



TRANSITIONS IN THE BORDERLANDS

*Cross-border mobility, communities and market systems
along Pakistan's frontier with Afghanistan*

March 2021



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A study by Verso Consulting

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This report unpacks the complexity of Pakistan's border dynamics with Afghanistan by focusing research activity on three key border control points (BCPs) in the northern half of the border (situated in the province of Khyber Pakhtunkhwa). In addition to summarizing the historical and current policy context of the region, the report offers a deep dive into the political economy that shapes cross-border mobility (for travelers, traders, transporters, and resident communities of the area) narrated through the experiences of target research groups. These narratives are supplemented by detailed observation reports of the border control points for a granular picture of a complex region.

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Table of Contents

ACRONYMS	3
GLOSSARY	3
EXECUTIVE SUMMARY	5
INTRODUCTION	10
RESEARCH BRIEF	10
SETTING THE STAGE: THE BORDER REGION AND PAKISTAN	111
RESEARCH SITES	11
RESEARCH FRAMEWORK	16
TARGET RESEARCH GROUPS	18
RESEARCH METHODOLOGY	19
CONTEXT OF CURRENT POLICIES AT THE BORDER	21
BORDER REGULATION: VISAS	21
THE BORDER FENCE	22
24/7 OPENING OF TORKHAM	24
THE IMPACT OF PROGRESSIVE DISRUPTION ON BORDER COMMUNITIES (2014 TO 2021)	26
OPERATION ZARB-E-AZB (2014-2016)	26
CHANGES IN BORDER REGULATION / VISA REQUIREMENTS (2017 – PRESENT)	26
BORDER MANAGEMENT / NLC TERMINALS: “THE GATE” (2015 – PRESENT)	31
GOVERNANCE REFORM (2018 – PRESENT)	35
THE BORDER FENCE (2017 – PRESENT)	35
BORDER DISRUPTION AND LOCAL ECONOMIES	39
COMPLEXITY & COSTS: MICRONARRATIVES ON CROSS-BORDER TRADE	43
LOGISTICS & LONG JOURNEYS: MICRONARRATIVES FROM TRANSPORTERS	45
BORDER BAZAARS IN DECLINE: MICRONARRATIVES FROM BUSINESS OWNERS	47
CONCLUSIONS	50
WHAT TO CONSIDER	53
ANNEX A: BORDER CROSSING PROFILES	56
TORKHAM	56
GHULAM KHAN	57
ANGOOR ADDA	58
ANNEX B: FGD PROFILES	60
ANNEX C: A CLOSER LOOK - OBSERVATIONS OF THE BORDER	61
TORKHAM BORDER CROSSING (KHYBER DISTRICT)	61
ANGOOR ADDA BORDER CROSSING (SOUTH WAZIRISTAN DISTRICT)	67
GHULAM KHAN BORDER CROSSING (NORTH WAZIRISTAN DISTRICT)	75

Acronyms

- ANP – Awami National Party (political party)
- BCP – Border Control Point (often referred to by local respondents as *zero point*)
- CAREC – Central Asia Regional Economic Cooperation Program
- CNIC – Computerized National Identity Card (official identification document required for all citizens of Pakistan)
- CPEC – China Pakistan Economic Corridor
- DC – District Commissioner (highest ranking bureaucrat in a district)
- FATA – Federally Administered Tribal Areas
- FC – Frontier Constabulary
- FCR – Frontier Crimes Regulation
- FIA – Federal Investigation Agency
- ISPR – Inter Services Public Relations (official public relations wing of the Armed Forces of Pakistan)
- JUI-F – Jamiat-e-Ulema Islam (Fazl-ur-Rehman) (political party)
- MNA – Member National Assembly (parliamentarian)
- NADRA – National Database Regulatory Authority
- NLC – National Logistics Cell (logistics company run by the Pakistan government, responsible for land acquisition, infrastructure and management of the BCPs)
- NMDs – Newly Merged Districts (new nomenclature for the erstwhile FATA region)
- PA – Political Agent (formerly the highest ranking appointed bureaucrat under British colonial rule, continuing in FATA until the merger of FATA into Khyber Pakhtunkhwa province in 2018)
- POR – Proof of Registration Card (document issued by the Government of Pakistan to people with recognized refugee status. Also sometimes referred to in local vernacular as the *muhajir* card)
- PTA – Preferential Trade Agreement
- PTI – Pakistan Tehreek-i-Insaf (Pakistan's ruling political party, currently in power and also holding the provincial government in Khyber Pakhtunkhwa)
- PTM – Pashtun Tahaffuz Movement (emergent political party and movement)
- SRO – Statutory Regulatory Order

Glossary

- Adda* – Station and gathering place for vehicles, where passengers and/or goods are loaded and unloaded
- Bazaar* – Marketplace (refers to large commercial centers as well as smaller market places)

Belti – Customs document containing details of driver and vehicle transporting goods across the border

Chowk – Intersection or crossroads; meeting point of several roads

Dharna – Protest through gathering in numbers, usually a nonviolent sit-in

Farmi – Document with details of cargo vehicle, driver, and number obtained from companies, to be deposited with customs officials

Ganda – Cross-border carriage of goods by wheelbarrow or by hand

Gumrak – Document for the customs duty/tax in Afghanistan

Jaar – Paid process of extensive checking of a vehicle for security reasons (which can involve digging a hole in the middle of a loaded truck to check the items inside, and can harm cargo)

Jarga – Informal institution and system of arbitration, common in the erstwhile FATA region, where male elders gather to decide all kinds of affairs; acts like a local level court that makes decisions that are widely respected and followed

Kantta – Paid process through which goods and cargo are weighed at BCPs

Khasadar – Security force at the border region, comprised of local men who are aware of the culture and norms; often referred to as levies; as part of justice sector reform in the region, Khasadars are being converted into a formally trained local police force

Khel – A *khel* refers to a specific clan/community within a larger tribe-based identity; for instance, the *Khoge Khel* is a smaller clan within the larger *Shinwari* community. As this report attempts to explore and capture micronarratives within tribal identities, each *khel* is treated as a discrete community

Lakh – Number: One hundred thousand

Malik/Masher – Tribal elder, leader

Munshi – Assistant offering a range of services (in accounts, writing, etc.) in government departments

Moharir – Clerk, usually in a government department

Mullah – Religious man; usually a term used based on physical appearances (may also be a religious leader)

Ograyee – System of credit or deferred payments used in border markets

Rahdari – Permit (card or token) allowing a person to travel across the border without a visa/passport; typically issued to borderland communities in recognition of easement rights

Tazkira – Citizen Identification document issued by the Government of Afghanistan

Tehsil – Administrative subdivision of a District

Tehsildar – District government employee responsible for obtaining revenue from a tehsil

EXECUTIVE SUMMARY

The Pakistan-Afghanistan border case presents a unique and complex view into borderland management. Much of the existing literature on the “Durand Line” examines questions about the weakness of the nation state model when it comes to close-knit communities with deep and strong linkages that live on opposite sides of conventional borders. The interaction of formal and informal institutions coupled with transient political regimes resulted in a complex system of unofficial management at the border. At the present time, this paradigm is slowly changing, especially given Pakistan’s efforts to secure the border and institute formal mechanisms for trade and the movement of people. These mechanisms – including a new set of regulatory policies and processes, a robust governance reform agenda, and a physical fence separating the two countries – essentially erode the ‘informality’ of the border as one consequence of a nation-building exercise by the Pakistan state. This report presents findings of a research exercise conducted at three border control points in Pakistan’s Khyber Pakhtunkhwa province designed to examine the impact of these recent changes on borderland communities.

Historically, the border has functioned as a region rather than a dividing line. The region has evolved into a transitory area that contains actors from diverse backgrounds, such as refugees, traders, nomadic tribes, settled tribes, laborers, militants and members of security agencies.¹ Attempts to provide solid statistics on the cross-border populations are difficult due to the transitory nature of groups that flock to and across from the border. What must be recognized, however, is that these communities historically have not regarded the border as a monumental barrier, literally or metaphorically. Movement of persons across the border has been influenced by conflict, poverty and economic duress in addition to trade and transit activity.² And while cross-border movement has been going on, the securitization of border crossing points in the past decade appears to have reduced population movement.

Current studies, reports, and literature indicate that most Afghans crossing the border into Pakistan today are temporary economic migrants as opposed to refugees fleeing conflict. Unskilled seasonal workers, in particular, have relied on the ability to travel into Pakistan for short periods to earn their livelihoods or access services (such as health care). Everyday travelers and transporters are also part of this dynamic of short-term movements. Changes in Pakistan’s policy towards refugees has also led to significant numbers of migrants and refugees returning to their homeland. The research draws its findings from the narratives and experiences of these key population groups in the borderland milieu including traders, transporters, shopkeepers, travelers, community members, and special status groups previously allowed easement privileges.

The back and forth movement of Afghan and Pakistani populations residing on both sides of the border maintains a way of life and a transnational routine at the heart of livelihood strategies and community networks. Well-established social networks on both sides of the border facilitate movement for both

¹ G. M. Arif, Mohammad Irfan and S. I. Cohen, Population Mobility Across the Pakistani Border, Fifty Years Experience, The Pakistan Development Review, Vol. 36, No. 4, Papers and Proceedings PART II Thirteenth Annual General Meeting and Conference of the Pakistan Society of Development Economists Islamabad, December 15-17, 1997 (Winter 1997), pp. 989-1009

² Khalid Iqbal TI (M) - Pakistan-Afghanistan Borderlands, Contemporary Border Management Models and their Relevance to these Borderlands, Criterion Quarterly, Vol 14, No.1, March 21st, 2019.

economic and noneconomic reasons. Decades of war and conflict disrupted this transnational routine; yet it is a resilient phenomenon that has not only persisted, but also become more varied and complex. The research presented here examines the specific impact of disruption due to the Pakistan government's fencing of the border; the governance reform process (merger of the erstwhile Federally Administered Tribal Areas into Khyber Pakhtunkhwa province); changes in border management; changes in border regulations and a new visa regime. The research findings from engagement with travelers, traders, transporters, and resident communities are disaggregated by the impact on a) the market system; b) the social system; and c) the state-society relationship.

