

Pak-Afghan Border: A Case Study of Border Management

Amina Khan *

Abstract

The controversy surrounding the Pak-Afghan border and its mismanagement continues to be one of the most contentious bilateral issues between Pakistan and Afghanistan. In the recent past, relations between the two neighbours have reached their lowest following a number of clashes along the Pak-Afghan border, which have led to fatalities on both sides. Although internationally the Durand Line is accepted as a recognised border, yet all successive Afghan regimes, including the Taliban have rejected the legality of the border. Since 2012-13, there has been a steady rise in cross-border movement, cross-border attacks and militancy, which has sparked a debate in Pakistan to advocate for effective management and regulation of the Pak-Afghan border. However, all border initiatives proposed by Pakistan have been rejected by Afghanistan. There appears to be a contradiction in the Afghan position. On the one hand, Afghan authorities claim that the Durand Line divides families living on both sides of the border, yet at the same time they continue to accuse Pakistan of interference, supporting the Afghan Taliban, cross-border terrorism, considering Afghanistan its 'backyard,' and 'fifth province.' The Afghans allege that Pakistan does not respect Afghanistan's sovereignty. Ironically, whenever Pakistan has raised the issue of border recognition, management or regulation, there has been stern opposition from Afghanistan. Therefore, it is essential that Pakistan and Afghanistan find a mechanism to manage, stabilise and control the unregulated border. This requires an effective border control regime that transforms this historically contentious border into a conduit for cooperation rather than confrontation. This paper focuses on the reasons that have made the Pak-Afghan border so contentious, the steps Pakistan is taking to secure this border, and reasons for Afghan opposition. The paper also suggests a way forward.

Keywords: Pak-Afghan Border, Border Management, Illegal Crossings, Cross-border Attacks, Security Challenges.

* The author is Senior Research Fellow at the Institute of Strategic Studies Islamabad.

Introduction

Historically, the issue of legality, territorial claim and management of the Pak-Afghan border has been one of the bilateral irritants between Pakistan and Afghanistan. Since Pakistan's independence, with the exception of Nadir Shah and King Zahir Shah, both had begun to acknowledge the legality of the Durand Line as well as the present day Khyber Pakhtunkhwa (KPK) and Federally Administrated Tribal Area (FATA) as parts of Pakistan's territory. However, successive Afghan governments including the Taliban have refused to accept legality of the Pak-Afghan border. Afghanistan has raised territorial claims over Pakistan's territory i.e., present day KPK and has also challenged the legality of the Durand Line on the basis that these "contested areas" belonged to Afghanistan in the 18th century, through an agreement signed in 1893, between the Foreign Secretary of the British Indian government, Sir Mortimer Durand and the then ruler of Afghanistan, King Abdur Rehman Khan, which demarcated the 2,640 km (1,610 miles) border between British India and Afghanistan.

Subsequently, after the creation of Pakistan, the disputed and contested areas by Afghanistan became legal parts of Pakistan's territory, as it was a successor state to the British government in India. Pakistan being a legal successor state was entitled to enjoy full sovereignty over this area and has all the rights and obligations towards the people of this area. However, Afghanistan continued to contest these areas on the grounds that the agreement was forced upon the Afghan King Rahman by the British government in 1893. Afghanistan claimed that the agreement was signed for a period of 100 years which was already expired in 1994; and the agreement was made with the British government and not with Pakistan, so in essence, the agreement can be regarded as invalid.¹

Pakistan has always upheld the norms of international law and maintained its stand on the Durand Line as "a valid international boundary recognised and confirmed by Afghanistan on several occasions. This acknowledges that the

¹ Brad L Brasseur, "Recognising the Durand Line: A Way Forward for Afghanistan and Pakistan?," *The East West Institute*, 2011, 6-7.

Durand Line terminates Afghan sovereignty over the territory or influence over the people living east of it.²

Successive British governments have also, throughout the years, endorsed Pakistan's stance on the issue. Soon after Afghanistan began to make territorial claims, the British Secretary of State for Commonwealth Relations, Philip Noel-Baker, with reference to the then North West Frontier Province (NWFP) territory, stated in 1950 that "it is His Majesty's view that Pakistan is in international law the inheritor of the rights and duties of the old government of India and of His Majesty's government in the United Kingdom, in these territories, and that the Durand Line is the international frontier."³ This stance was upheld and reiterated by the then British Prime Minister in 1956, before the British Parliament.⁴ Pakistan's position was also supported by its international allies such as the members of the Southeast Asia Treaty Organisation (SEATO). In their ministerial meeting held in Karachi in March 1956, "the council declared that their governments recognised that the sovereignty of Pakistan extends up to the Durand Line, the international boundary between Pakistan and Afghanistan."⁵

Pakhtunistan

While Afghanistan's claims on Pakistan's territory did not gain any support, successive Afghan governments began to raise the issue of '*Pakhtunistan*' — demanding a separate land for the ethnic Pashtun group living along the Pak-Afghan border. The Afghans raised and used the issue to put pressure on Pakistan.

Although the *Pakhtunistan* question along with the Durand Line remained the most dominant and contentious bilateral issue between Pakistan and Afghanistan, it did not gain traction. The question of the

² Farzana Shaikh, *Making Sense of Pakistan* (London: Columbia University Press, 2009), 201-2.

³ Olaf Caroe, *The Pathans* (London: Oxford University Press, 1958).

