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Issue Brief

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Pakistan-Afghan Border

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Relations between Pakistan and Afghanistan have been in a perpetual state of escalating tensions, which have been primarily due to mistrust; unfulfilled expectations; counterterrorism differences; failure of the peace process with the Afghan Taliban; reignited border disputes and issues regarding Afghan refugees. More recently, a spike in cross-border attacks and clashes along their joint border have led to fatalities on both sides and have further deteriorated ties into, what may be the worst of Pak-Afghan crisis witnessed in the past few decades.

The Pak-Afghan border was one that used to witness an unprecedented and unmonitored movement of around 50,000 to 60,000 people daily,¹ with more than 90 per cent of the flow originating from Afghanistan into Pakistan.² Since 2001, Pakistan and Afghanistan have been facing immense domestic security threats largely emanating from the unrestricted movement of militants across the Pak-Afghan border. However, every time Pakistan has raised the issue of border recognition, management or regulation, there has been stern opposition from Afghanistan. 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 resolve within Pakistan to advocate for effective management and regulation of its border.

In June 2016, Pakistan announced new border initiatives to "facilitate cross-border movement, curb unregulated and illegal cross-border movement."³ 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 Afghans entering Pakistan,⁴ including those Afghan students (numbering 300) who enter Pakistan daily for studies.⁵ The move was 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 any legal travel documents.⁶ However, Afghan authorities expressed strong opposition and resorted to unprovoked

¹ "72 wings of FC being raised to stop illegal crossing at Pak-Afghan border," *Daily Times*, August 25, 2016.

² Qudssia Akhlaque, "Pakistan, Afghanistan agree on border commission," *Nation*, December 03, 2013.

³ Tahir Khan, "Afghanistan, Pakistan agree on ceasefire along Torkham border: Abdullah Abdullah," *Express Tribune*, June 13, 2016.

⁴ Khan, "Afghanistan, Pakistan agree on ceasefire along Torkham border."

⁵ "Border management system starts functioning at Torkham," *Express Tribune*, June 2, 2016.

⁶ Khan, "Afghanistan, Pakistan agree on ceasefire along Torkham border."

firing, which resulted in the death of Major Jawad Ali Changezi, as well as an Afghan soldier. In February 2017, Pakistan sealed all border crossings with Afghanistan for over a month after a wave of terror attacks took place across Pakistan, killing more than 100 people.⁷ The attacks were followed by frequent skirmishes between the Tehreek-e-Taliban Pakistan (TTP) based in Afghanistan and Pakistan's military along the border in Mohmand, Khyber and other parts of Federally Administered Tribal Area (FATA). Apart from cross border attacks by the TTP, on April 5, a Pakistani census team was targeted by Afghan forces in which 10 people died including women, children and a Frontier Constabulary (FC) personnel, while 47 others sustained injuries in the Killi Luqman and Killi Jahangir villages close to the Chaman border crossing in Balochistan.⁸

Subsequently, after the confession of Ehsanullah Ehsan, TTP's former spokesperson, revealing that the outlawed terrorist group was being funded by Afghanistan's National Directorate of Security (NDS) and India's Research and Analysis Wing (RAW), Pakistan has sped up its process of fortifying Pak-Afghan border security.⁹

Kabul's stance on the Pak-Afghan border is contradictory and shrouded in ambiguity. Kabul accuses Pakistan of supporting the Afghan Taliban; harbouring them on its soil; of interference; cross-border terrorism and considering Afghanistan its 'backyard,' or 'fifth province.'¹⁰ Pakistan has its own reservations from Kabul to take on the TTP and its affiliates, which have been responsible for deadly terrorist attacks in the country. The Pakistan Army has shared satellite imagery and ground reports with Kabul that show that the Afghan border area of Parchow in Nangarhar district had been utilised by the TTP, Khalid Sajna and Daesh groups to train militants.¹¹

Despite tensions on the border emanating from Kabul, Islamabad is determined to take steps to effectively secure its side of the border. It has, therefore, initiated phased fencing of its border with Afghanistan in KP (1,230km) and Balochistan (1,381km).¹² So far high infiltration prone areas in FATA, such as the Khyber, Bajaur and Mohmand Agency are being fenced in the first phase. Whereas, in the

⁷ "Shoot-on-sight orders over illegal entry from Afghanistan," *Dawn*, February 20, 2017.