BORDER DISRUPTION AND THE MARKET SYSTEM

The combination of visa requirements, new regulations at the border control points (BCPs), and the fence has caused a significant loss of employment for the most poor and vulnerable groups in the borderland milieu, in addition to disrupting the supply chains for local market systems. Market systems based on informal trade have been the first casualty.

- Local businesses in the border *bazaars* (markets) relied on the services of couriers ferrying small quantities of goods and cash to conduct previously unregulated cross-border trade. The restriction of free-movement across the border has therefore not only deprived vulnerable wage laborers and transporters of their livelihood, but also triggered a disruptive domino effect on the supply chains of local markets.
- The combined effect of border regularization and visa requirements increases costs of travel for citizens of both countries, making cross border movement unaffordable. In addition to reducing informal bilateral trade, Pakistan-based businesses and health services (in local and downstream markets) reliant on the patronage of Afghan consumers have been rendered unprofitable. Businesses are slowly closing down and shifting to more viable downstream markets.
- The system of *rahdari* or easement privileges previously in place for local tribes (whose lands are divided by border itself) is now at an end. Bilateral trade has historically been negotiated through these kinship networks with special status tribes as key connectors for cross-border markets and market associations.
- Departure of old established businesses from the border bazaars and weakened transborder trade networks are shaping new market associations leaving old conflicts unresolved. Market associations no longer represent the same groups as before and have experienced a shift in legitimacy with greater competition from outsiders. New border bazaars planned by the government of Pakistan may also see a crisis of ownership and a settlement that excludes some of the more vulnerable market actors.

BORDER DISRUPTION AND THE SOCIAL SYSTEM

Cross-border communities are becoming more divided, weakening links and networks between individuals, families and institutions across the border. Afghan citizens are no longer able to frequent Pakistan for community participation at weddings, funerals, social occasions, and to address crisis situations (such as illness).

- The current visa regime is a slow and costly process for Afghan citizens, particularly those without proof of citizenship. Several highly publicized cases of Afghans - desperate to access health services but unable to get visas - have created a demand in Pakistan for policymakers to ease their plight and make allowances in the visa regime.

- Women in transborder marriages report difficult and stressful experiences as travelers. However, the full extent of the impact these developments have on women and persons with disabilities remains unclear and should be explored in future research. Travelers generally describe an increase in petty rent seeking at BCPs.
- Low-income households in the border region were previously able to access common household items (such as appliances, electronics, clothing, and food items) at cheaper prices from markets in Afghanistan. Dependence on these items was a key sustenance strategy, and women, in particular, report a negative impact on their quality of life due to the loss of this saving opportunity.
- Villages are now physically divided by the border fence, which has implications for social cohesion. Over time community ownership of collectively held assets is becoming divided, resulting in disputes over land and resource ownership. Many on the Pakistan side of the border are divesting themselves of assets in Afghanistan. Some families are moving inland, some are exploring immigration, and a small set would consider shifting to Afghanistan if the security situation improved. The evidence suggests in some places local *jargas* are still active in cross-border community arbitration of disputes around community property or collective land, but their future arbitration capacity is threatened.

BORDER DISRUPTION AND THE STATE-SOCIETY RELATIONSHIP

With the governance reform initiative to merge erstwhile Federally Administered Tribal Areas (FATA) with Khyber Pakhtunkhwa province, borderland residents in Pakistan are negotiating a transition in identity from residents of a “free” tribal region to full citizens of a major province. The merger followed by a revocation of easement privileges serves in one breath to sever community links with populations in Afghanistan, while in another breath co-opts previously neglected citizens into a new contract that includes a formal legal system and a pathway for democratic representation. On the other hand, the interests of Afghan citizens remain excluded from this settlement and they must rely on community networks and civil society to raise their issues and grievances with Pakistan through the Afghanistan government.

- Both Afghan and Pakistani traders are concerned that the new regulations further damage ease of doing business through the border control points. Adding to issues of congestion and long processing times, there are also complaints about inefficiencies in screening processes. The most significant concerns, however relate to a) uncertainty around when borders may be closed and for how long; and b) periodic Statutory Regulatory Orders (SROs) that ban the export of staple consumer items such as rice and flour.
- Perceptions of improved security for cargo and reduced corruption do give traders some confidence and also add pressure to comply with new documentation and taxation requirements, though it must be noted this is presently beyond the capacity of small traders. There has been effective joint advocacy by Afghan and Pakistan trade associations and chambers for minor improvements in what is currently a responsive and permissive policy environment for trade diplomacy.
- For citizens on both sides, the glass remains half empty. Potential future benefits of Pakistan’s border regulation plan are not yet evident to local tribal communities whose first concern is a loss of ‘easement rights’. Ending free movement, previously allowed through the *rahdari* system, is viewed by borderland residents as divisive to ‘Pashtun society’ and a loss of ‘rights’, while policymakers frame it as a revocation of ‘a much misused privilege’. This issue will remain a focal point for collective grievance in the border region, but a restoration of the *rahdari* system is unlikely in the near future.

- Land settlement is a necessary measure but will be a contentious prospect requiring grievance redressal and arbitration across community groups. Any accountability mechanisms will also require more transparency. Communities expect the government to address these challenges, yet the avenues of negotiation are transitioning between brokers in a shift away from tribal *jargas* (toward direct engagement with the Army, elected representatives, government agencies, and district bureaucracies). Losses of land and assets to Pakistan-based communities, on account of the fence, may trigger demands for compensation from the state as well.
- The most contentious issue in the state-society relationship is the conflict between border tribes and the National Logistics Cell (NLC), the government agency responsible for installation and management of the border control points. Torkham local communities, from whom the NLC leased land for the border terminals, are protesting the terms of those agreements – particularly nonpayment of agreed dues and lack of adequate employment opportunities promised to them. The evidence suggests growing disillusionment with the community brokers (tribal elders), threatening community cohesion as well. The experience from Torkham is shaping the overall perception of the state's performance in the merged districts, with the anti-NLC narrative trickling to other BCPs as well. Communities are seeking assistance from political parties, political representatives, and elected officials to act as arbiters.

The Government of Pakistan is engaged in a process of formalizing its international border with Afghanistan through a comprehensive set of policies driven not only by a valid security imperative but also an assertion of the state's writ through a governance transition intended to improve the citizenship and development status of affected population on the Pakistan side. In this case the erosion of informality through new rules and regulations has resulted in a loss of privileges and opportunities for the local population before they have experienced any benefits to their rights and livelihoods. Our research supports an established thesis – that cross-border mobility is integral to maintaining an economic and social system at this border that deeply affects people's lives, livelihoods, relationships, and identities. The individuals and communities being affected by changes in policies need to take center stage in any policy discussions, and trade decisions also need to take into account their unique circumstances.

Ultimately the situation requires both governments to take a people-centric approach responsive to the needs of their citizens, in an area where a failure to do so will result in agitation, unrest, and vulnerability to violence. In the last few years, the borderlands on the Pakistan side have experienced significant improvements in security, to the benefit of trade traffic. In addition, formalizing trade processes and fee structures have also led to a decrease in corruption. The border fence has sealed off informal motorable routes that have been central to smuggling and trafficking routes; however, it remains to be seen if the fence will have the desired impact on managing the risk posed by cross-border movement of militants and armed groups.

The governance reform process introduced democratic franchise and rule of law institutions; yet along with these rights, border regulation has also introduced significant costs to both rights and privileges for border communities with claims to special status, and for vulnerable populations who previously relied on free movement across the border to make a living. The border fence has created a physical barrier dividing villages and contiguous communities and families, leading to questions around citizenship, ownership of collective assets, and rights for a range of tribal communities inhabiting the length of the border. While the research effort focused mostly on Pakistani citizens, a key finding is also that the transition in Pakistan leaves few advocates for the needs and benefits of Afghan citizens who bear exceptionally high costs from the border regularization.

The report highlights issues experienced by various groups in granular detail and advocates for a policy framework that provides an immediate response to: a) the loss of livelihoods for the poorest in the border region; b) the defunct market systems that have been sustained by informal trade; c) the arbitration needs of local communities with respect to state-society conflict and a settlement of the new social contract. The policy community must focus on managing fragility by addressing the social and economic resilience of communities and implementing responsive mechanisms to build trust.

INTRODUCTION

Transitions in the Afghanistan-Pakistan Borderlands

A study of border disruption and the impact on local communities, livelihoods, trade, and security

The [X-Border Local Research Network](#), an FCDO-funded research program, seeks to build a better understanding of conflict-affected borderlands and the flows of people, goods and ideas that connect them. The Asia Foundation partners with the Malcolm H. Kerr Carnegie Middle East Center and the Rift Valley Institute for this program spanning Asia, the Middle East, and the Horn of Africa.

The Asia Foundation is implementing a research agenda over the next four years (2020-2023) to document changes in conditions in Afghan-Pakistan borderlands, the effectiveness of policies seeking to improve these conditions and their effects on a) the lifestyles and livelihoods of border communities on either side of the border; b) patterns of trade and trafficking; c) security and conflict dynamics. The objective of the research is to produce practical, policy-oriented responses to the following question: *What can the Afghan and Pakistan states and their development partners do to improve security, reduce trafficking, and promote trade and economic development along the border, without hurting local livelihoods and fuelling local grievances?*

In the short term, The Asia Foundation has commissioned an initial joint study with research partners in Afghanistan and Pakistan to document the impacts of policies that have the most direct and observable effects on border communities: the fencing of the border and administrative restrictions on cross-border movement. This study also examines the effectiveness of the 24/7 opening of the Torkham gate, a measure intended to alleviate traffic congestion and partially mitigate the adverse effects of stricter border controls.

RESEARCH BRIEF

The objective of this initial study is to *document the effects of the fencing of the border and other policies on the livelihoods of border communities, trade, and security*. Research findings will contribute to an initial assessment of the effectiveness of these policies, and their intended or unintended effects on economic development, trust in state, and support to peace efforts in border areas. The primary subject of the research is to identify how state-led border management (and consequent disruptions in the period between 2018 and 2020) affected community livelihoods, trade dynamics, and local security. The qualitative research approach focuses on specific target groups central to the social organization and political economy of the border region. The study has been designed to capture a people-centric portrait of economic activity in the Afghanistan-Pakistan border region, identify how this economic activity is changing, and analyze the impact on local and regional conflict. From there we extrapolate policy recommendations for the governments of Afghanistan and Pakistan and recommendations for investment in the region by the Government of the UK.