⁴ Shireen Mazari, "The Durand Line: Evolution of an International Frontier," *Strategic Studies* vol. 2, no. 2 (Autumn 1978): 45.

⁵ Azmat Hayat Khan and M Y Effendi, *The Durand Line: Its Geo-Strategic Importance* (University of Peshawar, 2000), 220, cited in Satinder Kumar Lambah, "The Durand Line," *Policy Paper Series*, no. 4 (New Delhi: Aspen Institute India, 2011), 16.

Durand Line was mostly exploited by the various Afghan governments to threaten the territorial integrity of Pakistan. Support for an independent homeland for the Pashtuns on Pakistan's side of the border was limited and soon withered away. Despite repeated attempts to internationalise the *Pashunistan* issue and ignite a movement for an 'Independent *Pashtunistan*,' the Pashtuns living on Pakistan's side of the border chiefly in KPK and FATA had no desire to amalgamate with the Pashtuns of Afghanistan. In fact, this issue was settled prior to Pakistan's independence. Even though there was a quest for Pashtun independence in NWFP in British India led by Ghaffar Khan, a referendum was held from July 6-17, 1947 in which more than 50 per cent of the people voted for the accession of NWFP to Pakistan.⁶ Similarly, a *Jirgah* was held in the tribal agencies of Pakistan (FATA) in which the tribal leaders swore allegiance to the state, Muhammad Ali Jinnah, the founder of Pakistan, and agreed to join Pakistan.⁷

Even after independence, politically Afghanistan did its best to put pressure on Pakistan. In 1948, when Pakistan joined the United Nations (UN), Afghanistan was the only country that voted against it on the pretext that it had not given the right to self-determination to its Pashtun inhabitants.⁸ Two years later, violent clashes broke out between Pakistan and Afghanistan in the border region.⁹ In September 1960, the incursions by the Afghan forces from Afghanistan into Bajaur, one of the agencies in FATA, led again to clashes, this time with the Pakistan Army. The tensions were followed by a complete breakdown of ties in 1961, which were later restored in 1964. During the three years of tense ties (1961-64), successive Afghan governments continued to celebrate a '*Pashtunistan Day*' and tried to internationalise the *Pashunistan* issue. The Afghan government brought the issue to the International Islamic

⁶ Pakistan received 289,244 and India 2,874 out of 572,798 total votes. S M Burke and Lawrence Ziring *Pakistan's Foreign Policy: A Historical Analysis* (Karachi: Oxford University Press, 1990), 70.

⁷ M Afzal Rafique, *Selected Speeches and Statements of Quaid-i-Azam Mohammad Ali Jinnah: 1911-34 and 1947-48* (Lahore: Research Society of Pakistan, 1966).

⁸ Ron Synovitz, "Afghanistan: *Pashtunistan* issues Linger behind Afghan-Pakistani Row," *Radio Free Europe Radio Liberty*, March 24, 2006, <http://www.rferl.org/a/1067048.html>.

⁹ Louis Dupree and Abdul Rahman Pazhwak, *Pashtunistan* (Kabul: Shan Book Co, 2003), 3-15.

Economic Conference and raised it at the UN.¹⁰ However, successive Afghan governments have failed to gain the desired support and recognition for their stance regarding *Pashtunistan*. The Afghan demands for a separate state of *Pashtunistan* have seldom found adequate support among the majority of Pashtuns living along the Pak-Afghan border in Pakistan.¹¹ Although a minority in strength, there are more Pashtuns living in Pakistan than in Afghanistan.¹²

Pashtuns live on both sides of the Pak-Afghan border and often hail from the same tribe, they are not as closely united as often expressed or perceived by Pashtun nationalists or proponents of *Pashtunistan*. After the creation of Pakistan, Pashtun organisations that promoted independence like the *Khudai Khidmatgar* Movement were banned in 1948. Successor parties like the National Awami Party (NAP) formed in 1957, and headed by Abdul Wali Khan, remained “on the borderline between autonomy and independence”¹³ and eventually suffered because of a power struggle and lack of support for Pashtun independence. While this is not to deny that certain segments within the Pashtuns did demand national independence, the majority of them preferred to stay within the context of the Pakistani state even if there was an ongoing struggle between the centre and the provinces over the question of autonomy. Hence, the movements in Pakistan that promoted independence waned among Pashtuns in Pakistan. The Pashtuns as an ethnic community has successfully integrated politically, economically, socially, and culturally within Pakistan as compared to the other ethnic groups and continue to be an active part of the military and bureaucracy.

While the issue of *Pashtunistan* has largely remained dormant for a number of reasons (including the ongoing unrest in Afghanistan) and may not be an issue of concern for Pakistan, as it remains unresolved on the Afghan side. It is only a matter of time before the debate and demand

¹⁰ Arif Hussain, *Pakistan: Its Ideology and Foreign Policy* (London: Frank Cass, 1966), 120.

¹¹ Burke and Ziring, *Pakistan's Foreign Policy*.

¹² The total population of Afghanistan is around 26 million of which 40 to 45 per cent are considered as Pashtuns, i.e., 10 to 11 million people. In Pakistan 15 per cent of the total population of 160 million people speak Pashtu, i.e., 24 million people.

¹³ Tahir Amin, “Ethno-National Movements of Pakistan: Domestic and International Factors,” *Institute of Policy Studies* (1988): 90.

for a united homeland for the ‘Pashtuns’ is raised by the Afghans once again.