⁸ "Pakistani Army kills 50 Afghan forces in border fight," *New York Post*, May 7, 2017.

⁹ "Pakistani, Afghan security forces renew efforts to overcome differences," *Express Tribune*, April 27, 2017.

¹⁰ Daniel S. Markey, *No Exit from Pakistan: America's Tortured Relationship with Islamabad* (New Delhi: Cambridge University Press, 2013).

¹¹ Shahabullah Yousafzai, "Pakistan Army 'has satellite proof' of Afghan involvement in cross-border terrorism," *Express Tribune*, May 19, 2017.

¹² "Border management: Pakistan starts fencing Afghan border to curb infiltration," *Express Tribune*, June 20, 2017.

second phase, fencing of the remaining border areas, including Baluchistan, will be executed. Besides fencing, Pakistan Army and FC are constructing new forts and border posts to improve surveillance and 'defensibility.' Around 205 security check posts already exist on Pakistan's side, while Afghanistan only has 133 on its side.¹³ Additionally, 43 border post and forts have been recently constructed by Pakistan, while another 63 border posts and forts are under construction.¹⁴ As many as 338 border posts and forts are in the pipeline which will be completed by 2019.¹⁵ Aerial surveillance and special radar systems have also been installed.

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 Khyber, four additional check points are to be constructed in FATA in South Waziristan, North Waziristan, Kurrum 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.¹⁶ 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.¹⁷

In a recent development, which raised hopes for a possible resumption of ties, Kabul and Islamabad agreed to carry out 'joint operations' against terrorist groups in the border region, through American supervision.¹⁸ Although Prime Minister Nawaz Sharif and President 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 to evolve, through mutual consultations, a mechanism to monitor and verify such actions."¹⁹

However, it appears to be more of a one-sided effort by Pakistan. Apparently, Kabul's reluctance to carry out 'joint operations' on its side of the border is evident from its rising levels of violence and

¹³ Yousafzai, "Pakistan Army 'has satellite proof' of Afghan involvement in cross-border terrorism."

¹⁴ "Border management system starts functioning at Torkham," *Express Tribune*, June 2, 2016.

¹⁵ "Border management."

¹⁶ Yousafzai, "Pakistan Army 'has satellite proof' of Afghan involvement in cross-border terrorism."

¹⁷ "Military operations helped reduce violence in Pakistan: US defence intel chief," *Express Tribune*, February 11, 2016.

¹⁸ Sharif Amiri, "Pakistan to conduct joint ops with Afghanistan along Durand Line," *TOLO News*, July 5, 2017.

¹⁹ "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/pr-details.php?mm=NTA2Ng>

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. 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 the border security for long-term peace and regional stability.

Despite the Afghan state's non-acceptance of the Pak-Afghan border, the fact remains that the Durand Line is an internationally recognised border. Pakistan is a sovereign state which has the right to defend its territory as long as it does not encroach on Afghan territory. Therefore, it neither needs a formal recognition of the border from the Afghan side nor Kabul's approval. Pakistan should continue to implement border initiatives on its side of the border regardless of the Afghan states' non-recognition or acceptance of the border. Although the Afghan government complained to the UN Security Council regarding Pakistan's so called 'violations along the border' and that Pakistan must take Afghanistan's consent before implementation of the fencing and other procedures,²⁰ it is pertinent to highlight that under international law, Pakistan has the lawful 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 2006.²¹ 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.

Borders define sovereign states, and Afghanistan, being a sovereign and independent state, should accept the defined border to uphold their sovereignty and prevent undue 'interference' from external elements. In this regard, the initiatives introduced by Pakistan on its side of the border should be welcomed and reciprocated by Afghanistan with the aim to transform this historically contentious border into a conduit for cooperation. Subsequently, this will also put an end to the continuous blame game and limit the movement of militants across the border, contributing to the war against terrorism and clearly toward regional peace and stability.

²⁰ Shabeer Ahmadi, "Afghanistan Complains Against Pakistan At UN Security Council," *Tofo News*, March 10, 2017, <http://www.tolonews.com/afghanistan/afghanistan-complains-against-pakistan-un-security-council>

²¹ Marta Tavares, "Fencing out the Neighbors: Legal Implications of the US-Mexico Border Security Fence," 2007, *Washington College of Law*, <https://www.wcl.american.edu/hrbrief/14/3tavares.pdf>