The research is based on primary qualitative data collected at a selection of sites on both sides of the Afghanistan-Pakistan border. The research examines the effects of:

- The fencing of the border by Pakistan authorities. An official communiqué from Inter-Services Public Relations or ISPR (the Pakistan Army's public relations wing),

suggested 83 percent of 2,600km was reportedly fenced as of December 2020.³ More recent assessments from February 2021 suggest 85 percent of the fencing is complete⁴;

- Other policies intended to restrict or regulate the movement of people across the border (visa restrictions etc.);
- The 24/7 opening of the Torkham Gate, which is intended to ease bilateral trade through the main official border crossing on the eastern border.

These policies are interrelated and discussed in detail in the following section. They represent different facets of ongoing efforts by Pakistan to regulate the informal movement of people and goods across the frontier and to channel trade through official gateways. Border residents, whose lifestyles and livelihoods have long been dependent on the freedom of crossing the border, are likely to be durably affected by these measures. A failure to adequately take their needs and aspirations into account might further erode trust and fuel grievances in a highly volatile region.

SETTING THE STAGE: THE BORDER REGION AND PAKISTAN

Two States and the Durand Line: Established as a border between British India and Afghanistan in 1893, the Durand Line continued as the border between independent Pakistan and Afghanistan at the end of the colonial period in 1947. It has, however, been a contentious border. Pakistan has regarded the line as a de facto and de jure border between two states, while Afghanistan has not formally recognized it as an international border.⁵ This means that the border and the border region are subject to two sets of principles and consequent rules that define and regulate movement of people and goods, with the positions of the two states often being in direct conflict with each other. These are also fluid rules that often change and are not uniform across border crossings throughout the 2,670 km long dividing line between the two countries.

Contiguous communities connected through kinship networks live on both sides of the divide and have long seen the border as a line they have a ‘right’ to cross to access their properties, families, and marketplaces. Due to historically low state presence on both sides, until now the existence of an international border in the pathways has not created too many difficulties in daily travel. Increasingly the regulation and formalization on the Pakistani side is changing these dynamics and impacting the relationships between local communities and their governments. Communities in the border region now face restrictions and very real costs to their lives and livelihoods in negotiating cross-border movement. The trigger for these multiple changes arises from decisions made by the Pakistan state; however, the costs incurred to meet the demands of compliance fall on Afghan and Pakistani citizens.

Pakistan has been undergoing a state-building process in the border regions, through which the erstwhile Federally Administered Tribal Areas (FATA) merged with Khyber Pakhtunkhwa province. This move affects the entirety of the northern half of the border between Pakistan and Afghanistan. Colonial era laws, such as the Frontier Crimes Regulation (FCR), that used to govern this region comprising seven tribal agencies (Khyber, Orakzai, Mohmand, Bajaur, Kurram,

³ <https://www.voanews.com/south-central-asia/pakistan-says-afghan-border-fence-nearly-complete>

⁴ <https://www.aljazeera.com/opinions/2021/2/25/the-pak-afghan-border-fence-is-a-step-in-the-right-direction>

⁵ <https://www.mei.edu/publications/durand-line-british-legacy-plaguing-afghan-pakistani-relations>

North Waziristan, and South Waziristan) are no longer in place.⁶ Governance reform and legal changes also instigated investments to enable the people of the Newly Merged Districts (NMDs) to have a voice in policymaking, and for them to move towards social and economic development.

The legacy of armed conflict continues to determine local security dynamics. Militancy and military operations, and fallout from the war in Afghanistan affected the people of the border regions in numerous ways leading to temporary displacement and destruction of the already poor infrastructure of the region. Returning to their homes, people had to rebuild their lives from scratch.⁷ The short and long-term effects of conflict continue to be evident in the region. Plus the ongoing drawdown and withdrawal of United States and NATO troops from Afghanistan leaves the country in precarious uncertainty regarding future security.

Pakistan has implemented diverse plans to formalize the border between Afghanistan and Pakistan with potentially positive as well as adverse impacts. Plans in effect include fencing the entire border⁸ and formalizing border crossing with new visa requirements, establishing security and screening systems, and developing mechanisms and rules for trade and travel. On the one hand, border fencing and momentum in bilateral agreements to ease trade have had positive impacts on reducing smuggling and increasing tax revenues. On the other hand, some measures, such as the initiative to repatriate Afghan refugees and Afghan citizens (long-term residents of Pakistan) to their 'homes' in Afghanistan ravaged by decades of war and conflict, have been controversial. The regulation and 'hardening' of the border and consequent changes in transit and travel processes are the result of a policy lens that is explicitly and highly securitized. This is in line with both long-term and recent events in the region, which has been affected by militancy, conflict, and unrest.

Despite the securitized state-building endeavor, governance reform, and successful military operations, the border regions continue to suffer from instability. In addition to the aftereffects of conflict, poor social and economic indicators, mistrust, and lack of adequate infrastructure are all major concerns. The region also depends on a flexible and relatively open border for livelihoods – as a result, closures of borders and uncertainty that come from issues such as the COVID-19 pandemic affect the people in multiple and deep ways. Poor internet access, lack of access to resources, weak citizen engagement in governance, and the very slow expansion of rights and institutions to the people means that the region remains unstable. Recent reports of the return of the Taliban, and the attacks on polio workers, are also signs that violence and conflict are not necessarily issues of the past.⁹

RESEARCH SITES

The borderland's political economy is complex due to the nature of a contiguous geography being subject to two different governance systems impacting the political, security, economic, and administrative environments, which communities and their networks must negotiate. Each research area also includes different combinations of ethnic, tribal, and political (religio-political) identities of the local populations, complicated further by dynamics of migration. In addition, the complexity of

⁶ <https://www.reuters.com/article/us-pakistan-politics-idUSKCN11P3GW>

⁷ <https://www.refworld.org/docid/5b9920614.html>

⁸ <https://www.thenews.com.pk/tns/detail/785974-fencing-the-pak-afghan-border>

⁹ <https://gandhara.rferl.org/a/policeman-killed-polio-vaccination-khyber-pakhtunkhwa-/31043291.html>

historical governance in the erstwhile FATA region also resulted in ambiguity across the status of citizenship and dispensation of rights in these communities.

The research in this round focuses entirely on the northern border region in the newly merged Khyber, North Waziristan, and South Waziristan districts of Khyber Pakhtunkhwa province. Specific sites of research activity at each BCP are identified below:

Khyber District	South Waziristan District	North Waziristan District
Border Crossing Point: Torkham	Border Crossing Point: Angoor Adda	Border Crossing Point: Ghulam Khan
Markets: Landikotal Jamrud	Market: Wana	Market: Miranshah

Detailed profiles of the three target BCPs are available in Annex A.

BORDER GEOGRAPHY: On the Afghan side are the provinces of Badakhshan, Nurestan, Kunar, Nangarhar, Paktiya, Khost, Paktika, Zabul, Kandahar, Helmand, and Nimruz; while only Khyber Pakhtunkhwa and Balochistan in Pakistan, are adjacent to the border. The major ethnic groups on both sides of the border are the Pashtuns and Baloch.¹⁰

AMBIGUITY IN THE NUMBER OF BORDER CROSSINGS: It is conventionally agreed that there are several official and unofficial border crossings on the 2,600 km-long (or 2,400 km – the exact length varies, depending on the source) Pakistan-Afghanistan border, enabling movement back and forth and allowing cyclical Afghan migrants, travelers, and workers to operate on both sides of the border. Some note that the number of crossings is eight, which (apart from Chaman and Torkham) are Arandu (Chitral), Gursal (Bajaur), Nawa Pass (Mohmand), Kharlachi (Kurram), Ghulam Khan (North Waziristan), Angoor Adda (South Waziristan).¹¹ As a result, **the actual number of active, legal, and functional crossings – that is, those institutionalized through management by official state-backed structures in either country – varies from time to time.** The ambiguity in stated numbers of border crossings can be gauged from a January 2020 report¹² that there were just three border crossing sites between the two countries, with the emphasis on movement on Torkham and Chaman, where the bulk of activity takes place. The report notes, however, that there are as many as 18 “motorable” crossings while around 235 crossings are navigable only on foot or by some animal, some of which are crossed with difficulty.

¹⁰ <http://www.understandingwar.org/pakistan-and-afghanistan>

¹¹ <https://caravanistan.com/border-crossings/pakistan/>

¹² <https://www.afghanistan-analysts.org/en/reports/regional-relations/the-gates-of-friendship-how-afghans-cross-the-afghan-pakistani-border/>



Map showing major and minor border crossings between Afghanistan and Pakistan

Overall, the active and operational border crossing sites, including Chaman, Torkham, Ghulam Khan and Angoor Adda, are increasingly formalizing cross-border movement, though the processes and requirements vary both according to the site and the individual in question. Generally, Pakistan is increasing formalizing the process for travel across the border, including by requiring travelers to have valid visas and passports. This requires essential structures and institutions such as immigration, customs, and security checkpoints, which are available at the border crossing sites noted above.¹³

¹³ <https://www.afghanistan-analysts.org/en/reports/regional-relations/the-gates-of-friendship-how-afghans-cross-the-afghan-pakistani-border/>

At any one time, any or every crossing may be effectively closed; while at other times during periods of better bilateral ties, three or four may be open. Moreover, **not every border crossing is open to every kind of cross-border movement – people, bilateral trade, or transit trade – since each requires its own management structures.** Torkham and Chaman are the two most important border crossing sites for trade and travel, while the rest are smaller and while they are also used for travel and trade, they tend to be closed for longer periods due to different reasons, and more often. Villages near the border crossing sites – and indeed throughout the border – are typically under heavy military patrol.¹⁴

SIGNIFICANCE OF THE BCPs: The formal border crossing sites have been significant for their role as important points in the supply routes for NATO forces in Afghanistan. In 2008, it was noted that some 90 percent of the military supplies were unloaded at the port in Karachi, from where they took two routes: 25 percent of the supplies went through the Chaman-Spin Boldak border in Balochistan en route to Kandahar, while 75 percent went through the Torkham border and made their way to Jalalabad and Kabul.¹⁵

The existence of an informal network across the two countries increases travel at the nearest points of exit and entry, i.e. the border crossing sites, a somewhat detailed examination of which is conducted in a separate section below. Most Afghan migrants in Pakistan choose to dwell in Khyber Pakhtunkhwa – some 67.5 percent – crossing the border at Torkham, which is the busiest border crossing site between the two countries.¹⁶ Due to the influx of refugees since 1970, generations of Afghans have been born in Pakistan. The northern province of Khyber Pakhtunkhwa is the residence of most of this population, and the proximity to the border has resulted in the highest percentage of border crossings occurring at Torkham. This is also explained by the tribal and social affiliations that the migrant communities share with those in Afghanistan.