Pak-Afghan Border

So while the demand for *Pashtunistan* remains latent, the controversy surrounding the Pak-Afghan border and its mismanagement continues to be the key irritant in the bilateral relationship. Although initially the border issue was downplayed by both states, the Afghan state’s non-acceptance of the border and increase in militancy in Pakistan, cross-border attacks and movement of militants led to a debate within Pakistan to advocate effective management and regulation of the Pak-Afghan border. Since 2001, successive governments of both countries have been facing immense domestic security threats, largely emanating from the unrestricted movement of militants across the Pak-Afghan border. The porous Pak-Afghan border witnesses an unprecedented and unmonitored movement of around 50,000 to 60,000 people daily,¹⁴ with more than 90 per cent of the flow originating from Afghanistan into Pakistan.¹⁵ Therefore, Pakistan has started taking strict measures on its side of the border and has initiated phased fencing of its border with Afghanistan in KPK (1,230km) and Balochistan (1,381km).¹⁶ So far high infiltration prone areas of Khyber Agency, Bajaur and Mohmand are being fenced in the first phase. Whereas in the second phase, fencing of the remaining border areas, including Balochistan, would be completed. Besides fencing, the Pakistan Army and the Frontier Corps KPK are constructing new forts and border posts to improve surveillance and ‘defensibility.’ Around 205 security check posts have been established on the Pakistani side while Afghanistan only has 133.¹⁷ Additionally, 43 border post and forts already exist on Pakistani side while another 63 border posts and forts are under construction.¹⁸ As many as 338 border posts and forts are

¹⁴ “72 Wings of FC being Raised to Stop Illegal Crossing at Pak-Afghan Border,” *Daily Times*, August 25, 2016.

¹⁵ Qudssia Akhlaque, “Pakistan, Afghanistan Agree on Border Commission,” *Nation*, December 03, 2013, <http://www.nation.com.pk/editors-picks/03-Dec-2013/pakistan-afghanistan-agree-on-border-commission>.

¹⁶ “Border Management: Pakistan Starts Fencing Afghan Border to Curb Infiltration,” *Express Tribune*, June 20, 2017.

¹⁷ Shahabullah Yousafzai, “Pakistan Army ‘Has Satellite Proof’ of Afghan Involvement in Cross-Border Terrorism,” *Express Tribune*, May 19, 2017.

¹⁸ “Border Management.”

in the pipeline which will be completed by 2019.¹⁹ The aerial surveillance and special radar systems have also been installed on the Pakistani side.

Apart from fencing, Pakistan no longer allows people without a valid passport and visa to enter the country through key crossing points. In addition to the Torkham check post in KPK, four additional check points are to be constructed in FATA in the South Waziristan, North Waziristan, Kurram and Mohmand agencies to help facilitate legal entrants. Pakistan has decided to construct some 443 small and large security forts on the Pakistani side in FATA, 35 forts in Malakand, 54 in Bajaur and 55 in North Waziristan Agency, while 77 are presently under construction in different parts of the seven agencies.²⁰ As a result of the measures taken by Pakistan, not only have terrorist safe havens in FATA largely been eliminated, violence and terrorist activities in Pakistan have also reduced significantly.²¹ In particular, for Pakistan, border management has become even more pivotal after the success it has achieved as a result of Operation *Zarb-e-Azb*, launched in 2014, against the Tehreek-i-Taliban Pakistan (TTP) in North Waziristan which is in its final stage currently been fought in the Khyber agency. Hence, Pakistan has made several attempts to explore options for workable and practical options for border management through formal negotiations; however, successive Afghan governments have been less forthcoming.

In an effort to prevent the illegal crossing of the militants and also to put an end to the continuous accusations levelled against Pakistan for supporting Taliban attacks in Afghanistan, Pakistan in 2006, decided to fence parts of the 2,640 km (1,610 miles) border.²² However, this initiative was even then met with strong opposition from the Afghan side, which noted that the line would only lead to dividing and separating the ethnic tribes on both sides of the border. The Afghan government complained to the UN Security Council regarding Pakistan's so called 'violations along the border' and asked that Pakistan must take Afghanistan's consent before

¹⁹ Ibid.

²⁰ Yousafzai, "Pakistan Army 'Has Satellite Proof' of Afghan Involvement in Cross-Border Terrorism."

²¹ "Military Operations Helped Reduce Violence In Pakistan: US Defence Intel Chief," *Express Tribune*, February 11, 2016.

²² "First Biometrics System Installed at Border Crossing with Afghanistan," *Gulf News*, January 11, 2007, <http://gulfnews.com/first-biometrics-system-installed-atborder-crossing-with-afghanistan-1.154524>

implementation of the fencing and other procedures. It is pertinent to highlight that under international law, Pakistan has the legal right to fence its side of the border without consent from Afghanistan following the precedence of the US-Mexico border, which has been unilaterally fenced by the US under the Secure Fence Act 2006. This has been deemed lawful under international law since the US as a sovereign state is entitled to protect its territory, integrity, and national security through the implementation of immigration policy.²³

