



# SPECIAL REPORT

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## ABOUT THE REPORT

The United States Institute of Peace has been working on the stabilization and reconstruction of Afghanistan since 2002. Institute initiatives focus on security, the rule of law, conflict resolution, building civil society, and education in Afghanistan and Afghanistan's relations with its neighbors. The Institute's Afghanistan Working Group, chaired by Dr. Barnett R. Rubin, is composed of government officials and nongovernmental organizations that discuss critical issues facing Afghanistan with top experts and policymakers and work directly to help the Afghan people build a peaceful and prosperous society.

The idea for this report started with discussions by Barnett Rubin with delegates to the Afghan constitutional *Loya Jirga*, President Hamid Karzai, and journalist Ahmed Rashid in December 2003. In spring and summer 2004 Abubakar Siddique conducted field work on the current positions of the diverse stakeholders in this complex region. During subsequent trips the coauthors carried out additional research, most recently in July–August 2006, when Rubin visited Afghanistan and Siddique visited Pakistan.

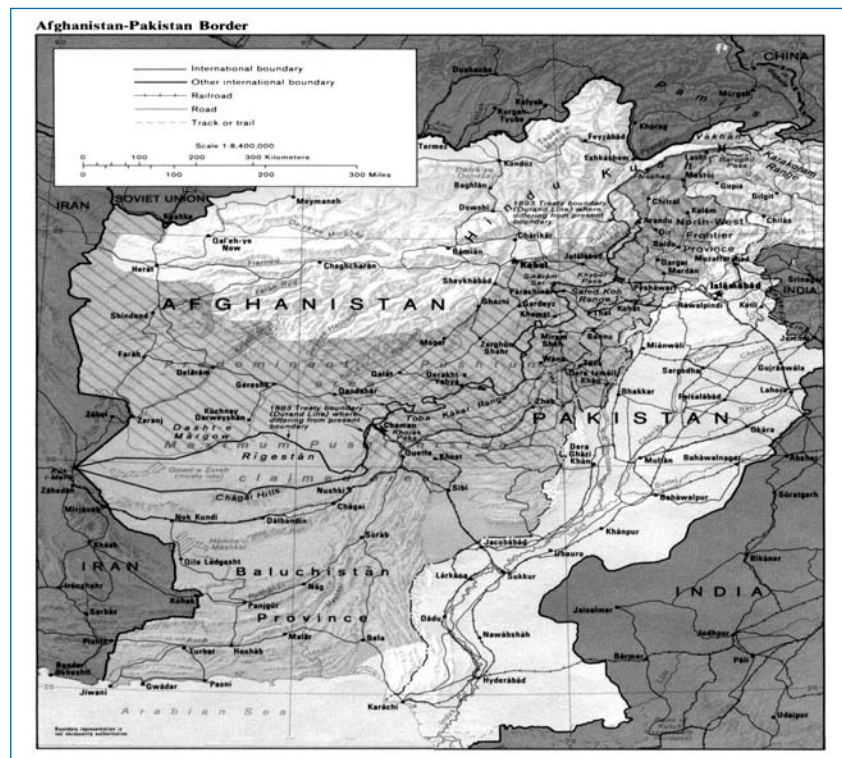
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The views expressed in this report do not necessarily reflect the views of the United States Institute of Peace, which does not advocate specific policy positions.

*Barnett R. Rubin and Abubakar Siddique*

# Resolving the Pakistan-Afghanistan Stalemate



Source: Penya-Castañeda Library Map Collection, University of Texas at Austin

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## Summary

- The Taliban and al Qaeda insurgencies today are equally active in Afghanistan and Pakistan. The nationalist insurgency in Pakistani Baluchistan, which Pakistani leaders assert receives support from Indian agents in Afghanistan, also aggravates relations between the two countries. The challenges of violent insurgency require both countries to address their relationship, particularly as it affects the border areas. Formation of such a policy is essential to the vital interests of the United States, NATO, and the international community, which has committed itself to the effort in Afghanistan through UN Security Council resolutions and other measures.

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- Afghanistan and Pakistan have had largely antagonistic relations under all governments but the Taliban since Pakistan was created as part of the partition of India in 1947. Some elements of friction were also inherited from conflicts between Afghanistan and India when it was under British imperial rule. Afghanistan's governments, including that of the Taliban, have never recognized the Durand Line between the two countries as an international border and have made claims on the Pashtun and Baluch regions of Pakistan. Today's cross-border insurgencies, with their sanctuaries and support networks in Pakistan, are nurtured by the same sources as previous conflicts, as well as global Islamist movements.
- Arrangements to secure the frontier of the British Empire in the nineteenth century by isolating Afghanistan as a buffer state do not work for a twenty-first-century borderland integrated into networks of global conflict. The United States and other external powers that seek to support the new order in Afghanistan and stabilize both Pakistan and Afghanistan should encourage a multidimensional process of dialogue and peacebuilding focused on the problems of the border region. Pressure may also be needed to convince some actors to engage seriously in such a process, but pressure alone will not succeed.
- A process should work toward reforms in the Federally Administered Tribal Areas (FATA) of Pakistan, leading to their integration into Pakistani national politics and administration; the recognition by Afghanistan of the international border; assured access by Afghanistan to Pakistani ports and transit facilities; the maintenance by both countries of open borders for trade, investment, and cultural relations; agreement by both countries and by India to keep the India-Pakistan dispute out of Afghanistan's bilateral relations with both; and agreements on both sides to cease supporting or harboring violent opposition movements against the other.
- The United States, NATO, and the UN must agree to send a common message to Islamabad: that the persistence of Taliban havens in Pakistan is a threat to international peace and security that Pakistan must address immediately. They also must agree to urge Afghanistan and India to do all in their power to encourage Pakistan to make difficult decisions by addressing sources of Pakistani insecurity, including issues relating to the border region and Kashmir. They should actively promote this process and act as guarantors and funders of any agreements that result from it.

## Introduction

On January 13, 2006, the sleepy village of Damadola in the Bajaur tribal district of Pakistan on the Afghan frontier became the focus of global attention. With the American news networks in the lead, global media broadcast coverage of the Central Intelligence Agency's attempt to kill al Qaeda's number two, Ayman al-Zawahiri, who had reportedly attended a dinner in the village to commemorate the Muslim holiday *Id-ul-Adha*. Pictures of tribal members digging dead bodies from the debris of their bombed-out mud houses were beamed around the globe. Pakistan's Islamist political parties called for severing all ties with the United States for this attack on the country's sovereignty (Reuters 2006). President Pervez Musharraf, who initially minimized the attack's importance, later announced that at least five top al Qaeda figures had been killed, although al-Zawahiri himself had escaped (Khan 2006).

Three days later, in what appeared to be a reprisal, a suicide bomber riding a motorcycle blew himself up among spectators of a wrestling match in the southern Afghan town of Spin Boldak, across from the Pakistani border town of Chaman. It was Afghanistan's worst suicide attack, killing twenty-two civilians and leaving dozens more injured (Synovitz 2006).

This was the largest in a rash of suicide attacks in Afghanistan, some of which have taken place even in the relatively secure northern and western provinces (Qureshi and

Sarwaryar 2006). With 1,500 violent deaths, more members of the Afghan security forces and the U.S.-led international coalition were killed in combat in 2005 than in any year since the overthrow of the Taliban regime in late 2001. In the first six months of 2006, Afghanistan faced thirty-two suicide attacks, unprecedented in the country's three decades of violence (Karzai and Jones 2006). Since May 2006 violence has reached new levels. Some 800 insurgents, civilians, and soldiers died in the four southwestern provinces. The reorganized Taliban, operating in Afghanistan from bases in Pakistan, form the bulk of the insurgency, which also includes elements led by Afghan Islamist Gulbuddin Hikmatyar's *Hizb-i-Islami* and foreign jihadi forces, including the leadership of al Qaeda.

The violence, which has spread to both sides of the frontier, escalated in the run-up to President Bush's mid-March 2006 visit to South Asia—especially in Waziristan, a craggy region of 5,000 square miles divided into the South and North Agencies, or tribal districts. Some 300 Islamist militants, civilians, and Pakistani soldiers died in the fighting, which forced tens of thousands of people to flee the Pakistani town of Miran Shah, administrative headquarters of the North Waziristan tribal district. In neighboring South Waziristan, skirmishes, rocketing, assassinations, and land-mine blasts continue (*Economist* 2006). Since al Qaeda's retreat from Afghanistan in winter 2001, some tribal areas have become a small-scale copy of Taliban-controlled Afghanistan, where Islamist militants can recover and plan fresh operations while gradually imposing their will on the secluded region. Violence also has spread into the adjacent districts of the Northwest Frontier Province (Hussain 2006).