The lives and livelihoods of communities near borderlands are intricately tied to the border crossings, and thus the markets, labor type, transporters, and societies that are present near and around key border crossings rely heavily on effective functioning of the BCPs. Most, if not all, the border crossings are named after the border towns they straddle in Afghanistan or Pakistan (e.g. Torkham, Chaman-Spin Boldak, or Angoor Adda).

The purpose of this study is to understand the nature of these crossings, the issues in border management, the policies that are in place currently, and the importance of the border crossing sites to the local communities and beyond.

¹⁴ <https://www.aljazeera.com/indepth/interactive/2017/05/pakistan-afghanistan-border-crossings-170505113720654.html>

¹⁵ <http://www.understandingwar.org/pakistan-and-afghanistan>

¹⁶ UNHCR, Research study on cross border population movements between Afghanistan and Pakistan, June 2009

RESEARCH FRAMEWORK

While local communities are deeply entrenched in the local economy, and the networks that sustain market systems, transborder communities drive market systems and cause disruptions, which have a cyclical impact on political, social, and economic systems on both sides of the border. Furthermore, these communities exist in a conflict-affected context, where the protracted nature of the conflict (kinetic warfare, insurgency, militancy) has significantly contributed to the evolution of alternative economies. Because these systems remain vulnerable to shocks and stresses caused by economic and political factors, disruptions in community livelihoods are also linked to pre-existing conflict dynamics.

The key lines of enquiry have been designed around specific triggers that disrupt border systems. Therefore, for each trigger the research approach investigates impact on: a) the market system¹⁷; b) the social system; and c) the state-society relationship.¹⁸

The research responds to the four following framing questions:

1. *What are the intended and unintended effects of the fencing of the border and other above-mentioned changes on the living conditions of border communities? How do border residents adjust lifestyles and coping strategies? How does this vary across locations and population groups?*
2. *What are the effects of these changes on the movement of people across the border (border residents and other people)?*
3. *How do these changes affect patterns and processes of trade? Do they ease or restrict trade?*
4. *How do these changes affect local security dynamics?*

¹⁷ Market system is defined as: “a network of producers, suppliers, processors, traders, buyers, and consumers that are all involved in producing, exchanging, and consuming a particular item or service. The system includes various forms of infrastructure, input providers, and services. And it operates within the context of rules and norms that shape this system’s particular business environment”

¹⁸ State-Society relations is defined by FCDO as ‘interactions between state institutions and societal groups to negotiate how public authority is exercised and how it can be influenced by people. They are focused on issues such as defining the mutual rights and obligations of state and society, negotiating how public resources should be allocated and establishing different modes of representation and accountability’ (DFID, 2010, p. 15).

KEY LINES OF ENQUIRY	
Understanding the Market System	
Border Fence	Main products/items being traded across the border
	Issues faced by traders, transporters, and consumers due to disruption
Border Regulation	Impact of policies on ease of business and movement of goods across the border and security of cargo and transporters
24/7 opening of Torkham	Impact on local markets, market associations, and shopkeepers (including downstream markets)
	Impact on local livelihoods and employment
Understanding the Social System	
Border Fence	Impact on male and female travelers who cross the border for business or nonbusiness reasons (including costs of travel)
Border Regulation	Links and networks existing between individuals and groups and institutions across the border
24/7 opening of Torkham	Impact on local conflict dynamics and relationships between target groups
	Processes of identity creation: inherent identity vs. political identity vs. social identity ¹⁹
Understanding the State-Society Relationship	
Border Fence	Impact on the legal status of goods and individuals, particularly special status groups and refugees
Border Regulation	Perceptions of the state by local and transnational communities
	Impact on avenues of negotiation (formal/informal), and impact on modes of accountability (formal/informal)
24/7 opening of Torkham	Impact on state-society conflict

TARGET RESEARCH GROUPS

The population groups have been loosely defined below to adequately target key stakeholders through the research methodology. Functionally, the target groups are defined by their role in the borderland economy, however these roles are not mutually exclusive. For instance, traders and shopkeepers may also be community representatives or special status group members:

- **Government and State Functionaries + Key Experts (Men and Women):** Those who can provide insights into the political and security dynamics of the border region (academics, area experts, local administrators, journalists, political and business leaders, and tribal leaders)
- **Traders (Men):** Someone who crosses the border for his/her business and is not only dealing with merchandise for/from the border. May or may not be a shopkeeper as well – may only be a supplier of merchandise.
- **Shopkeepers (Men):** Exclusively dealing with merchandise from or for across the border. They are not traveling across the border or to downstream markets themselves (especially Lahore and Karachi). They are the ones who inform the supply chain and are also the ones with the direct community interface.

¹⁹ In many situations of violent conflict, there was a history of coexistence. This indicates that identities were created and politicized rather than inherent; and that relationships can be transformed. Transformation requires sustained interactions across divides, rehumanization of the 'other', and the renewal of trust and cooperation across groups.

- **Transporters – logistics/freight/passengers (Men):** Cross-border truckers, drivers, formal / informal taxi services - essentially those who move people and goods across the border. They are significant because they are limited to using the recognized crossing points for the road network.
- **Moneylenders (Men):** Significant market actor specifically in an environment with no (negligible) formal banking institutes in a cash-based economy. Their services range from everyday petty loans to collateral-based foreign exchange for trading goods.
- **Special Status Groups (Men and Women):** Groups whose ownership of property in the border region and status has been recognized as legitimate for easement/movement by the state/Government based on their specific affiliation with a local tribal identity and their members have received corresponding authorization to travel. Includes both men and women.
- **Community (Women):** Women who live within the catchment area of the market selected.
- **Travelers:** Men and women at Torkham and Angoor Adda waiting to cross into Afghanistan or crossing into Pakistan from Afghanistan.

RESEARCH METHODOLOGY

This field study is a qualitative assessment of the themes outlined in the lines of enquiry, drawing on commonly used qualitative research tools including focus group discussions (FGD); and in-depth individual interviews (IDIs) based on semi-directive but comprehensive question guides. Both focus group discussions and interviews were used for primary data collection to construct social and economic profiles of the target research groups. Profile data was collected (for each interviewee through cover sheets filled in by the field team) compiled and aided the analysis; however, respondents have not been profiled with the evidence presented in the report to protect their identities. The research followed specific ethics guidelines including a field code of conduct, clear protocols for informed consent, and a protocol for secure transfer of data.

The border population under research is predominantly Pashtun and Sunni Muslim. However, the research also included a low percentage of non-Pashtun and non-Muslim respondents. All interviewees were between the ages of 20 and 60. While the majority were exclusively Pakistani citizens, the research also included citizens of Afghanistan and members of special status groups who hold identity documents from both countries.

The field research process followed a literature review, which informed the research instruments and our approach to the local context. The first phase of the field research had been underway for two weeks when on March 11, 2020 the World Health Organization (WHO) declared COVID-19 a global pandemic. Two days later, Pakistan announced its intention to lockdown and close all international borders. The closures were phased and repetitive, occurring at different research sites at different times. On account of the pandemic the field research was interrupted (missions aborted and rescheduled) on several occasions between March and December 2020. Five planned FGDs were amended to panel interviews with no more than two to five respondents. General COVID-19 protocols were observed in accordance with the Government of Pakistan's Standard Operating Procedures (SOPs). A particular challenge was conducting planned on-site interviews²⁰ at BCPs, due

²⁰ These were initially designed to be conducted at border terminals or border markets within a 30 km radius catchment area of the BCP.

to which the team lost access to some potentially valuable travelers, particularly women travelers. The COVID-19 slowdown also appeared to pull women into private spaces in a region where they already occupy very little of the public space, so accessing female respondents was consistently difficult. It may be noted though that all interviews informing this report were conducted in person.

Research Instrument	Profile of Respondents	Number of Events	Number of Participants		
			Male	Female	Total
Key Informant Interviews (topical)	Government Functionaries + Experts	13	9	4	13
In-Depth Interviews (semi-structured)	Traders/Transporters/Shopkeepers/Moneylenders/Community/Special status groups/Travelers	69	52	17	69
Panel interviews (topical)	Government Functionaries + Experts	5	13	2	15
Focus Group Discussions*	Traders/Transporters/Shopkeepers/Moneylenders/Community/Special status groups/Travelers	20	112	26	138
TOTAL		107	186	49	235

* 4 of 20 FGDs were conducted with women, and 16 with men. There was no mixed gender FGD.
Please see Annex B for a full list of FGDs.

CONTEXT OF CURRENT POLICIES AT THE BORDER

Given that there are numerous legislations and agreements guiding the process of cross-border travel and interaction over a long history of South Asian engagement with Afghanistan, it is not surprising that the very foundation of border management is unclear. Questions remain over who is allowed to cross the border, and which documentation is legal – since there are several documents that citizens have carried – in addition to special status groups for whom the policies vary, depending on the region where cross-border movement takes place. Since 2016, Pakistan has been attempting to formalize institutions on its side, and limiting Afghan movement to only those who carry legally obtained visas on official passports. However, this policy has not been institutionalized for every category of Afghanistan's citizens – since there remain special status groups based on tribal affiliation – and the same policy is not universally implemented at every border crossing. Moreover, the Afghan perspective on what the border means has been historically different. Both countries, it appears, are following separate agreements from the past, at times annulling those unilaterally and institutionalizing new official processes in their stead. We attempt to better understand the processes through which people cross the border, the documentation required and approved by both countries, and the agreements that are followed by Pakistan and Afghanistan.