Similarly, in another effort to monitor the border and influx of militants, the Pakistani authorities installed a biometric system at the Chaman border crossing '*Bab-e-Dosti*' (The Friendship Gate) in Balochistan, in January 2007.²⁴ However, that too was opposed as angry protestors attacked the border gate and the system had to be done away with. Although the biometric system was installed on an experimental basis, its purpose was to replace the previous permit system by issuing border passes based on computerised National Identity Cards (NIC) issued by the National Database and Registration Authority (NADRA). Similarly, in May 2013, the clashes erupted between the Pak-Afghan forces, when Pakistani forces tried to repair a gate at Pakistan's Gursal military post (near the Afghan district of Goshtain) in the province of Nangarhar. In June 2013, in an effort to curb illegal movement as well as undocumented trade, which according to officials surpasses US\$2.5 billion annually, costing millions of dollars a month in lost customs duties.²⁵ Pakistan began the construction of a 100-kilometre-long trench in Balochistan on the Chaman-Kandhar border which was finally completed in June 2016.²⁶

²³ Marta Tavares, "Fencing out the Neighbors: Legal Implications of the US-Mexico Border Security Fence," *Washington College of Law*, 2007, <https://www.wcl.american.edu/hrbrief/14/3tavares.pdf>

²⁴ "First Biometrics System Installed at Border Crossing with Afghanistan."

²⁵ "New Pak-Afghan Border Controls Slow Trade to a Crawl," *Samaa News*, January 10, 2017, <https://www.samaa.tv/economy/2017/01/new-pak-afghan-border-controls-slow-trade-to-a-crawl/>.

²⁶ Qaiser Butt, "1,100km Trench Built Alongside Pak-Afghan Border in Balochistan," *Express Tribune*, June 20, 2016.

Recent Border Tensions

During the recent past, relations between the two neighbours have reached their lowest following a number of clashes along their common border which have led to fatalities on both sides. In June 2016, Pakistan informed Afghan authorities about the installation of new border initiatives for ‘facilitating cross-border movement,’ and ‘curbing unregulated and illegal cross-border movement.’ These measures included the construction of a gate at the Torkham crossing, as well as valid and legal travel documents (passport and visa) for all the Afghans entering Pakistan,²⁷ including those Afghan students (numbering 300) who enter Pakistan daily for studies.²⁸ This move is a part of the National Action Plan (NAP), initiated in 2015, to curb terrorism as well as a widespread effort to secure the Pak-Afghan border. Prior to this, due to the unregulated border system, all those entering Pakistan from Afghanistan would do so without legal travel documents.²⁹ However, the Afghan authorities expressed strong opposition and resorted to unprovoked firing, which resulted in the death of Major Jawad Ali Changezi, as well as one Afghan soldier. It is pertinent to highlight that the Afghan authorities had been intimated about Pakistan’s initiatives at Torkham well in advance as construction work had commenced in November 2014.³⁰ As a result, tensions were high in both the countries. Public demonstrations were held in Afghanistan against Pakistan, where Pakistani flags were burnt and slogans of ‘death to Pakistan’ were chanted. Similarly, in Pakistan, emotions ran high amongst the public who demanded the expulsion of Afghan refugees from Pakistan. Following clashes, on June 15, 2016, a ceasefire was agreed upon by the border authorities of both the countries.³¹ Prior to this, on May 10, 2016, the Torkham border had been closed for four days after Afghan security forces prevented the installation of a fence by Pakistan despite being 30 meters inside Pakistan’s territory.³² As a result, tensions escalated as the two countries deployed tanks and

²⁷ Tahir Khan, “Afghanistan, Pakistan Agree on Ceasefire along Torkham Border: Abdullah Abdullah,” *Express Tribune*, June 13, 2016.

²⁸ “Border Management System Starts Functioning at Torkham.”

²⁹ Khan, “Afghanistan, Pakistan Agree on Ceasefire along Torkham Border.”

³⁰ “Constructing Gate on Torkham Border is not Violation of any Agreement: Aziz,” *Dawn*, June 16, 2016.

³¹ Ali Akbar, “Pak, Afghan Forces Agree on Ceasefire at Torkham Border, Wave White Flags,” *Dawn*, June 15, 2016.

³² Iftikhar Firdous, “Pak-Afghan Border to Shed ‘Porous’ Tag Soon,” *Express Tribune*, May 31, 2016.

additional troops along the Torkham border.³³ In an effort to ease tensions and improve border management, on May 21, 2016, Pakistan's military constructed a gate for Afghanistan at Angoor Adda, (South Waziristan) in Afghan territory of the check post 'as a gift.'³⁴ However, the Afghan authorities allegedly closed the Angoor Adda border for several hours, which left thousands, including women and children, stranded on the border.

Following tensions, the former Advisor to the Prime Minister on Foreign Policy, Sartaj Aziz, invited the Afghan officials headed by Deputy Foreign Minister, Hikmat Khalil Karzai, to discuss efforts for border management and security in order to prevent recurrence of border skirmishes in the future. As a result, an agreement was reached on June 20, 2016, between both the countries for 'a mechanism for discussions on border-related issues;'³⁵ however, no headway was made on the new border plans Pakistan had initiated at the Torkham border crossing.

Stringent security measures were also implemented at the Pak-Afghan border crossing in Chaman, Balochistan, after Afghan nationals raised anti-Pakistan slogans, burnt Pakistan's flag and pelted stones at the Friendship Gate. As a result, on August 18, 2016, Pakistan closed the *Bab-e-Dosti* (The Friendship Gate).³⁶ On September 1, 2016, Pakistan agreed to reopen the gate after receiving a written apology from Afghanistan. Prior to this, the 15th flagship meeting between Pakistan and Afghanistan took place on August 31, 2016, where officials from both the sides agreed to "pay due respect to each other's testimonials" and "hold a monthly flag meeting to address issues of mutual interest for ensuring a peaceful environment."³⁷ A similar flag meeting was also held at the Frontier Constabulary (FC) compound at Torkham.³⁸

³³ "Pakistan Hands over Border Crossing Facility at Angoor Ada to Afghan Forces," *Dawn*, May 21, 2016.