## Hot Wars on the Borders

Despite the presence of some 80,000 Pakistani soldiers, Islamist militias have grown along the border. Before the fighting in Miran Shah in spring 2006, the violence in Waziristan had claimed the lives of some 250 members of the security forces and 300 civilians. Unofficial casualty counts place the figure much higher.

The Pakistan military also claimed to have killed 194 foreign militants and 552 of their local supporters in periodic operations since mid-2002. The majority of these fighters were Uzbeks, Chechens, and Arabs led by Qari Tahir Yuldashev, erstwhile leader of the Islamic Movement of Uzbekistan, who survived American bombing in the northern Afghan town of Kunduz in 2001. Two senior al Qaeda figures, Haitham al-Yamani and Abu Hamza Rabia, were killed in North Waziristan in 2005. International media attributed their deaths to Hellfire missiles fired from CIA drones (ABC News 2005; Peters 2005). In April 2006 Pakistani forces killed Muhsin Matwalli Atwah, an Egyptian known as Abdul Rahman, in an air raid north of Miran Shah. Charged with being a bomb maker who had participated in the 1998 bombing of the U.S. embassies in Kenya and Tanzania, Rahman had a \$5 million price on his head (Gall and Khan 2006). A week later a Saudi national, Abu Marwan al-Suri, was killed at a checkpoint in Khar, the administrative headquarters of the Bajaur tribal district. Known for his expertise with explosives, he had been one of the targets of the January 13 strike in Damadola (*Dawn* 2006).

Another insurgency along the border, in resource-rich southwestern Baluchistan province, also remains a major headache for Islamabad. Desolate but rich in mineral resources and hydrocarbons, Baluchistan is important to Pakistan's future development. This province provides Pakistan with most of its gas. With \$150 million in Chinese assistance, Pakistan is building a major deepwater seaport in the small fishing town of Gwadar. Elsewhere it wants to dig oil and gas wells and excavate gold and other minerals. Today's Baluch nationalist rebels view these projects as exploitation of their province's wealth for the exclusive benefit of the Pakistani state, dominated by military officers and bureaucrats from Punjab and Urdu-speaking migrants from India who often call themselves *mohajir* (immigrants). The Baluch nationalists call for maximum provincial autonomy and control over their resources before they will agree to mega-development projects such as the Gwadar port.

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***The number of Pakistani troops steadily grew to 80,000 and drastically changed the region, which had been under “indirect rule” for more than a century.***

Since the 1947 creation of Pakistan, autonomy-minded Baluch nationalists have carried out five insurgencies, in 1948, 1958–59, 1962–63, 1973–77, and 2004–06. The military suppressed all of these revolts. During the 1970s insurgency 6,000 Baluch tribesmen and 3,000 Pakistani soldiers died. Some 30,000 Baluch tribesmen went into exile in southern Afghanistan for more than a decade (Hussain 2006).

A dormant insurgency in the region escalated in December 2005, when Baluch nationalist guerillas fired rockets at a gathering presided over by Pakistani President Gen. Pervez Musharraf while he was visiting Baluchistan. By June 2006, hundreds of Baluch militants, civilians, paramilitary fighters, and soldiers had died in the skirmishes and as a result of insurgent sabotage. The killing of Nawab Akbar Bugti, a respected politician and former governor of Baluchistan, made the insurgency both a major national crisis and a critical factor in Pakistan's relations with Afghanistan and India, where governments, parliamentarians, and the press condemned the killing.

The Islamist militancy and ethnic revolt on both sides of the Durand Line, the 2,400-kilometer frontier between Afghanistan and Pakistan, are linked to many complex global and regional problems. Policymakers and journalists say Osama bin Laden and his deputy Zawahiri are hiding somewhere in the northeastern part of this rugged region. In December 2001, under intense U.S. pressure, Pakistan deployed regular military units in the Kurram and Khyber agencies to block al Qaeda's exodus from Tora Bora, but a delay in their arrival and the U.S. decision not to deploy available U.S. Marines to the area allowed bin Laden and his followers to escape. The number of Pakistani troops steadily grew to 80,000 and drastically changed the region, which had been under “indirect rule” for more than a century.

Afghanistan never has recognized the Durand Line as an international border. The administration of President Hamid Karzai, charging Pakistan with supporting the Taliban, has leaned toward India. Further antagonized, Pakistan blames rising Indian influence in Afghanistan for the violent nationalist insurgency in Baluchistan. This dispute presents a problem for the United States, which has been trying to dislodge al Qaeda and the Taliban from the region since early 2002. U.S. policies, however, have not addressed the long-standing conflicts over the frontier region.

Pakistan and Afghanistan inherited their multilayered border and its complex governance mechanisms from the British Empire. In the late nineteenth century the British tried to make Afghanistan an isolated buffer state between their empire and Russia, but nineteenth-century border arrangements on the margins of an empire do not work in an area at the heart of twenty-first-century global strategy.

The neighbors now need to resolve the myriad problems of the border region. They have to overcome past differences and circumvent the violence unleashed by nonstate actors, sometimes with official support, to reach a comprehensive settlement. The international community in general and the United States in particular have to facilitate such a process through diplomacy and help pay for the long overdue reforms and economic development on the rugged frontier. They also may have to press reluctant actors to explore alternatives to deeply entrenched policies. Kabul and Islamabad must formulate policies to promote a peaceful and prosperous future rather than remaining hostages to the bitter disputes of the past.

## **Old Conflict and New Bitterness**

The Durand Line is named after the British foreign secretary, Sir Henry Mortimer Durand, who demarcated the boundary with agents of the Afghan Amir Abdul Rahman Khan in 1893. The Pakistan side of the border area includes the provinces of Baluchistan, the North West Frontier Province (NWFP), and the adjacent FATA. On the Afghan side the frontier stretches from Nuristan province in the northeast to Nimruz in the southwest. The border region is predominantly inhabited by ethnic Pashtuns, who were divided by the

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Durand Line. The 30 million to 35 million Pashtuns in Pakistan represent 15 to 20 percent of the country's population. In Afghanistan they are the largest ethnic group, comprising about half its estimated 30 million people. The Baluch also live on both sides of the Durand Line in the southwest border region, as well as in neighboring Iran.

This region's passes and trading routes have connected South Asia to Central and West Asia for millennia. The political and legal structure of the region is a product of centuries of empire building and resistance, but it started to assume its contemporary form in the early nineteenth century, when the British East India Company was expanding toward northwest India. About 25 years after taking Delhi in 1804, the British became concerned about czarist expansion toward Central Asia. During the first Anglo-Afghan war (1840–42), the British invaded Afghanistan but were defeated by an uprising in Kabul that turned into a rout.

By 1876 Russian advances in Central Asia reached the Amu Darya, the river that now constitutes Afghanistan's northern border. The Afghan amir's efforts to establish friendly relations with his northern neighbor led the British to launch the second Anglo-Afghan war in 1879, deposing the amir and occupying Kabul. This was the peak of the "Great Game," when the European powers vied for control of Central Asia, with Afghanistan as the central arena.

The British forced Amir Yaqub Khan to sign the Treaty of Gandamak in 1879, while their army was occupying Kabul. Successive Afghan governments have repudiated this treaty, claiming it was signed under duress. Afghanistan agreed to let the British open an embassy and gave up control of several frontier districts, including most of today's FATA and parts of Baluchistan. The treaty guaranteed British support to Kabul against external aggression and provided an annual subsidy of money and arms with which the Afghan ruler was to subdue his own territory. Anglo-Russian commissions demarcated Afghanistan's northern and western borders with Central Asia, Iran, and China between 1870 and 1896.

Following the second Anglo-Afghan war, the British set about developing what they hoped would be a durable border regime, involving separate statuses and mechanisms for Afghanistan, the border tribes, and the Pashtun and Baluch territories under the administration of British India. They invited Abdul Rahman Khan, a nephew of Amir Sher Ali Khan living in exile in Russian Turkistan, to assume the throne in 1880. During a brutal twenty-year reign, the "Iron Amir" laid the foundation of modern Afghanistan. He gave the country its administrative institutions and agreed to the formal demarcation of its borders, including the Durand Line. The amir always contended that excluding the tribal territories from Afghanistan was a mistake, as he could control the tribes better than the British could.