The issue of the Durand Line, as one analyst notes, has haunted neighborly relations and Afghanistan has never officially recognized its legitimacy, and as a result has shown resistance to Pakistan's moves to fence the border. Due to a contested and problematic history, the Durand Line remains a problem to be solved legally for Afghanistan, while Pakistan considers it a legal and established international border. Ahmed Bilal Soofi, an expert in international law, has argued that already several legislative developments in Afghanistan “have angled on the side of acceptance of the Durand Line as an international border”. It has been recognized as a dividing line for visa issuances, trade, and transit, while it was also implicitly accepted as a border by Afghanistan at the international level when it agreed to security and border mechanisms at the third Regional Economic Cooperation Conference on Afghanistan (RECCA). United Nations Security Council Resolutions also affirm the Durand Line as an international border.²¹

BORDER REGULATION: VISAS

As it is, to cross the border, Pakistan has now been instituting more elaborate and specific rules, but these are somewhat unclear since they change sporadically and on different sites at the border. After June 2016, travelers required valid visas at Torkham, while crossing rules were tightened at Chaman as well as Afghan travelers were required to have Afghan national identification cards. The Ghulam Khan border, which reopened in 2018 after years of being closed, initially only allowed people from three Afghan provinces – Paktia, Paktika and Khost – to travel with *Tazkiras* (national ID cards), and that too only if they had relatives across the border. In such cases travelers had to register the names of their relatives with Pakistani authorities as well. Some people in Chaman and Spin Boldak have also

²¹ Ahmer Bilal Soofi, “Pakistan-Afghanistan Border Management: A Legal Perspective,” PILDAT Citizens' Periodic Reports on the Performance of State Institutions and Practices, March 2015.

been issued renewable “border passes” valid for three months at the border after showing their identity cards. It has been reported that lately Pakistan has only been accepting a certain type of *Tazkira* or passport to officially allow travelers to cross the border at Chaman.²²

There is certainly some confusion regarding the different forms of Afghan identity cards. Afghans have been issued different identity cards in different political eras. One such old “card” comprises 14 pages; another from the 1979–1987 period is passport-sized and comes from the “Democratic Republic of Afghanistan.” A third ID from the 1992–1996 period was also passport-sized, and came from the “Islamic Republic of Afghanistan,” while the Taliban regime produced two kinds of *Tazkiras*: a passport-sized version and a larger A-4 sized version (these bear the title of “The Islamic Emirate of Afghanistan.”) The current government has continued with giving out the larger A-4 sized ID documents, while the most recent ID for residents of Kabul, since May 2018, has been an electronic card.

To make matters more complicated, there are verbal agreements in place, traditional structures that take long to dismantle, and the fact that women and children often do not possess identity cards at all. It is, however, these verbal agreements that enable much movement at the border as well.²³ This also means that the application of visa requirements as an official policy is specific to locations – such as the policy instituted for Torkham, insisting on valid passports for Pakistanis and valid visas for Afghans. The policy applied at Torkham is gradually being rolled out to other border crossings such as Ghulam Khan (where pedestrian movement has been restricted since the military operation of 2014) and Angoor Adda (where cross-border movement is still negotiated on the basis of verbal agreements).²⁴ Out of humanitarian, economic, and practical concerns, there are those who call for Pakistan to ease the visa policy as well.²⁵ And while this has not been accepted by Pakistan, there are occasions when the policy is softened – such as during the temporary opening of the border after weeks of closures in March-April 2020 due to the COVID-19 pandemic.²⁶

THE BORDER FENCE

Since early 2017, Pakistan has been fencing the border with barbed wire. The fencing process has included the digging of wide and deep trenches at the border, and the decision itself has been very controversial, facing strong opposition from Afghanistan as well as Pashtun and Baloch groups. In fact, the fencing has led to several clashes between the security forces of both countries. However, it has continued and in January 2019, some 900 kilometers of barbed wire had been installed; by November 2019, Pakistan had declared its intent to complete the fencing and trenches by the end of 2020.²⁷ The

²² <https://www.afghanistan-analysts.org/en/reports/regional-relations/the-gates-of-friendship-how-afghans-cross-the-afghan-pakistani-border/>

²³ <https://www.afghanistan-analysts.org/en/reports/regional-relations/the-gates-of-friendship-how-afghans-cross-the-afghan-pakistani-border/>

²⁴ <https://www.dawn.com/news/1327087>

²⁵ <https://thegeopolitics.com/why-pakistan-should-re-think-on-its-visa-policy-toward-afghanistan/>

²⁶ <https://www.dawn.com/news/1547299/thousands-of-afghans-cross-torkham-after-relaxation-in-travel-rules>

²⁷ <https://www.afghanistan-analysts.org/en/reports/regional-relations/the-gates-of-friendship-how-afghans-cross-the-afghan-pakistani-border/>

fence is described as: "...pair of three-meter-high mesh fences, a couple of meters apart, are filled and topped with coils of razor wire, running through rugged terrain and snow-covered, treacherous mountains at elevations as high as 4,000 meters."

The social costs and legal ramifications of this process of fencing are understudied. *The New York Times* reported in March 2020 that while fencing has improved the security situation in Pakistan, Afghanistan has been displeased by the move and cross-border families are suffering. Pakistan's decision is said to have weakened diplomatic relations with Afghanistan. The fence, which will cost USD 450 million, includes construction of over 1,000 "border forts," according to official sources. Given the difficult terrain, there are questions about how sustainable and practical the fence will be without the strong technological support of "surveillance and intrusion detection systems", particularly in controlling illegal crossings.²⁸ The justification for fencing was based on longstanding concerns over regional insecurity linked to the cross-border movement of armed groups, rampant smuggling, and a deteriorating law and order situation.

The fencing has already blocked all the unofficial crossings where vehicles could illegally cross the border, and Pakistan has repeatedly noted that alternative crossings will eventually be provided. Locals have confirmed that some alternative gates have already been installed, though these are not functional as yet.²⁹ *The New York Times* also reports that the Government of Pakistan plans to operationalize 16 official routes along the border, though it is important to note that as clashes between security forces on both sides continue (plus other factors such as COVID-19) it is yet to be determined if the Government of Pakistan will choose to maintain all official crossings. Secondly, the impact of the fence on the economic and social well-being of local borderland communities will determine local security dynamics, which are also expected to drive policy decisions.³⁰

As for the legality of the fencing, a 2015 PILDAT report on the issue argues that Pakistan has the legal right to construct the fence. The report notes that Pakistan can lawfully fence the border on its side without any agreement with Afghanistan, given the precedence of the unilateral fencing of the United States-Mexico border by the United States, which is lawful under international law as a means for the United States to protect its national integrity and territory. Soofi, however, also argues that Pakistan should enact comprehensive legislation that articulates issues such as checks and balances, legality of documentation for travelers, proper documentation for people traveling across the border, and refugee rights in order to clarify the situation of the border with Afghanistan.³¹

²⁸ Ben Farmer and Ihsanullah Tipu Mehsud, "Pakistan Builds Border Fence, Limiting Militants and Families Alike," *New York Times*, March 15, 2020, <https://www.nytimes.com/2020/03/15/world/asia/pakistan-afghanistan-border-fence.html>

²⁹ <https://www.afghanistan-analysts.org/en/reports/regional-relations/the-gates-of-friendship-how-afghans-cross-the-afghan-pakistani-border/>

³⁰ Ben Farmer and Ihsanullah Tipu Mehsud, "Pakistan Builds Border Fence, Limiting Militants and Families Alike," *New York Times*, March 15, 2020, <https://www.nytimes.com/2020/03/15/world/asia/pakistan-afghanistan-border-fence.html>

³¹ Ahmer Bilal Soofi, "Pakistan-Afghanistan Border Management: A Legal Perspective," PILDAT Citizens' Periodic Reports on the Performance of State Institutions and Practices, March 2015.

24/7 OPENING OF TORKHAM

In February of 2019, the Prime Minister of Pakistan, Imran Khan, announced an initiative to keep the Torkham border crossing site open for 24 hours a day, to allow for the free movement of persons across the border and to improve bilateral trade.³² Torkham is the busiest, and hence the most important, border crossing site, and this policy change was expected to add significant value to bilateral trade and transit trade. While it was initially uncertain whether this policy decision would be implemented, and when this might be possible, in only a few months, there were steps to its actualization. Since September 2019, Torkham was reportedly operationalized round-the-clock, when previously it was open for 12 hours daily, creating delays and difficulties for traders and travelers, including those needing medical attention.³³

The border is managed by Pakistan's National Logistics Cell (NLC), which is responsible for several activities including infrastructure, cargo handling, vehicle scanning, and facilitating the Customs office. The 24-hour operations have seen daily vehicle counts increase from 576 to 917, and in only five days in the first week of September 2019, a total of 2,032 vehicles crossed the border in the night shift alone.³⁴ However, Afghanistan has not been able to keep the crossing open for 24 hours on its side due to lack of resources, resulting in long delays and crowds of trucks.³⁵ This is despite the fact that the countries had together inaugurated round-the-clock operations to boost bilateral and transit trade, and Torkham had been selected for its high traffic – some reports estimate 10,000 people every day,³⁶ while others cite 13,000 people and 1,000 cargo vehicles.³⁷

³² https://pakistan.asia-news.com/en_GB/articles/cnmi_pf/features/2019/02/05/feature-01

³³ <https://www.aljazeera.com/news/2019/09/pakistan-afghanistan-inaugurate-247-torkham-border-crossing-190918100724045.html>

³⁴ <https://www.globalvillagespace.com/torkham-border-200-million-of-exports-increase-in-3-months/>

³⁵ <https://dailytimes.com.pk/481289/kabul-refuses-to-keep-torkham-border-point-open-round-the-clock/>

³⁶ <https://www.aljazeera.com/news/2019/09/pakistan-afghanistan-inaugurate-247-torkham-border-crossing-190918100724045.html>