³⁴ "Angoor Adda Checkpost not Handed over to Afghanistan: Aizaz," *Dawn*, June 13, 2016.

³⁵ Kamran Yousaf, "Pak-Afghan Talks: Mechanism Agreed to Ensure Border Peace," *Express Tribune*, June 21, 2016.

³⁶ Syed Ali Shah, "Flag Meeting between Pak-Afghan Border Officials Ends In Stalemate," *Dawn*, August 21, 2016.

³⁷ "Chaman Border Reopened After Written Apology from Afghanistan," *News*, September 1, 2016.

³⁸ "Pakistan, Afghanistan Discuss Border Issues," *Nation*, August 31, 2016.

Reluctance on the part of the Afghan government to officially recognise or accept the border due to domestic constraints is understandable. No matter how popular a government in Afghanistan is, it would be political suicide for any Afghan leader to do so. This has been witnessed in the case of Abdul Latif Pedram, an Afghan parliamentarian and head of the *Hezb-e-Kongara Milli* Afghanistan (National Congress Party of Afghanistan), who has urged the Afghan Government to set aside its differences with Pakistan and accept the Durand Line as its border as it is already an ‘internationally accepted border.’³⁹ However, Pedram has faced severe criticism as well as security threats for his remarks, with certain Afghan MPs demanding that he should be stripped of his parliament membership and stoned.⁴⁰ Pedram’s comments follow those made by the Afghan Chief Executive, Dr. Abdullah Abdullah, who was quoted as saying that the Durand Line is not an “imaginary line” but is an internationally recognised border. According to newspaper reports, Abdullah Abdullah made the remarks during a meeting with a visiting Pakistani delegation in Kabul headed by the Governor of KPK, Iqbal Zafar Jhagra, and included Shahjee Gul Afridi, a parliamentarian from FATA.⁴¹ Afridi stated that during his interaction with Afghanistan’s Chief Executive, Dr. Abdullah, the latter acknowledged the Durand Line as an international border between Afghanistan and Pakistan.⁴² However, the remarks were denied by Abdullah’s spokesman, Javid Faisal, who termed them as “propaganda and psychological war.”⁴³

Sovereign states are defined by borders, and Afghanistan, being a sovereign and independent state, should accept its defined border to uphold its sovereignty and prevent ‘interference.’ Whenever the issue of the Pak-Afghan border has been raised as was done by Marc Grossman who told a private television channel in Kabul in 2012 that “Washington recognises the Durand Line as the international border between

³⁹ Tahir Khan, “Afghan Parliamentarian Backs Durand Line as Border,” *Express Tribune*, April 2, 2017.

⁴⁰ Tahir Khan, “RAW, NDS Want to Kill Me: Afghan MP,” *Express Tribune*, April 11, 2017.

⁴¹ Ashrafuddin Pirzada, “Afghan VP accepts Durand Line as Border, claims MNA,” *News*, March 30, 2017.

⁴² *Ibid.*

⁴³ “Afghan CE’s Office Rejects Claim of Accepting Durand Line as Border,” *ITV News*, March 30, 2017, <http://1tvnews.af/en/news/afghanistan/28655-afghan-ces-office-rejects-claim-of-accepting-durand-line-as-border-with-pakistan>.

Afghanistan and Pakistan,”⁴⁴ the Afghan Foreign Ministry responded by stating that “Kabul has rejected and considered irrelevant any statement by anyone about the legal status of the Pak-Afghan border.”⁴⁵ It is also important to highlight that Afghanistan’s boundaries with the former Soviet Union (now Turkistan and Uzbekistan) and Persia (now Iran) were also demarcated by the British. However, Afghanistan has not challenged or questioned the legality of the border as they do with Pakistan nor have they claimed that these boundaries divide families, living on both sides of the border.⁴⁶

It is also imperative to highlight that apart from successive Afghan governments, insurgent groups operating in both states including the Afghan Taliban, neither the Haqqani Network nor the TTP recognise the legality of the border. For too long, the Pak-Afghan border has been wittingly or unwittingly used by militant groups and elements whose activities have been detrimental to the vital interests of both Pakistan and Afghanistan.⁴⁷ Apart from the legal crossings, insurgent activity has also been taking place under the garb of trade. Militant groups have often moved freely across the Pak-Afghan border by exploiting the existing transit trade agreements, such as the Afghan-Pakistan Transit Trade Agreement (APTTA), which was renewed in 2011.⁴⁸ The selected routes through which the Pak-Afghan trade occurs and Afghan goods are transported, pass through major cities and towns such as Karachi, Quetta, Chaman/Spin Boldak, Peshawar, FATA and Torkham,⁴⁹ where the militant and terrorist outfits such as the TTP and its affiliated groups have an active presence.

⁴⁴ “Durand Line is Border, says US,” *Dawn*, October 25, 2012.

⁴⁵ “Kabul Rejects US Envoy Statement on Durand Line,” *Radio Free Europe Radio Liberty*, October 23, 2012, <http://www.rferl.org/a/kabul-rejects-us-envoy-statement-on--durand-line/24748245.html>.