The demarcation of the Durand Line required the British to establish a regime to deal with the tribal borderlands. Five tribal regions were placed under the direct control of the central government in Delhi. After the creation of Pakistan in 1947, three new agencies were carved out of other tribal districts. The British devised a special legal structure called the Frontier Crimes Regulations (FCR). Evolving through the late nineteenth century, the regulations were finally promulgated as statutory law under Viceroy Lord Curzon in 1901 and are still the legal regime in FATA.

After the failure of the British "forward policy" in the first Anglo-Afghan war, Delhi settled on a "close border" policy to make the frontier into a buffer. To British administrators, frontier meant a "wide tract of border country, hinterland or a buffer state." The most important feature of this arrangement was its transformation into a "frontier of separation," in contrast to a "frontier of contact." The result was the "threefold frontier." The first frontier was the outer edge of the directly administered territory (the river Indus in the nineteenth century and the settled districts of NWFP in the mid-twentieth century); the second was the Pashtun tribal area between Afghanistan and the settled districts of NWFP, which was placed under indirect rule; and the third comprised the protectorates of Nepal and Afghanistan on the outer edge of the sphere of influence.

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In recent times Pakistan has used its support for the anti-Soviet *mujahidin* and then the Taliban to ensure that in the event of conflict with India, Afghanistan would provide Pakistan with support and use of its land and air space if needed. Pakistani military planners referred to this as the quest for “strategic depth.” The similarity of the threefold frontier to this quest in Afghanistan illustrates the continuity of strategic policy in this region.

The 1907 Anglo-Russian convention formally ended the Great Game. It divided Persia into zones of influence of the two great powers, protecting Afghanistan's western borders from Russian penetration. Both powers agreed to recognize Chinese control over Tibet. Russia conceded Afghanistan to the British sphere of influence, but Britain was not to occupy or annex any part of the country or interfere in its internal affairs. Amir Habibullah of Afghanistan declared the convention illegal because Afghanistan was not a party to the agreement, but his protest went unheeded.

Popular resistance movements throughout the century of British rule also shaped the border region. At times these were local affairs, as when a clan or a tribe resisted the British; but on other occasions the tribes launched wider movements, sometimes coordinating with the larger Afghan and Indian struggles against European colonialism. Charismatic tribal leaders or clerics led many such rebellions. These leaders fought small-scale battles and larger wars, such as the one in Waziristan, where the British kept 50,000 soldiers, more troops than on the rest of the subcontinent, as late as the 1930s. On other occasions the British used more indirect counterinsurgency methods. Seventy thousand tribal members serving as scouts under British officers suppressed the Great Tribal Uprising of 1897, in which most Pashtun tribes east of the Durand Line joined in an uncoordinated war against the British.

As Afghanistan lacked a modern army, the rulers of Kabul often mobilized the tribes to fight in the early twentieth century. The modernist and nationalist King Amanullah declared jihad for full independence from the British in 1919. Pashtun tribal *lashkars*, or posses, from both sides of the Durand Line fought the month-long war. Afghanistan subsequently obtained full sovereignty from a weakened British Empire in the 1919 Treaty of Rawalpindi.

In 1929, King Amanullah lost his throne in a revolt led by a Tajik guerrilla leader, Habibullah Kalakani, who was supported by conservative clergy. A tribal posse headed by the king's distant cousin, Nadir Khan, and composed of Pashtuns from both sides of the Durand Line, put an end to the rule of Amir Habibullah II, commonly known as *Bacha-yi Saqao* (son of the water carrier) in admiration or mockery of his humble origins.

In return for their military services, Nadir Shah gave the tribes of the *Loya*, or Greater Paktia region of southeastern Afghanistan, maximum tribal autonomy. He exempted them from taxation and conscription on the assumption that they could mobilize lashkars if needed. Throughout the twentieth century Afghanistan also maintained a sizable number of tribal sympathizers east of the Durand Line through honorary and material rewards, including recruitment into the officer corps (Trives 2006). Members of the tribes that had fought for Nadir Shah from both sides of the Durand Line predominated among the military officers trained in the Soviet Union, who joined or sympathized with the Afghan communist groups.

Modern Pashtun nationalism emerged in NWFP in 1930, when British troops killed unarmed protestors in Peshawar. Khan Abdul Ghaffar Khan headed the Afghan *jūga*, which was later called the *Khudai Khidmatgars* (servants of God). Ghaffar Khan allied with the Indian National Congress to win the 1937 and 1946 elections in NWFP, after which his movement formed the provincial governments. The Khudai Khidmatgars parted ways with Congress in 1946, when the latter accepted the British partition plan providing for a plebiscite in the province on joining India or the new state of Pakistan. This movement demanded inclusion of an option to establish an independent state of Pashtunistan.

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In August 1947 two states, India and Pakistan, emerged from the British Indian empire. The Afghan government voted against Pakistan's admission to the United Nations in 1947, arguing that Pakistan should not be recognized as long as the "Pashtunistan" problem remained unresolved. Afghanistan withdrew this objection after only a month, however, and in February 1948 it became one of the first nations to establish diplomatic relations with Pakistan. The Pashtun nationalist Khudai Khidmatgars moderated their stand soon after partition and declared their loyalty to the new country. Some tribal leaders in FATA maintained militias in the name of Pashtunistan. Successive governments in Pakistan tried to handle the Pashtun nationalist claims by suppressing their advocates.

Pakistan then ended the British policy of military control of tribal areas by withdrawing army units from the agencies. Soon Pakistan was able to mobilize a sizable Pashtun tribal posse from both sides of the Durand Line to fight for control of Kashmir, a Muslim majority state, when its maharaja declared accession to India in 1947. Although the tribal members made a spectacular march, they failed to capture Srinagar, the capital of Kashmir. Since 1947 Pakistan and India each have occupied parts of Kashmir, divided by the line of control. Today Kashmir remains divided between India and Pakistan. India claims that the state of Jammu and Kashmir is now an integral part of the Republic of India, while Pakistan still demands implementation of UN Security Council resolutions calling for a plebiscite on whether Kashmir should join India or Pakistan. Some Kashmiri movements have demanded independence.

The Durand Line border dispute soon brought the Cold War to the Khyber Pass. In July 1949, after a Pakistani bombing raid on an Afghan border village, the Afghan government convened a *loya jirga*, or grand tribal assembly, in Kabul. This supreme national decision-making body declared support for the Pashtunistan demand. The jirga affirmed the Afghan government's position that Pakistan was a new state rather than a successor state to British India, and all past treaties with the British pertaining to the status of the border were therefore null and void. Such agreements included the 1893 Durand Agreement, the Anglo-Afghan Pact of 1905, the Treaty of Rawalpindi of 1919, and the Anglo-Afghan Treaty of 1921. It reaffirmed Afghanistan's rejection of the 1879 Treaty of Gandamak. Afghanistan eventually turned to the Soviet Union for military aid, because its position on Pashtunistan made it impossible to receive aid from the United States, which was allied with Pakistan.

For Pashtun nationalists in Pakistan and Afghanistan, Pashtunistan meant different things, ranging from an independent country to an autonomous province of Pakistan to an integral part of Afghanistan. The Soviet Union and India paid lip service to Pashtunistan for decades. The Soviets wanted to prevent Afghanistan from joining any Western military alliance and to pressure Pakistan; India wanted to divert Pakistan's military resources by cultivating the fear of an unstable western border.

The Pashtunistan demand served domestic Afghan political purposes as well. In the twentieth century successive Afghan rulers used the issue to strengthen Pashtun ethnic support for the state. By harnessing the state to the Pashtun ethnic cause, however, the government intensified ethno-linguistic rivalry between Pashtuns and non-Pashtuns.

In 1961 relations between the neighbors hit rock bottom when Pakistan closed the border and the countries broke off diplomatic relations. With Afghanistan's principal trade route cut off, the Afghan economy was pressed to the breaking point. Differences within the royal family led to the resignation of Prime Minister Daud Khan in 1963. After ten years of constitutional monarchy with a contentious but ineffective parliament that dissolved the government three times, Daud launched a bloodless coup against his cousin, Zahir Shah. He justified it in part by claiming that Zahir's government had neglected Pashtunistan to improve relations with the United States and Pakistan.