³⁷ <http://www.theasian.asia/archives/105423>

EASEMENT RIGHTS

A perpetual issue is that of “easement rights” granted to tribes living near the Durand Line who were affected by the restrictions on travel placed as a result of the Durand Line agreement.³⁸ The 1882 Easements Act covers several aspects that are not actually relevant to the border; however, it deserves brief mention here as it broadly defines easement as “a right which the owner or occupier of certain land possesses, as such, for the beneficial enjoyment of that land, to do and continue to do something, or to prevent and continue to present something being done, in or upon, or in respect of, certain other land not his own.” This easement can be temporary or permanent, the Act continues.³⁹ It is not, however, an inherent aspect of the Durand Line agreement, though it can be seen as having significance for how Pakistan and Afghanistan choose to work along the border today. **In fact, it is a common misperception (among analysts, policymakers, and local residents) that the Durand Line agreement explicitly secures easement rights, thus enabling movement across the border at will. Rather, these practices have emerged outside the Durand Line agreement, so that any move such as fencing the border does not violate the agreement either.**⁴⁰ Rahimullah Yusufzai (a veteran journalist and expert on the region) elaborates that while there is no mention of easement rights in this history of border management, free movement across the border has been traditionally accepted based on a *rahdari* (permit) issued for identification.⁴¹

This traditional model of cross-border mobility is now, however, changing as Pakistan has been implementing more rigid border management systems. Previously, Yusufzai notes, the permit or *rahdari* system in place allowed traditional “easement rights” to divided tribes, which enabled them to travel up to 20 km in Pakistani territory beyond the border. Naturally, this policy has not been accepted without resistance by the tribes in question on both sides of the border.⁴²

Pakistan’s policy however did not emerge out of a vacuum. For several years, analysts and legal experts had been recommending extensive legislation to establish categories and documentation for travel between Afghanistan and Pakistan. Ahmer Bilal Soofi for instance, had noted in 2011 that such a program would reduce incidents of cross-border militancy in Pakistan. Arguing that offering “easement rights” to a divided tribe did not diminish the legal international border status of the Durand Line, he recommended that any legislation for border management allow for special identification for tribes and individuals who had a claim on these traditional easement rights. He also adds other possible categories, all requiring different identification documents and allowances for travel across the border, including for instance current and former refugees, asylum seekers, and Afghans who have business interests in Pakistan.⁴³

³⁸ <https://www.thenews.com.pk/tns/detail/561207-durand-line-border>

³⁹ <http://pja.gov.pk/system/files/Easements%20Act%201882.pdf>

⁴⁰ Ahmer Bilal Soofi, “Pakistan-Afghanistan Border Management: A Legal Perspective,” PILDAT Citizens’ Periodic Reports on the Performance of State Institutions and Practices, March 2015.

⁴¹ <https://www.thenews.com.pk/tns/detail/561207-durand-line-border>

⁴² <https://www.thenews.com.pk/tns/detail/561207-durand-line-border>

⁴³ <https://www.thenews.com.pk/archive/print/617186-a-law-for-crossing-the-durand-line?>

THE IMPACT OF PROGRESSIVE DISRUPTION ON BORDER COMMUNITIES (2014 to 2021)

A detailed observation of the three research sites – Torkham, Ghulam Khan, and Angoor Adda – is included as Annex C. The observation findings include: i) descriptions of the physical characteristics; ii) reporting of border crossing processes, local political economy and conflict; and iii) documenting costs of passage for cargo vehicles.

The freedom in cross-border movement for both goods and people has gradually been disrupted over a longer period of time due to the security paradigm of the border region. While our research seeks to unpack the specific *intended and unintended effects* of: a) the border fence; b) regulatory policies; and c) border management regime, the research findings firmly place these triggers as the latest elements of an older state-society relationship. This places a slight challenge of attribution to our research question on the impact of the fence. Furthermore the qualitative data is noisy where respondents attribute an effect (such as loss of a job or job opportunity at a BCP) to multiple triggers simultaneously across a series of interviews (including the merger of FATA, governance and judicial reform, securitization, army operations against militants, militancy, etc.).

The variation across respondent's narration of what caused a change to their lives and livelihoods requires us to broaden the framework and contextualize the findings further by examining older triggers such as the military operations (2014) and the FATA merger (2018) in addition to the global COVID-19 pandemic. In the section below we evidence chronologically our findings on:

- *The intended and unintended effects of these changes on the living conditions of border communities;*
- *How border residents adjust lifestyles and coping strategies and variation across different population groups within the target communities;*
- *The effects of these changes on the movement of goods people across the border.*

OPERATION ZARB-E-AZB (2014-2016)

In variation to Torkham and Angoor Adda, most respondents from Ghulam Khan referenced the effects of Operation Zarb-e-Azb in their interviews as the most significant disruption to the local market system and also social cohesion.

The main phase of the Pakistan military offensive began in 2014 and lasted for two years. Its main objective was to target militants and terrorists, primarily in the North Waziristan district. The operation caused large-scale damage (in terms of physical destruction) to the main markets as well as personal/community property of residents. The operation resulted in the displacement of a significant portion of the population. The effects can be gauged by the economic condition of Miranshah (the first downstream market from Ghulam Khan), which has yet to recover from the two-year military offensive. Hope of any improvement in the situation seems lean as the border closures and restrictions placed at the time of the operation have still not been fully reversed.

The Old Bazaar is gone, and the newly constructed markets have led to disputes over property. Markets in Miranshah were completely destroyed, changing the dynamics of the market systems. Easement for tribes virtually disappeared at the time of the operation and has still not been restored; therefore the markets have also lost a portion of their consumer base. According to one local resident: *"The Old Bazaar was easily accessible to all. There were well-established businesses in the market as people would bring cloth, vehicles, and other goods from Afghanistan to sell them here. There were thousands of shops in the bazar and all of them were razed to the ground."* After the operations, the army constructed some small markets in Waziristan, without taking into account the fact that the land was owned by different people, and as a result many people believe they have lost their properties. There

is no longer a main hub for business, the markets are now scattered resulting in a decline in sales and profits.

Traders and shopkeepers remain un/under-compensated and experience cash flow problems on account of cumulative financial losses. The government had promised compensation to shopkeepers and businessmen, who were asked to provide details about their losses, as a shopkeeper explained: *“People spent thousands of rupees on providing details, preparing and getting their applications signed by the officials for compensation; they did not receive any compensation in lieu of their losses. Some feel that even if compensation is paid to these people, they still lost their properties forever.”* Another problem related to the market is that shops’ owners demand huge advance amounts from tenants while shopkeepers don’t have enough money. In several ways, interviewees pointed to cash flow problems for business: *“Before the Zarb-e-Azb Operation, there was also a well-established system of deferred payments. Shopkeepers would pay the money on the basis of Ograyee (weekly recovery of money from shopkeepers to whom dealers provide goods). However, now all the dealings have to be made in cash and there is no facility or option for delayed payments.”*

Passenger movement across the Ghulam Khan remains restricted, even for locals. Furthermore, lingering effects at Ghulam Khan can be seen in restrictions on passenger movement⁴⁴. As compared to the old bazaars, the new markets subsist on a much lower consumer and trader base. Access to the area remains restricted to some distance from the border terminal, beyond which only authorities, those transporting trade goods, and the local Gorbaz Khel tribe are allowed⁴⁵.

CHANGES IN BORDER REGULATION / VISA REQUIREMENTS (2017 – Present)

Border crossings have experienced a significant reduction in passenger traffic due to a) new visa requirements for Afghans; b) confusion as to which border crossings are implementing which directives; c) increase in rent seeking behavior around procurement of documentation and permissions from brokers on both sides of the border; d) change in terms of access for cardholders using rahdari, PORs, and Tazkiras.

Visa requirements make it difficult to fully utilize the longstanding transnational networks built through various forms of association – including Pakistan’s history as a host nation of Afghan refugees for over three decades – for personal or business travel. Initially, these regulations were applied at Torkham sporadically starting in late 2016 / early 2017 with the terms becoming progressively more stringent since then. Gradually, requirements were extended to other borders. Nonetheless, Angoor Adda is the only BCP observed through the research with some element of relaxation.

The new visa requirements for Afghans have had a major impact in halting passenger traffic. The foremost outcome was the development of chokeholds at Torkham, which has inadequate infrastructure to host such large numbers of travelers. In one well-reported incident of October 2020, 15 people were killed in a stampede⁴⁶. A male traveler stated: *“Crossing the border has become unimaginably difficult. The border crossing itself is only half a kilometer long but one has to spend a complete day and night at before crossing it. Earlier, it was a matter of just five minutes.”* A female traveler (resident

⁴⁴ https://twitter.com/A_ZW786/status/1360503744513929217?s=20

⁴⁵ Please see detailed observation of Ghulam Khan border observation.

⁴⁶ <https://www.voanews.com/south-central-asia/least-15-killed-afghan-stampede-while-waiting-pakistan-visas>

of Landi Kotal) described the impact on the lives of women in transborder marriages: *“The people of Khyber and Landi Kotal are also married to Afghan refugees. The women married to Afghans cannot come to Pakistan once in a year due to the legal issues at the border. Before visas, they used to come to Pakistan thrice in a year. Moreover, now vegetables and other things we need cannot be brought from Afghanistan.”*

There remains confusion around the status of Afghan refugees, further complicating travel. There is a lack of availability of information on directives implemented at various border crossings. This is particularly a concern for Afghan communities that have been long-term residents of Pakistan as refugees or undocumented settlers. As one government official explained: *“We still have thousands of Afghan citizens residing in Pakistan. Any hasty step to change the status may complicate problems for these Afghan refugees. Their citizenship in Afghanistan may stand invalid. The situation in Afghanistan is still volatile and they still enjoy the status of refugees, which allows them to avail certain facilities. It has to be kept in mind that economically both these countries are poor and it is a huge burden and therefore any new policy in the coming days should enable these [Afghan] people to resolve many of their visas and travel problems at the border. We are trying hard to decrease their problems.”*

Three population groups most affected by the regularization of cross-border travel: The visa regime for Afghans is the first step in a progressive policy shift that has caused a change in terms of cross-border access for the following population groups:

- Pakistani and Afghan citizens using *rahdari* for cross-border travel (*rahdari* is special status permit for local clans or *khels* whose lands are split across the border and the permit serves to facilitate this population in lieu of easement);
- Afghan refugees previously holding Proof of Registration (POR) cards;
- and Afghan citizens previously using *Tazkiras*.

