Pak-Afghan border becomes essential. The fencing of the border not only curbs illegal infiltration but also plays a crucial role in protecting Chinese infrastructure investments in the region. By enhancing security, Pakistan reinforces its reliability as a trade and transit hub. This transforms the border into a secure economic corridor linking Central and South Asia through Pakistan. The fencing has already led to a notable reduction in illegal trade, smuggling, and human and drug trafficking across the Pak-Afghan border. As border management systems become more sophisticated and enforcement mechanisms improve, these illicit activities are expected to decrease even further, strengthening the rule of law and contributing to regional economic and social security.

Annexure-A Questions for Interviews

1. How do you analyze the see-saw trend in Pak-Afghan ties during the last two decades?
2. Why fencing of the Pak-Afghan border has passively impacted the politico-economic ties between the two states?
3. How do you analyze the claim of Afghans on Pak-Afghan border as Durand line & What is your assessment on legality of Pak-Afghan border?
4. How do you analyze the role of international actors in Afghanistan, particularly with reference to Pakistan?
5. How do you see the role of Pakistan in Afghan peace process since the Bonn Conference in 2011?
6. Why do militancy and extremism continue to grow in Afghanistan, and what will be their long-term impacts on Pakistan, keeping in view the current situation of Afghanistan?
7. Why is Pakistan negatively perceived as a State amongst Afghans?
8. How have Afghan refugees impacted the nature of Pak-Afghan ties over the last two decades?
9. Will the implementation of integrated border management system help improve the management of Pak-Afghan border for both states?
10. How a coordinated mechanism of intelligence and security can be developed and will it help both states to minimize the influence and activities of militant groups?
11. How Pakistan and Afghanistan can enhance their economic interdependence keeping in view their domestic barriers and international obligations?
12. What are the prospects of improving Pak-Afghan ties during the Taliban regime?

Annexure–B Primary Source: List of Interviewees

S. No	Name	Designation	Organization (s) Affiliation	Interview Method
1.	Michael Kugelman	Director	South Asia Institute at Wilson Center	WhatsApp Audio messages
2.	Thomas Barfield	Professor of Anthropology	Boston University	WhatsApp Call
3.	Dr. Marvin Weinbaum	Director	Afghanistan and Pakistan Studies Middle East Institute	WhatsApp Call
4.	John Mueller	Research Scientist	Mershon Center for International Security Studies at the Ohio State University	Email
5.	Sahar Khan	Research Fellow	Cato Institute United States	Zoom + WhatsApp Call
6.	Ambassador Jalil Abbas Jelani (Retd)	Foreign Minister of Pakistan	Ministry of Foreign Affairs, Pakistan	WhatsApp messages
7.	Major General Samrez Salik (Retd)	Author	Writer/ Veteran of the Pakistan Army	In-Person
8.	Dr. Syed Khurram Shahzad	Associate Professor	University of Management & Technology Lahore	WhatsApp Audio messages
9.	Dr. Sher Jan Ahmadzai	Director	Center for Afghanistan Studies University of Nebraska Omaha	Zoom Session
10.	Col Riffat-Ullah Khan (Retd)	Director Research	Strategic Plans Division (SPD)	Email
11.	Abdullah Khan	Managing Director	Pakistan Institute for Conflict and Security Studies (PICSS)	In-Person
12.	Zabehullah Barekzai	Lecturer	Kardan University, Afghanistan	WhatsApp Audio Messages

Annexure C- Durand Line Agreement

Whereas certain questions have arisen regarding the frontier of Afghanistan on the side of India, and both His Highness the Amir and the Government of- India are desirous of settling these questions by friendly understanding and of fixing the limit of their respective sphere of influence, so that for the future there may no difference of opinion on the subject between the allied Governments, it is hereby agreed as follow:

- The eastern and southern frontier of His Highness's dominions, from Wakhan to the Persian border, shall follow the line shown in the map attached to this agreement.
- The Government of India will at no time exercise interference in the territories lying beyond this line on the side of Afghanistan, and His Highness the Amir will at no time exercise interference in the territories lying beyond this line on the side of India.
- The British Government thus agrees to His Highness the Amir retaining Asmar and the valley above it, as far as Chanak. His Highness agrees, on the other hand, that he will at no time exercise interference in Swat, Bajaur, or Chitral, including the Arnawai or Bashgal valley. The British Government also agrees to leave to His Highness the Birmal tract as shown in the detailed map already given to His Highness, who relinquishes his claim to the rest of the Waziri country and Dawar. His Highness also relinquishes his claim to Chageh [Chageh].
- The frontier line will hereafter be laid down in detail and demarcated, wherever this may be practicable and desirable, by joint British and Afghan commissions, whose object will be to arrive by mutual understanding at a boundary which shall adhere with the greatest possible

exactness to the line shown in the map attached to this agreement, having due regard to the existing local rights of villages adjoining the frontier.

- With reference to the question of Chaman, the Amir withdraws his objection to the new British cantonment and concedes to the British Government the rights purchased by him in the Sirkai Tilerai water.
- At this part of the frontier the line will be drawn. From the crest of the Khawaja Amran range near the Pasha Kotal, which remains in British territory, the line will run in such a direction as to leave Murgha Chaman and the Sharobo spring to Afghanistan, and to pass half-way between the New Chaman Fort and the Afghan outpost known locally as Lashkar Dand. The line will then pass halfway between the railway station and the hill known as the Mian Baldak, and, turning south-wards, will rejoin the Khawaja Amran range, leaving the Gwasha Post in British territory, and the road to Shorawak to the west and south of Gwasha in Afghanistan. The British Government will not exercise any interference within a mile of the road.
- The Government of India and His Highness the Amir of Afghanistan viewed the articles of agreement as a comprehensive and satisfactory resolution of all the major disagreements that had developed between them regarding the border. Both governments agree that any disagreements over specifics, like those that will be taken into consideration going forward by the officers assigned to draw the border, will be resolved amicably in order to eliminate, to the greatest extent possible, any future sources of uncertainty and miscommunication between the two governments.
- Since the Indian government was completely satisfied with His Highness's goodwill toward the British government and wanted to see Afghanistan become independent and powerful,

they will not object to His Highness importing and purchasing war munitions and will even provide him with some assistance in this regard. Additionally, to demonstrate their appreciation for the cordial manner in which His Highness the Amir had approached these negotiations, the Indian government has agreed to raise the twelve lakh rupees in subsidies currently provided to His Highness by six lakhs per year.

- On November 13, Amir Abdur Rehman's Darbar was attended by high officials and chiefs from various tribes, as well as military and civilian leaders. He outlined the terms of the negotiated agreement he and Sir Durand had reached. He expressed his gratitude to the mission members for resolving the conflict. Sir Durand also delivered a speech at the event. The mission departed Kabul on November 14, 1893.

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