⁴⁶ Bijan Omrani and Frank Ledwidge, “Rethinking the Durand Line: The Legality of the Afghani-Pakistani Frontier,” *RUSI Journal* vol. 154, no. 5 (October 2009): 48-56 and Brasseur, “Recognizing the Durand Line.”

⁴⁷ Paul Cruickshank, “Counterterrorism Strategy Initiative Policy: The Militant Pipeline Between the Afghanistan-Pakistan Border Region and the West,” *Counterterrorism Strategy Initiative Policy Paper*, 2010, www.newamerica.net/sites/newamerica.net/files/policydocs/cruickshank.pdf.

⁴⁸ Vivian Chiu Cochran, “A Crossroad to Economic Triumph or Terrorism: The Afghanistan-Pakistan Transit Trade Agreement,” *Global Security Studies*, vol. 4, no.1 (2013), <http://globalsecuritystudies.com/Cochran%20APTTA%20.pdf>.

⁴⁹ *Ibid.*

Subsequently, since the Afghan Security Forces (ANSF) assumed greater responsibility for security (including areas that border Pakistan), there has been a sharp rise in cross-border shelling, and attacks emanating from Afghanistan, between the ANSF and the Pakistan Army.⁵⁰

From 2007-2010, around 194 border violations were reported.⁵¹ In 2011, there were 67 reported border incursions.⁵² The year 2012 saw a dramatic rise with 73 cross-border attacks.⁵³ In 2013 and 2014, more than 55 cross-border attacks were reported between Pakistan and Afghanistan.⁵⁴ Hence, since 2014, there was a dramatic rise in attacks across the border⁵⁵ with substantial military losses on both sides, as a result of which relations between the two neighbours hit an all-time low. The year 2017 has already witnessed more than 13 cross-border attacks in its first six months and the situation does not seem to be getting any better.⁵⁶

Apart from cross-border shelling, the alleged refuge given by Afghanistan to Baloch insurgent groups⁵⁷ as well as members of the TTP including Mullah Fazlullah has been a serious issue of concern for Pakistan. After the US disengagement and the subsequent ANSF takeover of security in Afghanistan, the provinces of Kunar, Nuristan,⁵⁸ Paktika, Gardaiz, Nangarhar and Pakita became the TTP's launching

⁵⁰ "Afghan Cross-Border Shelling Injures Two FC Personnel," *Express Tribune*, October 22, 2013, <http://tribune.com.pk/story/620886/afghan-cross-bordershelling-injures-two-fc-personnel/>.

⁵¹ Muhammad Amir Rana, "Strategic Sensitivities," *Dawn*, December 25, 2011, <http://www.dawn.com/news/683155/strategic-sensitivities>.

⁵² *Ibid.*

⁵³ Ammarah Rabbani, "Prospects of Hostilities on Western Border for Pakistan," *The Conflict Monitoring Center*, <http://www.cmcpk.net/wp-content/uploads/2013/01/cba-complete-report.pdf>.

⁵⁴ "Vicious year: Terrorism Surged in 2013, says report," *Express Tribune*, January 6, 2014, <http://tribune.com.pk/story/655329/vicious-year-terrorism-surgedin-2013-says-report/>.

⁵⁵ Muhammad Amir Rana, "Overview," *Pakistan Security Report 2014*, *Pak Institute for Peace Studies* (2015): 36, <http://pakpips.com/downloads/282.pdf>.

⁵⁶ "June 2017," *Pak Institute for Peace Studies*, accessed July 16, 2017, <http://pakpips.com/press.php?page=1>.

⁵⁷ Rahimullah Yusufzai, "Asylum-seeking rebels," *News*, February 23, 2011, <http://www.thenews.com.pk/TodaysPrintDetail.aspx?ID=32540&Cat=9>.

⁵⁸ Jon Boone, "Pakistani Taliban Selects Hardliner Mullah Fazlullah as New Leader," *Guardian*, November 8, 2013, <http://www.theguardian.com/world/2013/nov/07/pakistani-taliban-mullah-fazlullah-leader-malala-yousafzai>

pads for cross border attacks into Pakistan.⁵⁹ It is estimated that in 2012 alone, the TTP was responsible for more than 368 attacks⁶⁰ across the border on Pakistani check posts in Chitral, Upper and Lower Dir and the Kurram and Bajaur agencies in FATA.⁶¹ Apart from targeting the check posts, the TTP have also launched major attacks in Pakistan, including the attack on the Pakistani Air Force base, Badhabar in Peshawar in September 2015, and the attack on the Army Public School (APS) in December 2014, which left 140 children dead.⁶² Hence, the TTP's presence has not only aggravated the already tense Pak-Afghan ties but has also opened a new front in the conflict by mounting further attacks in Pakistan's tribal areas, KPK and Balochistan.⁶³

Despite several recent interactions between Afghanistan and Pakistan on border management, the Afghan government have not responded positively to Pakistan's border management proposals. After President Ghani came into power, a number of interactions took place between the militaries of both countries to improve border security and coordination from 2014-15, in which it was decided that military commanders on both sides would meet to discuss ways to improve security on both sides of the Pak-Afghan border.⁶⁴ In this regard, Peshawar Corps Commander, Lt. Gen. Hidayat-ur-Rehman, travelled to Afghanistan in January 2015, where he held meetings with the Afghan military commander of the Nangrahar Province as well as officials from the Afghan Border Police.⁶⁵ During the meeting, the issues relating to border security and coordination were discussed. However, these commitments and pledges were short lived as tensions across the Pak-Afghan border have not ceased as was witnessed with the recent border firing from Afghanistan

⁵⁹ Rabbani, "Prospects of Hostilities on Western Border for Pakistan."