Zahir's government was accused of not responding forcefully to the firing of the National Awami Party provincial governments in NWFP and Baluchistan by Pakistani Premier Zulfikar Ali Bhutto in 1973. These governments were composed mainly of Pashtun

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and Baluch nationalists. After the dismissals, Nawab Bugti was appointed governor of Baluchistan. Eventually he became the political leader of the 2005–06 Baluch insurgency and was killed by the Pakistan military on August 26, 2006.

After the creation of Bangladesh in 1971, the Pashtun and Baluch nationalist movements along the western borders posed the most active secessionist threats to the remainder of Pakistan. Thus the 1972–77 government of Zulfikar Ali Bhutto both cracked down on nationalists and sought to extend Pakistani state authority by bringing economic development to the border region and FATA. It built some roads and hospitals and a few factories.

This meager development effort, however, was not matched by any political reforms. On the contrary, Bhutto's administration strengthened the colonial system by incorporating the border regime into the 1973 constitution. Pakistan also started supporting Afghan Islamists who opposed Daud's secular ethno-nationalism. The Islamists had publicly opposed the partition of Pakistan to create Bangladesh in 1971 and protested against foreign influence in Afghanistan by both the Soviet Union and the West.

The long history of each state offering sanctuary to the other's opponents has built bitterness and mistrust between the two neighbors. This intensified in the 1970s, when Kabul extended shelter to some 30,000 Marri Baluch tribesmen who had escaped a Pakistani military crackdown after the nationalist insurgency in Baluchistan. Islamabad then extended refuge and military training to Afghan Islamists such as Ahmed Shah Massoud and Gulbuddin Hikmatyar, who staged an abortive uprising with Pakistani support in 1975. Pakistan hosted the Afghan mujahidin in the 1980s, while Afghanistan's pro-Soviet regime provided safe haven to *al-Zulfikar*, a militant offshoot of the Pakistan Peoples Party. Headed by Murtaza Bhutto, the group intended to destabilize Gen. Muhammad Zia-ul-Haq's military regime, which had overthrown and hanged Murtaza's father, Zulfikar Ali Bhutto. The current claims and counterclaims of sheltering each other's opponents indicate that the same strategies may be continuing.

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## **Globalization of the Conflict around the Borderlands**

The final collapse of the Afghan Durrani ruling dynasty with the overthrow of President Daud by communist factions in April 1978 shattered cooperative relations in the borderlands, precipitating the rounds of war that continue. The Christmas Eve 1979 Soviet invasion was the first major step toward globalizing the conflict in the border region.

The Soviet invasion made Pakistan a frontline ally of the United States. The country's ruling military virtually had a free hand to shape the Afghan resistance based in the refugee camps along the Durand Line. Pakistan wanted to prevent the establishment of Afghan nationalist guerillas on its soil and thus refused to recognize parties and exiles associated with the old regime. It guided the supplies from the United States, Saudi Arabia, Western Europe, and China toward the Islamists, who were also generously funded by wealthy private donors in the Gulf. The regime of Gen. Muhammad Zia-ul-Haq promoted the jihad in neighboring Afghanistan as part of its overriding priority: using the "Islamization" of Pakistan to legitimize military rule. In the process it militarized and radicalized the border region.

***Pakistan engaged in the successive wars in and around Afghanistan as a way of dealing with its basic national security threat: India.***

From the funding of thousands of Islamic *madrasahs*, or seminaries, to the arming of domestic Islamist organizations, Pakistan experienced a major transformation. Pakistan engaged in the successive wars in and around Afghanistan—the Cold War struggle, the post-Cold War civil conflict, and the war on terror—as a way of dealing with its basic national security threat: India, a country with more than eight times its population and economic resources. India's elites, at least in Pakistani perceptions, do not fully accept the legitimacy of Pakistan's existence. Pakistan's support for Islamist parties (especially for the Islamic Party of Gulbuddin Hikmatyar) and then for the Taliban constituted attempts to impose on Afghanistan a government that would never allow an Indian presence on its



territory, giving the Pakistani military a secure border and strategic depth. In other words, Pakistan sought to support a client regime in Afghanistan that was supposed to provide a space for the retreat and recuperation of the Pakistani military in case of a confrontation with India. This policy was a continuation under different conditions of the British policy of treating Afghanistan as part of the security buffer zone of South Asia.

After the Soviet withdrawal under the Geneva Accords of April 14, 1988, completed in February 1989, a U.S.-Soviet dialogue tried to prepare the ground for a transitional government to preside over elections. Had they been implemented, the Geneva Accords would have resulted in a weak Afghan government, still close to the Soviet Union but without a Soviet troop deployment. In effect, Afghanistan would have become a de facto buffer within the Soviet sphere of influence. The war continued, however, in the absence of great-power agreement over the political settlement in the borderlands, eventually resulting in state collapse in Afghanistan. The United States and Pakistan pursued an anti-Soviet "rollback" policy (equivalent to the British "forward policy") to wipe out Soviet influence in Afghanistan by continuing to aid and arm the anti-Soviet Afghan guerrillas, the mujahidin. During this period, when many Afghans considered the jihad ended with the departure of Soviet troops, the rollback policy increasingly relied on Salafi Arab fighters who joined the jihad for very different reasons than Afghans had.

Representative rule in Pakistan was restored following Zia-ul-Haq's death in an air crash in August 1988. The Pashtun nationalist political parties with seats in the Pakistani national and provincial legislatures moderated their demands, replacing the name Pashtunistan with "Pashtunkhwa," denoting a province for all Pashtuns living east of the Durand Line. Such a province would include NWFP, some districts of Baluchistan, and the tribal agencies. The change to superficially civilian government between 1988 and 1999 hardly affected Pakistan's Afghan policy, which remained in the hands of the military.

In October 1994, the Taliban, a previously unknown group of clerics from the puritanical Sunni Deobandi sect, initiated a military movement to overpower the mujahidin factions. The Taliban originated in Kandahar province of Afghanistan and the neighboring Baluchistan province of Pakistan. They showed to what extent the mass violence, migrations, and ideological mobilization of the past three decades had transformed the border region. They are a phenomenon of the borderland, a joint Afghan-Pakistan network and organization. Afghan refugees, their children, and their grandchildren have coped with and interpreted their experiences in the refugee camps, tribal territories, and urban slums of Pakistan through the lens of the Islamist education that Pakistan's military regime and its Saudi and U.S. patrons offered them alongside their classmates from Pakistan, including FATA.

The unmonitored border and the ungoverned frontier between the two countries provided the space in which Pakistan could use the resulting social networks for asymmetrical warfare that served its strategic purpose on the Afghan and Kashmiri fronts, while sheltering itself through nuclear deterrence from conventional reprisal. The instability of this arrangement twice has precipitated the threat of nuclear escalation, once over the 1999 Pakistani intrusion in Kargil, in Indian-occupied Kashmir, and then over the 2002 attack on the Indian parliament by a Pakistan-based terrorist group (Coll 2006).

Pakistan's attempt to stabilize Afghanistan and gain strategic depth through control by the Taliban constituted a reprise with variations on the theme of a forward policy composed by the British Empire. This policy was to place Afghanistan under a nonhostile regime, harsh enough to control opposition with some military and financial assistance, and guarantee that hostile forces (mainly India, but also Russia and Iran) would not gain a foothold in the adjacent territory. Under the British, however, the Afghan ruler was an autocrat who used Islam to strengthen the central state while bringing the clergy under control. Founded as a state for Indian Muslims and basing its power on an alliance of the military and the mosque, Pakistan used Afghan clerics. Their Islamic allegiances would ensure their cooperation against secular Hindu India, Pashtun nationalists, and tribal leaders on both sides of the Durand Line.

***Pakistan sought to support a client regime in Afghanistan that was supposed to provide a space for the retreat and recuperation of the Pakistani military in case of a confrontation with India.***

***The rollback policy increasingly relied on Salafi Arab fighters who joined the jihad for very different reasons than Afghans had.***

The Taliban captured Kabul in September 1996. They moved north of the capital in a failed offensive in May–June 1997 but captured most of the north and center of Afghanistan by August 1998, only a few days after the bombing of U.S. embassies in Kenya and Tanzania. These bombings revealed to high-level policymakers and the general public a new dimension of globalization of the Afghan conflict—the consolidation of Osama bin Laden's international network of anti-Western Islamist militants now known as al Qaeda.