The visa and passport requirements create a new set of identification documents, which requires a formal justification for travel thus ending free cross-border movement for local residents. In the initial response to the Torkham visa requirements, traders, transporters, and borderland market actors responded by switching routes in the interim to Ghulam Khan, Angoor Adda, and other transit points where *Tazkiras* and other identification documents were still acceptable without passports and visas. Previously special status through *rahdari* permits or POR cards permitted residents from local tribes around the BCPs to travel unrestricted across the border. The evidence from the research clearly suggests this was used for both business and personal travel. Even within border communities that qualified for *rahdari*, the permits were distributed almost exclusively among those who had businesses or business links on both sides of the border. The communities often negotiated cross-border travel using a combination of *rahdari*, PORs, and *Tazkiras*. Also, Afghans in Pakistan were able to get employment as laborers or transporters on the basis of PORs.

As the Ghulam Khan crossing has been closed to passenger traffic for the most part since 2014, the special status subtribes (such as Gorbaz Khel of the Uthmanzai Wazirs) from North Waziristan sometimes use the Angoor Adda route. An interviewee alleged: *“People from North Waziristan were not allowed to cross the border at a certain point, so they would pay money ranging from 2,000 to 5,000 rupees to local agents for getting a token to travel up to Wana. They were not allowed to get token on the basis of their CNICs (National Identity Card of Pakistan), so they would use their Tazkira (Afghanistan's identity card). They would pay the money to agents and there was the possibility that the agents would then pay some share to officials as bribes.”* Those passengers, who would go for several days, were issued an entry pass while those who went there in the morning and returned in the evening crossed the border based on their CNICs. According to the interviewee: *“The system of *rahdari* has now been abolished”* referring to the issuance of the cards. The key takeaway is that the easement privilege using *rahdari* is specific to the point of origin and does not extend to crossing at other border points.

The end of free cross-border movement, facilitated by *rahdari* permits, has a spillover effect on trade and local market systems: Latendresse (2007) places emphasis on the importance of informality in borderland systems in that relationships for trade, business, and money transfers rely almost exclusively on trust between stakeholders. Therefore, the system is established on the basis of kinship or other social networks across the border and internationally. Latendresse refers to a query posed to the owner of a transport company in Pakistan – he was asked if his business associates in Afghanistan were relatives. His response sheds light on the importance of kinship in trade: “*If they’re not relatives, who are you going to trust?*”⁴⁷ As a result, this institution also reveals in a clear economic sense the otherwise well-known familial, social and tribal links that tie the borderland communities together. The *rahdari* system has been a central tool to enable these relationships. And **the dissolution of the *rahdari* system has spillover effects on the ability of Afghan and Pakistani borderland residents to negotiate livelihoods.**

This also presents us with a unique observation – that **there is a strategy on the part of borderland populations to exploit their position or special status as cross-border actors.** They are able to move from one market to another, across state lines, and adopt a Pakistani or Afghan identity (both formally through documents presented to authorities, and informally on the basis of kinship) to maximize business interests. The existence of strong kinship bonds allows them shelter, food and sufficient capital.⁴⁸ Sometimes this is more formalized as tribal affinities allow communities at the border to obtain special permissions, for instance, to cross the boundary between both countries, as our research notes in the case of the Gorbaz Khel (at Ghulam Khan); Khoge Khel (at Torkham); and Khojal Khel or Kabul Khel (at Angoor Adda).⁴⁹ Unfortunately, banned militant outfits have also used the same system to gain weapons and capital, creating a vicious cycle in the confines of the unchecked shadow economy. The latter reasoning underscores the Government of Pakistan’s policy to make visas the exclusive basis for cross-border passage. The view that “*rahdari has been misused*” was a common refrain across interviews with the policy community.

Travelers face rent seeking around the procurement of documentation and permission from brokers on both sides of the border. The early experience of the visa and regulation regime at Torkham demonstrates a rise in petty rent seeking for travelers. On the other hand, the regularization has had a positive impact on reducing corruption around the passage of cargo vehicles. The difference is that the documentation requirements for cargo are more standardized and widely understood among traders who prepare them in advance for the transporters. Traders also do their due diligence regarding the personal documents of the transporters to ensure smooth passage.

⁴⁷ Latendresse, Simon. “The Border as Strategy The Case of Afghans in Peshawar.” Policy Perspectives, vol. 4, no. 1, 2007, pp. 61–74. JSTOR, www.jstor.org/stable/42909163.

⁴⁸ Ibid.

⁴⁹ For instance, in the case of the Gorbaz Khel, who have the special status to travel across the divide of the border at Ghulam Khan. See: <https://www.arabnews.pk/node/1613151/pakistan>

CROSSING THE BORDER AT TORKHAM: A TRAVELER'S STORY

Imran is a 29-year old Shinwari resident of both Landi Kotal and Peshawar. He is a businessman who works with his family in their trade and real estate ventures. He regularly travels via Torkham to Jalalabad, Kabul, and Herat for business, and to meet family and friends. Imran approximates he makes a minimum of 6-7 trips in a year. While he is still able to travel to Afghanistan without a visa himself, he is no longer able to use *rahdari* privileges. The following is Imran's account of crossing the border:

"The way to cross the border is you go to the NLC gate, stand in line, and show your CNIC and passport when your turn comes. When the passport is shown, a token is issued to you. After receiving the token you need to cross the border. When the visa was made compulsory people from the Afghan side without such documents, who needed to travel, used to cross the mountains and hilly terrains. They all have business and families here, like me. These people used to bribe FC officials in order to be allowed to go. However, when this practice became very common, an enquiry was held and some officials were suspended. The action basically put a stop to this practice. Now we have a barbed wire fence and proper procedure is to be followed.

In my experience the first step to crossing the border is to reach early in the morning and occupy a place in the queue. Around 9:30 a.m. the office is opened and you will keep standing in the queue for a long time. But despite having proper identification documents – ID card and valid passport – I am still teased and annoyed with repeated questions about whether I am a Shinwari, where I am going, for what purpose. There are too many government agencies in action at the border. At the passport office (immigration exit point) only one official speaks to you but again and again they ask you to state the purpose of the visit. I may have some business on one trip or just visiting family on another. Clearance is not allowed easily. I have seen many people rejected. Everybody cannot go and those with missing documents are rejected. Sometimes suspicion is expressed and such people are also rejected.

Paying small amounts of money is common, I guess, and if you pay them then you are put ahead of others and the procedure may be speedy for you. Cameras are installed there but agents or brokers move around and offer to facilitate you for a fee. The amount depends on your arrangement with the agents. If you are on urgent business and having missing documents then either PKR 500 (USD 3.5) or PKR 10,000 (USD 64) are demanded and you have to pay. If you want to speed up the process only PKR 500 will suffice. But if you have missing documents then you have to pay a lot more. They (agents) normally approach you when you are standing in line. These people are not necessarily Shinwaris; they are of different origins.

I know once I have entered Afghanistan and want to travel to either Kabul or Herat, on all check posts they have the right to check your papers but in my personal experience no one in Afghanistan ever asked about my papers when I travelled to Kabul and back. I travelled by a Toyota car, which was shared with other passengers, which is a common way to travel here. At the Mayfair check post when we entered Kabul, the other passengers in my vehicle were questioned but not me. On the return journey too I was not asked to show my documents at any of the check posts after Jalalabad. Even at the border I was not asked about my travel documents but I was stopped and asked for 500 Afghanis.⁵⁰ I refused to yield and said that I travel too often and I cannot pay you each time. The official insisted but I refused. He realized that I am not going to give him anything and finally I was allowed to go on. But I have seen people being threatened (to be denied exit to Pakistan) and they are compelled to pay the officials whatever amount they demand. Afghan currency is used now although a few years ago rupees were commonly used there."

⁵⁰ A small amount roughly equivalent to USD 6.50

The impact on medical-related travel from Afghanistan is severe and well publicized. Multiple respondents referenced the case of “Kainat” – a 5-year-old Afghan child suffering from meningitis whose parents were forced to hand her into the care of strangers as they did not have the requisite documents to cross the border. The mother reportedly asked strangers who volunteered to take Kainat to a hospital: *“if she survives bring her back to Afghanistan otherwise bury her in Pakistan.”* The child was discovered by health workers conducting polio vaccinations in Pakistan and taken to a hospital. The case captured the attention of not just the media but also policy makers and triggered a consensus in public opinion for easement in the case of Afghans traveling for medical purposes. As one policymaker told the research team: *“That baby Kainat was brought by a young man Islam Shah to hospital called RMI. When this news got viral on social media our MNAs and MPAs and Afghan ambassador came there⁵¹. We demand from border in-charge and authorities to permit those people to enter without passport and visa if they are ill and come here for treatment⁵².”*

ISSUES FOR WOMEN TRAVELERS

- A major concern for at least one interviewee was that the visa process could take over a week. This means that families are separated, and people miss funerals and other events of close relatives. For written permission to bring over a close relative, one needs to prepare an application, have it attested by two sanctioned *maliks* (recognized tribal elders), and submit it to a *Tehsildar* who forwards it to the Deputy Commissioner. *“After necessary processes there, it is then sent to the Frontier Constabulary (FC) sitting at ‘zero point’ (the BCP). Then final approval is awarded to an application, after which people are informed via SMS though we also thoroughly pursue the process. Entry approval is celebrated as if one has obtained a visa for Kuwait, and the entry process takes at least 7–12 days regardless of the seriousness of the occasion.”*
- The women noted that there are no facilities for women, or places to eat, near the crossing. But as one noted: *“People just want their documents stamped as soon as possible and get out of the crowd.”* Overall, it has become very difficult to cross the border, many said.
- An Afghan woman explained that the border has big halls with windows where officials check and stamp documents of men and women in separate queues. There is no restriction of reaching before a certain time. She felt the staff did not create problems, and when sometimes people create disturbance, they shut their windows and refuse to entertain anyone.
- A Pakistani interviewee, on the other hand, thought that crossing the border is now hectic, and sometimes people spend several nights there. Her son and others had prevented her from taking a trip saying that security personnel in Pakistan lacked warmth and take money, though she noted her own family members had never had to bribe the officials.
- At the onset of COVID-19, government and army doctors and officials were present at the border when it had been open, in order to screen the travelers, with separate facilities for women in one container.