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² "TTP Bases in Afghanistan: Evidence Mounts on Afghan Origin of Badhabar Attack," *Express Tribune*, September 20, 2015.

⁶³ "Policing Urban Violence in Pakistan," *International Crisis Group*, Asia Report 255, January 23, 2014, www.crisisgroup.org/~media/Files/asia/southasia/pakistan/255-policing-urban-violence-in-pakistan.pdf.

⁶⁴ The Trilateral Meeting, between former Pakistani Army Chief, General Raheel Sharif, Afghan National Army Chief, General Sher Muhammad Karimi, and ISAF Commander, General John Campbell, in Islamabad on December 23, 2014.

⁶⁵ "Pakistan, Afghanistan Deepening Military Ties," *Dawn*, January 20, 2015, <http://www.dawn.com/news/1158119>.

on a Pakistani border post in the Khyber Agency in January 2017, in which a Pakistani soldier, Sepoy Waqas was killed.⁶⁶

Recent Measures

Since the success of the Pakistani military's *Zarb-e-Azb* Operation and subsequent push of the TTP hideouts into Afghanistan, there has been an increase in attacks waged by the TTP from their bases in Afghanistan against Pakistan as was witnessed in the attacks on the APS, Bacha Khan University, and more recently, in February 2017, when Pakistan witnessed its bloodiest week, where more than 100 were killed due to attacks by the TTP, Jamat-ul-Ahrar and Islamic State (IS). As a result, Pakistan has been calling for effective border management and has begun to implement measures on its side of the border to prevent militants crossing into Pakistan from Afghanistan and vice versa. At the Torkham crossing alone, it is estimated that more than 15,000 people (refugees, smugglers, terrorists) daily move across the border illegally.⁶⁷ While Pakistan has repeatedly asked the Afghan authorities to take action against the TTP chief, Mullah Fazlullah, and their hideouts in the eastern provinces of the country, also to adopt joint border initiatives, the Afghan authorities have been less forthcoming. They have accused Pakistan of "pushing a major series of global terrorist networks into Afghanistan."⁶⁸

Hence with no compliance from the Afghan side, Pakistan, since its creation in 1947 and for the first time in its bilateral ties with Afghanistan, has begun to implement border rules which include the construction of numerous infrastructures as well as valid travel documents for both Afghans and Pakistanis moving across the border. The government declared that from January 1, 2017, all Pakistani citizens would require a valid visa to travel to Afghanistan, with the exception of residents of Landikotal who would continue to travel to Afghanistan under the easement rights as their

⁶⁶ "Pakistan Army Sepoy Killed In Afghanistan Crossfire," *Express Tribune*, January 30, 2017.

⁶⁷ Naveed Ahmad, "How we can end Pakistan's Border Security Woes," *Express Tribune*, June 2, 2016.

⁶⁸ "Pakistan 'Pushing a Major Series of Global Terrorist Networks' onto Afghanistan: Ghani," *Express Tribune*, March 21, 2015.

‘*rahdari*’ (permit) would remain valid for crossing the Pak-Afghan border.⁶⁹ As a result, the terrorist safe-havens in FATA have largely been eliminated⁷⁰ and violence in Pakistan has significantly reduced.⁷¹

Despite several recent interactions between Afghanistan and Pakistan, the Afghan government has not responded positively to Pakistan’s border management proposals. Furthermore, relations between Pakistan and Afghanistan fell to an all-time-low following an incident on May 5, 2017, in which Afghan forces opened fire on a Pakistani census team accompanied by the FC in the Killi Luqman and Killi Jahangir villages, close to the Chaman border crossing in Balochistan. As a result of indiscriminate firing from the Afghan side, 10 people including women, children and an FC personnel were killed, while 47 others sustained injuries. In response, Pakistan targeted Afghan check-posts, in which several Afghan National Army personnel were killed and injured 100.⁷² The incident further reinforced Pakistan’s call for border management.

Pakistan has expressed that it will go ahead with its proposed initiatives towards modernisation of the border. Apart from Torkham, the construction of similar installations (gates) are also planned for the other seven entry points along the Pak-Afghan border at Arandu in Chitral, in FATA which include Ghulam Khan in North Waziristan, Angoor Adda in the South Waziristan, Newa Pass in Mohmand, Gursal in Bajaur, Kharlachi in Khurram,⁷³ as well as at Chaman in Balochistan.⁷⁴ Overall around 338 border posts and forts are in the pipeline, which are expected to be functional by 2019.⁷⁵

⁶⁹ Ashrafuddin Pirzada, “Many Pakistanis Return from Afghanistan as Visa Restriction Deadline Ends,” *News*, January 01, 2017.

⁷⁰ Marhherita Stancati and Habib Khan Totakhil, “Militants Driven from Pakistan Flock to Afghan Towns,” *Wall Street Journal*, January 28, 2015, <https://www.wsj.com/articles/militants-driven-from-pakistan-flock-to-afghan-towns-1422490098>.

⁷¹ “Military Operations Helped Reduce Violence in Pakistan.”

⁷² “Pakistani Army Kills 50 Afghan Forces in Border Fight,” *New York Post*, May 7, 2017, <http://nypost.com/2017/05/07/pakistani-army-kills-50-afghan-forces-in-border-fight/>

⁷³ Firdous, “Pak-Afghan Border to Shed ‘Pporous’ Tag soon.”