In the 1980s thousands of Islamist radicals from the Arab world and a lesser number from Southeast Asia flocked to Pakistan to fight and assist the anti-Soviet jihad in Afghanistan. They established support networks in NWFP and bases along the Afghan side of the Durand Line in areas such as the Jaji district of Khost (the al-Masada or “lion's den” camp) and Khugiani district of Nangarhar (Tora Bora). The concept of al Qaeda formed in Peshawar, Pakistan, in the late 1980s. A decade later it had a somewhat formal organizational structure whose aims and objectives bin Laden and Zawahiri announced to the world from Khost, Afghanistan, in 1998.

***Al Qaeda was founded in the borderlands, but none of its leaders was Pakistani or Afghan.***

Al Qaeda was founded in the borderlands, but none of its leaders was Pakistani or Afghan. The war in the borderlands produced the leaders and ideologues of modern global jihad such as bin Laden, Zawahiri, and the Palestinian scholar Abdullah Azzam, who was killed in Peshawar in November 1989. After the Soviet withdrawal in 1989, many Arabs remained, and a second wave of jihadis gathered in the borderlands. During the 1990s additional waves of Islamists from Chechnya, Central Asia, Chinese Turkistan, Southeast Asia, and Europe joined the Arabs to form a truly global conglomerate.

This globalization of the Afghan conflict also introduced structural changes to Pashtun society and politics on both sides of the Durand Line. The fragmented tribal nature of this polity provided fertile ground for ideological penetration. Pashtun nationalism was modernist and secular, associated with the royalist elite, tribal leaders, and intellectuals. The Islamic conservatives joined the nationalists to oppose foreign domination during British colonialism, but they opposed the adoption of Western or liberal social or political institutions or values. The radical Islamists who began to organize in the 1960s opposed liberal institutions with at least equal fervor, but they tried to Islamize rather than reject institutions or concepts such as the nation-state, political ideology, political party, revolution, and development.

Pashtuns are no more or less prone to extremism than members of any other ethnic group in the region, but intelligence agencies and radical movements have used their cross-border ties and strategic location to spread extremism. The war in Afghanistan provided Pakistan with a golden opportunity to act on its long-standing desire to weaken Pashtun nationalism. It actively supported pan-Islamism among the Afghan refugees while bankrolling Pakistani Islamist parties in the border region. This resulted in a newer brand of Pashtun Islamism, some of whose characteristics were manifested and reinforced during the Taliban's ascent to power in Afghanistan, where pan-Islamist solidarity surpassed tribalism and ethnic cohesion.

***During the Taliban's ascent to power in Afghanistan, pan-Islamist solidarity surpassed tribalism and ethnic cohesion.***

While decades of Pakistani investment in Pashtun Islamism turned it into a formidable political force and reduced the nationalist threat, it also created its own transborder ethnic realities, which are backfiring against its original sponsors, whose primary allegiance is to the state of Pakistan. The operational and strategic vision of a Pakistani nation-state directly clashes with the pan-Islamism of Talibanization, which demands a complete overhaul of the state and society in Pakistan, Afghanistan, and beyond. This new reality, however, corresponds to the goals of some in Pakistan who envisage a broader Islamist union of Pakistan, Afghanistan, and Central Asia.

During the early 1990s, Afghanistan became an international pariah as the United States walked away from the Cold War's last battleground. Successive U.S. administrations did not consider the collapse of Afghanistan as a threat to the United States or a global strategic issue. Not until the attacks of September 11, 2001, did they heed warnings that in the absence of legitimate order in the borderlands, a global terrorist opposition was

consolidating its links and building its skills, using the human and physical capital they had supplied to these networks through Pakistan in pursuit of the Cold War strategic agenda.

The hurried negotiations between the United States and Pakistan immediately after 9/11 changed Pakistan's behavior, but not its interests. Pakistan first asked for a pause to allow it to install a "moderate Taliban" government in Afghanistan that would break with al Qaeda. When that failed, Pakistan demanded that the Northern Alliance, backed by Russia, Iran, and, most importantly, India, not be allowed to enter Kabul or form the government. The U.S. agreement to support UN efforts to dilute Northern Alliance control with remnants of Afghanistan's royal regime and some technocrats did little to mollify the generals in Islamabad. Nonetheless, to save its nuclear deterrent and military supply relationship with the United States, Islamabad acquiesced in reining in its use of asymmetrical warfare, while keeping the capacity in reserve.

The presence of the United States, the UN, and the International Security Assistance Force (ISAF, the UN-mandated, multinational force in Afghanistan, under NATO command since August 2003) initially acted as a deterrent to both overt external subversion and open warfare among the power-holders the United States had re-armed in the war to oust the Taliban. This deterrent created an opportunity to build an Afghan state that could be reintegrated into the regions it borders. Given the cross-border movements of capital, trade, population, arms, ideologies, and identities, however, it was no longer possible for Afghanistan to play the role of a buffer or insulator state separating South Asia, Central Asia, and the Gulf. Instead, Afghanistan would have to become what its government calls a "land bridge" linking these areas.

The prerequisite for the stabilization of Afghanistan under these conditions has been the formation of an Afghan state with sufficient resources and legitimacy to control and develop its territory while posing no threat to any of its neighbors, especially Pakistan. Its deep interpenetration of Afghan society and politics enables Pakistan to play the role of spoiler whenever it chooses. For the United States, such a project would have required additional troops, whether from the coalition or ISAF, especially in border provinces; rapid investment in the infrastructure and development of the country; and an active program of diplomacy and regional cooperation. The Bush administration's opposition to U.S. investment in "nation-building," which it did not relax until 2003, led to delays in all such projects. Nor did the United States or others address the long-standing conflicts over the frontier.

In this context, especially given the new U.S. doctrine of preventive war, Pakistan and other neighbors of Afghanistan see the consolidation of a state dependent on the United States as a long-term threat. Pakistan sees the United States increasingly favoring India, particularly in the area of nuclear cooperation, and faces an Afghan government whose rhetoric has become more confrontational. As a result, Pakistan sees no strategic advantage in eliminating the Taliban, who have established themselves in parts of southwestern and southeastern Afghanistan, control parts of FATA, and have their main headquarters and support networks in Baluchistan. The ability of this Pakistan-based group to destabilize Afghanistan sends a message that Islamabad, not Delhi or Kabul, is the key to stability in the region.

These transborder political and military networks are reinforced by the economic components of "network war," which relies on transnational links of communications, funding, recruitment, and armament, rather than a territorial base. Trafficking in drugs, arms, and other items, including people, is an important element of network war, and smuggling is the classic livelihood of the borderlands; both of the major frontier ethnic groups—Pashtuns and Baluch—gain much of their income from it. The borderlands already have become a land bridge for the criminal (drugs) and criminalized (transit trade) economies of the region. The transnational economic actors exploit the weakness and illegitimacy of statehood in the region to pursue profit, part of which pays for protection provided by transnational and parallel military and political forces. The fight to protect these trans-

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***Pakistan and other neighbors of Afghanistan see the consolidation of a state dependent on the United States as a long-term threat.***

national economic activities is increasingly inseparable from the armed conflicts around the borderlands.

## The Anomaly of FATA

With an area of 27,000 square kilometers, slightly larger than Luxembourg, and a 600-kilometer border with Afghanistan, FATA is the real administrative, political, and economic anomaly in the border region. FATA is divided into seven agencies, or administrative units, which from north to south are Bajaur, Momand, Khyber, Orakzai, Kurrum, and North and South Waziristan. A few more frontier regions adjacent to the settled districts of Peshawar, Kohat, Dera Ismail Khan, Bannu, and Tank are also part of FATA. The area had a population of some 3.1 million people at the time of the 1998 census, and current unofficial estimates range up to 7 million, mostly ethnic Pashtuns whose tribes straddle the Durand Line (Siddique and Khattak 2004).

Pakistan's 1973 constitution gives the president executive authority over the region. But he does not exercise this authority in Islamabad, where the people of FATA have representatives in the national assembly. The area is largely ruled from Peshawar, where the governor of NWFP, a presidential appointee, exercises enormous authority with no legislative check. The provincial government controls all the agencies that deliver services such as health care, education, support for agriculture, and communications in the tribal areas, but the people of FATA have no representation in the NWFP provincial assembly to which the government is accountable.

The real authority in a tribal agency is the political agent. He combines legislative, law enforcement, and economic management functions. Apart from being the top civilian official in the territory, the political agent is the judge, jury, police chief, jail warden, district magistrate, and public prosecutor. He collects and disburses revenue with virtually no accountability. He also oversees all development schemes and public service departments.

The political agent governs through the Frontier Crimes Regulations (FCR). For more than a century these regulations have been used as a whip to control the border tribes. Under them a political agent may impose an economic blockade or siege of "hostile" or "unfriendly" tribes or inflict fines on whole communities where certain "crimes" have been committed. He can prohibit the construction of houses and raze houses of tribal members as punishment for not meeting the agent's demands. Some of the harshest clauses establish collective responsibility, under which an entire tribe can be held responsible for crimes committed by a single member or occurring anywhere within that tribe's territory. The law empowers the political agent to deliver multiyear jail sentences without due process or right of appeal to any superior court. The political agent also can appoint and refer civil and criminal cases to a handpicked jirga, or tribal council. During the 2003–06 crises in Waziristan, political agents invoked all of these clauses.

The administration also manipulates local politics through its exploitation of the *lungi* or *malaki* system of appointed tribal leadership. Hand-picked tribal leaders are showered with government allowances and other economic incentives in return for loyalty. Every tribal administrator controls millions of dollars in secret funds to buy loyalty, leading to widespread corruption in the administration.

The British and their Pakistani successors have claimed that the FCR are rooted in tribal customs and traditions, but they contradict the egalitarian Pashtun ethos. The regulations also contradict the Pakistani constitution, which guarantees fundamental rights for all its citizens, and respect for international human rights conventions. The administrative arrangements of FATA deprive tribal members of political participation and economic development. All political parties, aid agencies, and civil society organizations are banned from working in the tribal areas, although radical extremist clerics are free to preach and cam-

***The area is largely ruled from Peshawar, where the governor of NWFP, a presidential appointee, exercises enormous authority with no legislative check.***

***Hand-picked tribal leaders are showered with government allowances and other economic incentives in return for loyalty.***



paign. Such clerics consequently won most of the elections held on a nonparty basis after adult franchise was introduced in 1996 (Human Rights Commission of Pakistan 2005).

The economic situation in the borderlands is equally dire. The wars in and over Afghanistan during the past three decades have transformed the economy of these tribal territories from one based on subsistence agriculture and nomadic pastoralism to dependence on the unregulated, cross-border trade of goods, including contraband such as drugs and arms. The area depends on smuggling routes that exploit the Afghan Transit Trade Agreement, under which goods may be imported duty-free into Pakistan for re-export to Afghanistan; many are illegally re-exported to or simply sold in Pakistan. In 2001 the World Bank estimated the value of such trade, as well as other transit trade through Afghanistan, at nearly \$1 billion per year.

The deployment of military forces along Pakistan's western border, however, has threatened this cross-border trade. Pakistan and Afghanistan have set some of their respective tariff levels at par, eliminating most of the profit for smugglers. As both countries approach admission to the World Trade Organization, the cross-border trade may dry up. The unavailability of alternative livelihoods for FATA is likely to add a new dimension of economic resistance to the struggles in the region, as does the lack of alternative livelihoods for opium poppy farmers and opiate traders in Afghanistan.

Human development indicators in FATA are no better than in neighboring Afghanistan. Poverty levels are as high as 60 percent, twice those in the rest of Pakistan (*Dawn* 2005). Official statistics estimate the literacy rate in the tribal territories at 17.4 percent: 29.5 percent for men and less than 3 percent for women. The primary school enrollment rate is 68 percent for boys and 19 percent for girls. Only 102 colleges (equivalent to Western high schools) exist in the tribal areas, and only two or three of them are for women. On the other hand, madrassahs have mushroomed, and today up to 300 operate in the region. Only 524 medical doctors practice in FATA, one for every 6,307 people, and there is no healthcare infrastructure in some remote regions. Only two or three hospitals in all of FATA have rudimentary facilities for complex surgical procedures (Siddique and Khattak 2004).

With 2.4 percent of the national population, FATA receives only about 1 percent of the national budget. The per capita development allocation is one-third of the national average. No aid agencies or NGOs can work in the tribal belt, while in the other regions of the country they run substantial development projects. The per capita income in FATA is half that of Pakistan's national average. The region had the country's highest emigration ratio even before the advent of Islamist militancy, which, along with army offensives, has further displaced tens of thousands of people. The unemployment rate is 60 to 80 percent, or even close to 100 percent seasonally, if remittances and migrant labor are not counted (Awami National Party 2006).

## Toward a Border Settlement

Pakistan enunciated its position on the border in 1947:

[The] Durand Line delineated in the 1893 treaty is a valid international boundary subsequently recognized and confirmed by Afghanistan on several occasions. The drawing of this international border terminated any Afghan sovereignty over the territory or influence over the people east of [the] Durand Line. Pakistan as a successor state to British India derived full sovereignty over this region and its people and has all the rights and obligation of a successor state. In addition, the question of self-determination for Pashtuns was foreclosed by the British supervised plebiscite held in 1947 in NWFP in which 99 percent of votes cast were in favor of joining Pakistan. The Tribal Areas too expressed their assent through special Jirgas (Embree 1979: 134).

No Afghan government has accepted these claims. Despite Afghanistan's formal position, however, no government has made any serious effort to advance territorial claims either bilaterally or in international forums. Instead, its governments have used these claims as bargaining chips or to address domestic political concerns.<sup>1</sup>

***The deployment of military forces along Pakistan's western border has threatened cross-border trade.***

***Pakistan has done more than Afghanistan to undermine the status of the Durand Line as an international border.***

In practice, Pakistan has done more than Afghanistan to undermine the status of the Durand Line as an international border. Successive governments in Islamabad have exploited the porosity of the threefold frontier to use covert asymmetrical warfare as a tool of national security policy. While the Pakistani military's deliberate fashioning of the Afghan resistance on an Islamist model gave Pakistan strategic depth and neutralized Afghan nationalism, it also relied on transnational networks that ignored the Durand Line as consistently as any border tribe. Pakistan is now paying the price for this policy by losing control of much of the frontier area to groups it has supported, groups that exploit their ties in Afghanistan just as the Taliban exploit their ties in Pakistan.

The Pakistan military's relationship with cross-border Islamist groups also affected the domestic situation in Pakistan. It strengthened and spread beyond an alliance vis-à-vis Afghanistan and Kashmir to cooperation in domestic politics, including elections. In the words of Husain Haqqani, Pakistani author and former adviser to the country's government, "[The] Islamists staunchly adopted the Pakistani state's national security agenda and, in return, increasing number of officers accepted the Islamist view of a more religious state" (Haqqani 2005: 197). Increasingly, however, Islamist transnational goals have triumphed over the state's strategic objectives, as the Islamists have established a strategic presence in Pakistani state institutions, military, civil society, and campuses.

***Pakistan's stated position as a frontline ally in the "war on terrorism" has led to tensions within the Islamist-military alliance.***

Since 9/11, a clear tension has developed between these visions. Pakistan's stated position as a frontline ally in the "war on terrorism" has led to tensions within the Islamist-military alliance over arresting al Qaeda leaders, cooperating with the United States, and cracking down on the Taliban and local militants. Islamist militancy, however, remains Pakistan's most successful strategic weapon against Indian regional hegemony, including its penetration into Afghanistan. However, by providing \$650 million in economic and military assistance to the Karzai government, India is consolidating its position in Afghanistan. The semi-military Indian Border Roads Organization is building a major highway on the Pakistan border in the southwestern province of Baluchistan, bordering on Baluchistan.

Pakistan is increasingly wary of this growing Indian influence and also accuses Indian consulates in the border cities of Jalalabad and Kandahar of fueling the Baluch nationalist insurgency. Pakistan sees the Indian presence as a major strategic defeat and a loss of years of investments that established an Islamist regime that kept all things Indian away from Pakistan's western borders.

Pakistani Pashtun nationalists, now organized in two major political parties, the Awami National Party and the Pashtunkhwa Milli Awami Party, view their relations with the Pakistani state and Afghanistan differently than do Pakistan's civil and military establishment and the Islamist political parties. Since 1947, the Pashtuns have been integrated to varying degrees into Pakistan's economy and state institutions such as the army and bureaucracy, weakening separatist sentiments. They have relied mostly on parliamentary politics to demand democratization, provincial autonomy, and friendly relations with Afghanistan.