⁷⁴ M. Ilyas Khan, “Torkham Border Crossing: Pakistan Curbs Afghan Entry,” *BBC News*, June 2, 2016, <http://www.bbc.com/news/world-asia-36438575>.

⁷⁵ “Border Management.”

Way Forward

- i Both Afghanistan and Pakistan should cooperate and find a workable mechanism to manage and regulate their common border and transform it into a conduit for cooperation rather than confrontation. It is essential that Pakistan and Afghanistan find a mechanism to manage, stabilise and control the unregulated cross-border movement of individuals by imposing an effective border control regime that halts illegal crossings and facilitates the legal movement of goods. In this regard, the initiatives introduced by Pakistan should be welcomed and reciprocated by Afghanistan with the aim to transform this historically contentious border into a conduit for cooperation. In addition to the two currently recognised and functional check posts at Torkham and Chaman, both countries should strive to make the numerous border check posts which are estimated to be around 700 into legal and recognised entry and exit points, which would be an important step towards reducing tensions. This will assist legal movement of humans, goods and services and prevent the illegal movement of militant groups, as well as smuggling, illicit drugs and arms trafficking. Insurgent groups, after such measures, would not be able to take advantage of the crossing points that escape surveillance.
- ii The aim of implementing the border initiatives is not meant to prevent or deter the movement of masses or goods, it is only meant to regulate and legalise movement. Hence, both countries need to adopt a cooperative framework of border management to check the regular and irregular movement of individuals and goods. Measures need to be adopted that improve the flow of trade and commerce through realistic trade rules and regulations. For example, those engaged in cross-border trade for their livelihoods have resorted to smuggling, in order to avoid losses due to the closure of the border at Torkam and Chaman.
- iii Both countries need to move beyond the blame game and implement an integrated and intelligence led mechanism — but this can only be achieved if there is compliance on both sides. Borders define sovereign states, and Afghanistan, being a sovereign and independent state should accept its defined border to uphold its sovereignty and prevent undue ‘interference’ from external elements.

- iv The international community, chiefly NATO and the US, can play an instrumental role through the Resolute Support Mission (RSM) by improving coordination and border mechanisms already in place through the Tri-Partite Commission between the NATO-led International Security Assistance Force (ISAF), Afghanistan and Pakistan, where new joint border management initiatives can be established.
- v Despite the Afghan state's non acceptance of the Pak-Afghan border, the fact remains that the Durand Line is an internationally recognised border. Therefore, Pakistan should continue to implement border initiatives on its side of the border regardless of the Afghan state's recognition or acceptance of the border. Pakistan is a sovereign state which has the right to defend its territory as long as it does not encroach on the Afghan territory. Therefore, it does not need a formal recognition from the Afghan side.
- vi Although the burden of history cannot be washed away easily, a pragmatic and holistic approach needs to be adopted by both countries to address the key issues and irritants in their strained relationship, with the aim to find pragmatic and plausible solutions that addresses their concerns and maximises their interests — and for this it is essential that the fundamental bilateral issue of the Pak-Afghan border is addressed.

Conclusion

In a recent development, which raised hopes for a possible resumption of Pak-Afghan ties, Kabul and Islamabad agreed to carry out 'joint operations' against terrorist groups in the border region, under the American supervision.⁷⁶ Although former Prime Minister of Pakistan, Nawaz Sharif, and Afghan President, Ashraf Ghani, had agreed at the Shanghai Cooperation Organisation (SCO) Summit in June 2017, to use the Quadrilateral Coordination Group (QCG) mechanism along with bilateral channels "to undertake specific actions against terror groups and

⁷⁶ Sharif Amiri, "Pakistan to Conduct Joint Ops with Afghanistan along Durand Line," *TOLO News*, July 5, 2017.

to evolve, through mutual consultations, a mechanism to monitor and verify such actions.”⁷⁷

However, it appears to be more of an one-sided effort by Pakistan. Kabul’s reluctance to carry out ‘joint operations’ on its side of the border is evident from its rising levels of violence and unwillingness toward strict border management; while Islamabad has already taken initiatives along with its border, exemplified through the reduction in violence and terrorist attacks in Pakistan. Although efforts to secure the Pak-Afghan border are generally unilateral by Pakistan, it remains to be seen whether these ‘joint operations’ can bring the two countries on the same page and whether Kabul and Islamabad can put their differences aside and move forward.

Afghanistan and Pakistan need to realise that the geopolitical realities are not the same as they used to be. Regional dynamics have changed. There are now more players and new actors such as the IS, whose rise and its spill over effect has without a doubt brought a new dimension to the Afghan issue. Insurgent groups should not be allowed to take advantage of the unsurveilled crossing points across the border. It is time for Afghanistan to show solidarity and unity toward ending the ever-increasing menace of terrorism by cooperating with Pakistan by building up border security for long-term peace and regional stability. Hence, in such a scenario, it is imperative that both countries should work to safeguard and secure their respective border. Not only will it put an end to the endless blame game between the two sides of perpetual interference, but will also limit and eventually prevent, the movement of militants, smuggling, illicit drugs and arms trafficking.

⁷⁷ “Prime Minister of Pakistan and President of Afghanistan Meet on the Sidelines of SCO Summit in Astana,” Ministry of Foreign Affairs, Government of Pakistan, June 10, 2017, <http://www.mofa.gov.pk/prdetails.php?mm=NTA2Ng>