Although it still lacks internal communications, the remote border region has been linked more closely to the rest of Pakistan through the extension of roads and communication networks. The lack of economic development in the borderlands has motivated Pashtuns to use this transport infrastructure to migrate for employment to Punjab and Sindh, particularly the southern seaport city of Karachi, which after Peshawar contains the largest urban concentration of Pashtuns—some 12 percent of its estimated population of 12 million.

***Pashtun nationalists now propose restructuring the Pakistani state to unite all Pashtun regions into a new province of Pashtunkhwa.***

Pashtun nationalists now propose restructuring the Pakistani state to unite all Pashtun regions in FATA, NWFP, and northern Baluchistan into a new province of Pashtunkhwa. This new province would form part of a revitalized federal structure in which provinces would enjoy enhanced powers within a genuinely democratic Pakistan. Once such restructuring occurred, the Awami National Party would support the recognition of the Durand Line as an international border between Pakistan and Afghanistan and encourage Afghanistan

to move in that direction. As long as Pashtun nationalists conclude that Pakistan is still essentially a centralized military dictatorship, however, they say they will maintain their present position.

In the interim, Pashtun nationalists are calling for fast-paced economic development and reforms in FATA. They maintain that the border between Pakistan and Afghanistan can be pacified only if Pashtuns in both countries have unhindered, cross-border movement through formal recognition of open borders. As Pashtuns dominate regional trade and transport, regional peace and open borders will bring major improvements to the economy of the borderlands.<sup>2</sup>

Unlike the Pashtuns, the Baluch are divided among three states: Pakistan, Afghanistan, and Iran. The Baluch nationalists hold that the colonial boundaries weakened them economically and culturally, resulting in their impoverished life as minorities in all three states. They have viewed Afghanistan in a relatively favorable light, however, because Afghanistan's demand for Pashtunistan led Kabul to extend moral and material support to the Baluch nationalists as well.

As the fifth Baluch nationalist insurgency rages and expands into a nationwide political crisis with the killing of Bugti, many members of the ethnic group feel marginalized in the Pakistani state. With a population of nearly 5 million, Baluch nationalists feel extremely vulnerable to demographic extinction if mega-development projects such as Gwadar port are implemented in their province without guarantees of provincial autonomy within a federal Pakistan. Thus the Durand Line is not the foremost concern of the Baluch. But like Pashtun nationalists, they demand federal arrangements in Pakistan with enhanced provincial autonomy as a precursor to the settlement of the border and abandonment of secessionism. In contrast to Pashtun nationalists, the Baluch have used military means to protest and bargain politically with Islamabad.<sup>3</sup>

Afghanistan's current government has not issued a formal policy on the Durand Line. In April 2006, however, Afghanistan's minister for border and tribal affairs, Abdul Karim Brahui, told the lower house of the Afghan parliament that Afghanistan does not recognize the Durand Line as an international border. Brahui, a member of a small ethnic group closely linked to the Baluch, stated that his government does not have the mandate to negotiate this old dispute. Only a loya jirga could settle the issue permanently, he claimed, just as a loya jirga first ratified Afghanistan's policies on the post-partition frontier.

Since 2002, Kabul has feared a regrouping of the Taliban and al Qaeda in the border region. Although the Pakistani military buildup in the tribal areas is ostensibly to support the U.S.-led coalition's effort to eliminate the Taliban and al Qaeda, Kabul has charged that these forces have occupied territory on the Afghan side of the Durand Line. It suspects that the deployment might provide a platform for further interference. Such fears, coupled with uncertainty over western commitment, have pushed Karzai to align with India, seen as a more dependable, long-term, regional ally.

As post-Taliban Afghanistan has grappled with a plethora of domestic issues, Pashtunistan and the border region have not figured prominently in the national political discourse. Although some Pashtun publications play up the issue from time to time, the Afghan Mellat political party and other Pashtun nationalists are concentrating on domestic issues. Some non-Pashtun intellectuals and political activists, on the other hand, advocate agreement on a final border settlement in return for access to the sea and assurances of noninterference from Pakistan. Some argued for the inclusion of such an agreement in the 2004 constitution.<sup>4</sup>

Afghan politicians of all ethnic groups, including nationalists, Islamists, and former communists, oppose reviving the conflict and heightening tensions with Pakistan. This is an issue of such political sensitivity that every Afghan leader we interviewed on the subject reemphasized that all comments were off the record before proceeding. Many call for confidence-building measures, such as open borders, enhanced bilateral trade, and more people-to-people contact, including direct interaction between the two countries'

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parliaments. Some argue that the time is ripe to seek a settlement. "If we cannot solve this now, with the support of the entire international community, we will never resolve it," said a leader of the parliamentary opposition.

Paktia Governor Hakim Taniwal, assassinated September 10 by a suicide bomber, noted how much this dispute had cost Afghanistan: "The reason that Afghanistan adopted friendship with the Soviets was for Pashtunistan . . . and the result was, we did not gain Pashtunistan, but we almost lost Afghanistan. It would be good if we recognized the Durand Line—good for FATA, NWFP, Pakistan-Afghanistan relations. But we have to get something in return, such as a corridor to Karachi or Gwadar."

Others echo the traditional view that Pakistan, an "artificial state," is destined to dissolve, and that Afghanistan should not make any concessions while it is weak. Local leaders are discussing the issue as well. At a meeting of elders from eastern Afghanistan, one volunteered that this unresolved issue gave the neighbors an opportunity to meddle in internal Afghan affairs. Just as Afghanistan no longer claimed territory it once ruled in today's Iran or Uzbekistan, "we should accept this border as a border." This proposal, however, prompted loud protests from others, who insisted that the Durand Line Treaty under which Afghanistan ceded control of the areas across the Durand Line, expired after 100 years (in 1993), and Pakistan was obligated to return the territory. Among the leaders we interviewed, the myth of the expiration of the Durand Line Treaty was almost universally accepted.<sup>5</sup>

Given the political sensitivity of the issue and opposition to Pakistan's Afghan policy, which people across all factions and ethnic groups see as a major threat to Afghanistan, no major leader has publicly supported rapid settlement of the border issue. Although the Karzai government has not aggressively raised the Pashtunistan issue, it has begun to follow the path of previous Afghan governments in using border issues and Pashtun cross-border ethnic solidarity as political tools. It has revived relations with Pashtun nationalists in Pakistan and fallen back on Afghan nationalism to wage a war of words with the neighbor.

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## Recommendations and Conclusion

Afghanistan, Pakistan, and the neighboring regions would all benefit from a recognized open border between the two countries. Such a border would clarify that all Pashtuns have rights as citizens of one or another state and would enable them to communicate, trade, and develop both their economy and their culture in cooperation with one another. Such a settlement would strengthen democracy in both states and facilitate both Pakistan's access to Central Asia and Afghanistan's access to the sea. It would lessen domestic ethnic tensions and strengthen national unity in both states. It would, however, require difficult internal changes in both countries, a reversal of the hostility that has predominated in relations between the two governments for sixty years, and credible international guarantees.

A major challenge to such objectives is the Islamist insurgency on both sides of the border. In 2005 Musharraf responded to charges that the Taliban were engaging in cross-border activity by proposing to fence and mine the Durand Line, a solution reminiscent of the policies of Israel and Uzbekistan. As in Central Asia and the Middle East, such a solution will not work for many reasons. International political and military officials in Afghanistan, as well as counterinsurgency experts, agree that the key to strategic success is disrupting the Taliban's command and control, mainly in Quetta and Waziristan, not wasting resources on the impossible task of blocking infiltration by easily replaceable foot soldiers across snow-capped mountains and trackless deserts.<sup>6</sup> Fencing would further isolate the border region and create an additional obstacle to its economic development.

Crafting a twenty-first-century border settlement will require ending the nineteenth-century regime in FATA. Since 9/11, Pakistan has ended FATA's autonomy by deploying



80,000 troops in the mountainous region, but these operations have not been matched by political and economic reforms. Stabilizing the border region must include the political integration of FATA into Pakistan. Almost all Pakistani political parties have urged reform packages. The extension to FATA of the Political Parties Act of 2002 would allow mainstream political parties to organize there and counter extremist propaganda. These parties would provide an opportunity for tribal members to campaign for their rights in national institutions.

The Awami National Party, one of the most vocal proponents of reforms in FATA, wants to overhaul the administrative and judicial system. It supports tribal representation in the legislature of an NWFP that would include FATA. The Awami National Party emphasizes the fact that in the 1960s and early 1970s FATA was represented in the provincial assembly of a united West Pakistan. Over the past decades, many tribal members have acquired farmland and businesses in the settled areas. They also obtain health care and education in NWFP's urban centers (Awami National Party 2006).

The Frontier Crimes Regulations have remained virtually unchanged since Lord Curzon promulgated their final version in 1901. Today human rights advocates and tribal intellectuals call for an overhaul of the law. They demand

- Conformity of the law to contemporary human rights standards;
- Transfer to parliament of all legislative and administrative powers over FATA now resting with the president;
- Extension of the jurisdiction of higher Pakistani courts to FATA and separation of the region's judiciary from the executive;
- Abolition of collective punishment and territorial responsibility;
- Extension of political and civic freedoms to FATA; and
- Implementation of a comprehensive disarmament and demobilization program in the region (Human Rights Commission of Pakistan 2005).

No reform program would be successful without a complementary strategy for economic development. It is crucial to reinforce reconstruction in Afghanistan with a compatible model across the border in FATA. The Awami National Party has asked for a detailed baseline survey by the World Bank or another international agency to assess the economic situation and help Pakistan and the people of FATA devise a comprehensive strategy. Linking FATA to Afghan reconstruction and creating special opportunity zones along the Durand Line will be first steps in this direction. Work is under way to establish such zones on the Afghan side. In May 2006 Musharraf hinted at establishing them with the help of the U.S. government. Such development would also open U.S. markets to products produced in FATA (Raza 2006).

FATA's isolation can be broken only by improving its infrastructure. A major highway spanning FATA, from Bajaur in the north to Waziristan and Zhob in the south, is needed to encourage contact. Pakistan's bilateral trade with Afghanistan now surpasses \$2 billion a year (with Pakistani exports to Afghanistan totaling \$1.2 billion, and Afghanistan's exports to Pakistan totaling \$700 million).<sup>7</sup> But so far there are only two official border crossings, Torkham in the north and Chaman in the south. At least a dozen more border crossings could be opened to facilitate trade.

More than seventy FM radio stations broadcast illegally in FATA, often inciting sectarian violence and hatred, but the region has not joined the telecommunication revolution in the rest of Pakistan. The area needs mobile telephony and Internet access. Trade and commerce also should be modernized by establishing tribal chambers of commerce and accounting and financial information systems. Since most of the land in the region is communal, there is a need for a baseline study of land rights and a strategy for reform. To accomplish this, the government should extend the municipal laws of land settlement to FATA. Proper utilization of several known mineral deposits in FATA will result in the growth of labor-intensive mining and manufacturing industries in marble and precious stones. Agriculture in general, and fruit in particular, can be made profitable by introduc-

***Today human rights advocates and tribal intellectuals call for an overhaul of the Frontier Crimes Regulations.***

***Trade and commerce also should be modernized by establishing tribal chambers of commerce and accounting and financial information systems.***

ing new techniques to tribal farmers and helping them gain access to markets (Awami National Party 2006).

Such a transformation requires complementary measures by Afghanistan, the United States, the UN, and NATO. The persistence of a safe haven for the Taliban insurgency in Pakistan threatens the objectives of the international community in Afghanistan. Success in Afghanistan is fundamental to the U.S. "war on terror," the UN's credibility, and NATO's viability. Forces whose command and control and networks of recruitment, funding, training, and equipment are located in Pakistan are killing Afghan, American, British, and Canadian troops and civilians. The United States, the UN, and NATO must agree quickly to send a message to Islamabad that the persistence of Taliban havens in Pakistan is, in the words of the UN Charter, a threat to international peace and security that Pakistan must address immediately.

The United States, UN, and NATO also must agree on sending a message to Afghanistan and India that they must do all in their power to encourage Pakistan to make such difficult decisions by addressing sources of Pakistani insecurity, including issues related to the border region and Kashmir. The international community must offer generous aid and support to Pakistan if it undertakes needed reforms in the governance of FATA and creates a development area along the border in coordination with the reconstruction effort in Afghanistan.

The United States should use its influence to impress on Pakistan the gravity of the risks it is taking by not disrupting the Taliban command and to persuade all governments in the region to lower the tone of confrontation. Only the United States is likely to be able to persuade Pakistan and Afghanistan to keep India out of their bilateral relationship by agreeing to a set of ground rules and to press India to abide by them. India's contribution to Afghanistan is welcome and mostly constructive, but it should reduce its staff and activities in the border regions for the sake of regional stability. The size of the Indian consulates should be limited and their roles strictly defined.

U.S. diplomacy prevented nuclear confrontations between India and Pakistan in 1999 and 2002 and helped these arch-rivals begin talking. It also should facilitate a political process between Pakistan and Afghanistan. The United States helped set up the tripartite commission composed of senior Afghan, Pakistani, and U.S. military officials in 2003; it now includes NATO but still deals only with military coordination. Until now, Pakistan has delayed responding to a proposal to expand the consultations to the political level. As part of their joint initiative, the United States and NATO need to press Pakistan for a positive response.

Afghanistan has more international backing and support than ever. A growing segment of opinion privately holds that now is the time to address these issues; but only leadership can encourage those harboring such ideas to propose them in public. The Karzai administration should take advantage of this situation to begin a national dialogue to develop a consensus on resolving the conflicts with Pakistan that have caused so much damage to both countries. Afghanistan needs to show good will to Pakistan regarding the border issue and make a historic compromise.

Both countries should facilitate and encourage people-to-people contact as well as contact between officials at all levels across the border. If the wars in Afghanistan had any positive impact it was to expose Afghans to the outside world. Nearly half of today's Afghan population has visited Pakistan at some point, making it the country that Afghans are most familiar with outside their homeland. About 60,000 Pakistanis currently work in Afghanistan, and 10,000 of them cross the border daily. Pakistan's exports to Afghanistan grew from \$221 million in 2001 to \$1.2 billion in 2006, but the economy in the border region faces a sharp decline. Despite the intimate contact of the two peoples, however, the governments remain isolated from each other. The governors and chief ministers of NWFP and Baluchistan should meet with counterparts in the Afghan border provinces regularly, as should police chiefs, customs officers, and other officials.

In 2006, no secessionist nationalist movement operates among the Pashtuns in Pakistan, and Afghanistan has not revived its irredentist claims. Tribes on both sides of

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the border are clamoring for development. Economic pressures have forced Pashtuns to migrate to Karachi and the Gulf region in huge numbers. Only policy changes in both Kabul and Islamabad can involve their Pashtun populations in mutual confidence building, which could lead to an amicable resolution of the border issue.

Three contending visions of relations between Pakistan and Afghanistan emerged in spring 2006. One was the launch of the friendship bus service between the eastern Afghan city of Jalalabad and the western Pakistani city of Peshawar. People in both countries celebrated the occasion and greeted the arriving delegations by showering them with rose petals, playing music, and dancing in joy (Agence France-Presse 2006). Another vision of cross-border relations was expressed in the rather implausible proposal of fencing the Durand Line (Pajhwok Afghan News 2006). A third and worrying trend is Talibanization and escalating violence in the areas around the Durand Line. People in both countries have chosen the peaceful alternative; now their governments and leaders should follow suit.

## Notes

1. Interviews with experts and politicians in Islamabad in March–April 2004 and an undated, internal Pakistan Foreign Office document shared by a Foreign Office spokesperson.
2. Interviews with Pashtun politicians in Islamabad and Peshawar, March–April 2004 and July–August 2006.
3. Interviews with Baluch nationalist parliamentarians in Islamabad, March 2004.
4. Abdul Hafiz Mansur, “*Nazari piramun-i Qanun-i Asasi*” (a look at the constitution), Kabul, December 2003, lists as its first point that “the lack of defined borders on the south and southeast frontiers of Afghanistan has created all kinds of security and other problems, and the constitution should recognize these borders.”
5. Interviews in Kabul, Gardez, and Peshawar, March–April 2004 and August 2006.
6. Interviews in Kabul, July–August 2006.
7. These figures do not include the Afghan transit trade.

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