⁵¹ https://www.youtube.com/watch?v=lbbQ12CDp_g

⁵² <https://www.arabnews.pk/node/1624281/pakistan>

BORDER MANAGEMENT / NLC TERMINALS: “THE GATE” (2015 – Present)

The first terminal at Torkham in the Khyber Agency started to function in 2015. After the “clearing phase” of Operation Zarb-e-Azb, a terminal was opened at Ghulam Khan in North Waziristan in April 2018. The same year, plans for an NLC terminal were announced for the border crossing Angoor Adda in South Waziristan and in 2020, its customs terminal was upgraded for improved operations. The NLC installed customs and screening processes, which have boosted formal trade, however **the process facilities, rules, and implementation practices are not necessarily fit to purpose for the broader economic ecosystem dependent on the BCPs**. The border management has a major impact on small-scale informal trade, local employment, and local market systems, as well as having a significant impact on downstream markets (and services, such as in the health sector) that rely on an Afghan consumer base.

Studies indicate that major industrial actors in Pakistan produce for the Afghanistan market, as opposed to local markets.⁵³ Bypassing official structures of law, taxation, and other payment mechanisms, this becomes a lucrative business for those in the know. Demand for construction material, flour, sugar, cooking oil, garments and plastic products is high in the Afghanistan market. Exports that fail to meet Afghan demands are sold at low costs in the ‘Bara’ market, an area that arguably falls out of the jurisdiction of the police. These products are repurposed and sold at higher prices in the local markets.

LAND RIGHTS AND LEASE AGREEMENTS

At all three BCPs, the NLC has acquired the rights to develop the terminals through contentious negotiations for use of the land, which has the following attributes:

- the land is owned by the local community organized by tribe/sub-tribe;
- in the absence of land settlement, the landholdings are collective so the negotiations must take into account the collective interest of multiple tribal groups (some in intratribal or agnatic conflict with each other);
- and the agreements must adhere to employment benefits for the local community as part of the local political economy.

The research reveals border communities at Torkham (Khoge Khel/Shinwaris) are in a protracted protest with the NLC over nonpayment of agreed dues. Similarly, the Gorbaz Khel (Uthmanzai Wazirs) at Ghulam Khan are also in a tense negotiation with the NLC. Khojal Khel (Ahmedzai Wazirs) in Angoor Adda are currently opposed to the NLC.

(See Torkham border observation for a description of the conflict.)

⁵³ Sultana, Razia. “Pakistan-Afghan Economic Relations: Issues and Prospects.” *Pakistan Horizon*, vol. 64, no. 1, 2011, pp. 21–37. JSTOR, www.jstor.org/stable/24711140.

A member of the Khoge Khel community described the experience in these terms: “When the NLC came, they made an agreement that when they will work on the land of our people and they will give us 24 and a half percent profit. Then they came again. And this time again they secretly signed an agreement with some of our community members to amend our annual increase from 20 percent to 5 percent. And they froze our 24 percent based on which we are receiving only 600 rupees per vehicle. They take 2,500 rupees Custom Terminal charges, which don’t go to government, but to the NLC as a private company. But now their fees have increased and they make more money per vehicle but we still receive only 600 rupees. Recently they increased our share by 120 rupees. When we investigated, they told us that we have not increased your percentage, but this increase is because your elders came to us and requested it.” **The arbitrary nature of these agreements remains a contentious issue fueling not just local grievance against the state, but also intracommunity conflict induced by a crisis of representation.**

Torkham is not actually open 24/7: Processing times at the Torkham gate on the Pakistan side created alarming chokeholds, particularly for heavy transportation. While the 24/7 opening of the terminal was intended to address the congestion issues, processing on the Afghan side is not yet operating on the same hours, adding additional wait time once the gate has been crossed. According to one local trader: “When the Prime Minister visited Khyber last time, he announced that the border would remain open round the clock. Shortly after this development – within four months – Coronavirus happened. The border opening was reduced to four days a week and 12 hours a day. After the border closures lifted, vehicle movement is allowed but the process is extremely slow. They wait in long queues. From the Pakistani side, loaded vehicles cleared by custom officials can cross the border till 8 p.m. while empty trucks coming from Afghanistan can cross the border any time. Loaded trucks from Pakistan are not allowed after 8 p.m.”

A significant consequence of the border regulation and the fence is their contribution to the economic exclusion of some of the most vulnerable groups, such as wage laborers, seasonal migrants, casual laborers, and local residents rearing livestock. These sections of the population are unlikely to be able to afford the costs of entry into a formalized system. The NLC infrastructure has visibly expanded the presence of state institutions and coordinated transit services for travelers and transporters between the BCP and Landi Kotal. However, **shifting systems have also caused job losses in the BCP anatomy (for local tribal communities)** and the losses to local businesses and employment have not yet been addressed through new opportunities.

THE IMPACT ON WAGE LABOR AND SMALL BUSINESSES

- **Since the installation of a gate at Torkham, passenger vehicles and wheelbarrows are not allowed to enter from either side with any types of goods or material.** Those shopkeepers who could previously travel to warehouses on the Afghan side without any difficulty to place direct orders cannot do so anymore. Laborers have to travel on foot to bring items in baskets for shopkeepers to buy from the laborers at Torkham. Shopkeepers reported that soaps were a popular item. One respondent from the transport and freight sector estimated 2,500 wheelbarrow workers from Landikotal and nearly 500 Vitz drivers transporting passengers across the border, and

a local taxi system have been affected. Estimates across narratives vary and no formal assessment has yet taken place. *“These laborers had facilities in Torkham. They had a few hundred rupees but they would buy some goods from a container and would bring them to the bazaar and sell. They would earn 4 or 5 thousand rupees. Now this system has finished.”*

- **Transporters who drive private passenger vehicles to ferry people across the border have also lost their livelihoods.** According to a 39-year-old Shinwari driver from Landi Kotal, a taxi driver used to earn from 800 to 1,200 rupees while wheelbarrows earned 1,500 to 2,000 rupees per day. *“It was our routine earning but now we cannot even earn 100 rupees and the reason is the complete restrictions in place here. When the NLC came to this region, it put a ban on us and the reason is that a proper mechanism was devised for the gate. Free entry movement of the carts and vehicles across the border that brought children, refugees and women to the taxi stand has now stopped. Now a fence is erected there and common people cannot pass through but only those who are declared cleared by the authorities. Women, children and common people have to walk in the line and cart and wheelbarrows are not allowed to go through.”*
- **There are widespread reports/narratives of losses for small businesses.** Elected representatives have regularly been engaged by traders and business owners to discuss their issues. As one elected representative from Khyber reported: *“A couple of days ago, I met a well-known local trader who had two to three big stores in the market at Landi Kotal. He told me that he does not know what to do, adding that he plans to shift to Afghanistan. He reported that 600 small trucks in a bazaar (near Tirah valley) are sitting empty and idle. A second well-known trader who had several stores and 16 trucks told me that he is planning to send his trucks to Punjab as there is no more work for them in the local market. He also has some 400–500 mules for cross-border trade but now they are useless.”*
- **From Ghulam Khan, a nuanced picture emerges of children involved in BCP labor.** A business owner from Bannu (a downstream market from Ghulam Khan) presented the following observations: *“There were some 200–300 people who purchased goods on one side of the border and transported them in wheelbarrows to the other side of the border. En route, they paid money to the border officials for each wheelbarrow. This payment is not an official requirement; rather it goes to the pockets of the officials. The wheelbarrows were mostly operated by children below 18 years of age. Another negative impact is that many youths who lost their jobs due to closure of the border started drugs. They even resort to theft and steal cattle. Theft has become almost a daily occurrence and when thieves are caught then it emerges that they were operating wheelbarrows at the border but now they are jobless.”*
- **The loss of local (BCP-related) employment is often framed in the vernacular of tribal identity and the relationship with the state.** According to a local community youth from the area surrounding the Ghulam Khan BCP: *“There are more Gorbaz people in Afghanistan than Pakistan. In the past, after the entry of vehicles to Pakistan from Afghanistan through Ghulam Khan side, a laborer used to earn up to 10,000 rupees through loading and unloading in one day. Some people used to earn 8,000 rupees per day. The work was laborious but people were very much satisfied with their life. Even their earnings were very good during the Talibanization. But after the military operation, the custom office was set up at Zero Point near Gorbaz Wazir tribe. They built a gate and fenced the border to divide Gorbaz. Now only vehicles directly travel between Pakistan and Afghanistan. Therefore, Gorbaz people lost their jobs.”*

On a positive note, with respect to trade, many respondents reported a decrease in corruption and credited the outcomes to both governance reform and the new border policies. However, this narrative came exclusively from government functionaries and more affluent traders with a higher volume of business. As one political representative and community elder from Peshawar described: *“Corruption has almost disappeared. Earlier, there was massive corruption under political administration (FCR) but now the situation has changed. Recently, I discussed things with a senior government functionary. He also agreed that the practice of demanding money from trucks at check posts has almost stopped and*

administration has provided contact numbers to truck operators for registering complaints in case someone demands money from them. While acting on complaints, action has also been taken against officials with some being suspended while others transferred. At the border, the whole process is transparent and truck operators only pay custom and other fees. In the past, the post of tehsildar Torkham was the most expensive post but now it was vacant for the last six months because now there is no chance of corruption. Now, even officials are not ready to serve in Khyber because there are no chances of making illegal money. Now, doing corruption is very difficult because there is social media. In case someone registers a complaint on the PM complaint portal, then immediate action is taken because it is directly under the prime minister.” Therefore, regulating large flows of cash has implications for improved documentation for financial transactions and illegal activities, but on the other hand also affects the liquidity of small businesses.

GOVERNANCE REFORM (2018 – Present)

The merger of the erstwhile FATA into the Khyber Pakhtunkhwa province integrally shifted the governance structure of the border region.

Previously, under the Frontier Crimes Regulation (FCR), governance was a function of a structured relationship between the Political Agent (equivalent of the administrative head of a district in settled areas) and the tribal elders (*maliks/mashers*). The merger fundamentally changed these relationships by introducing elected representatives at the provincial level, and at the local level (in the foreseeable future). Political parties’ role as a broker for local communities/tribes with the state has increased.

LOCAL ARBITRATION – ANGOOR ADDA

Locals explained that they resolve their disputes through *jargas* that operate according to their traditions and customs – a historical arbitration mechanism. Previously the FCR system formalized the operation of *jargas*. After the merger, formal systems like police and regular courts have not yet been introduced. People continue to use links with local elders or officials when their trucks etc. are seized at the border. They use their contacts in such a situation, and sometimes even religious figures are approached for their influence.

Elders used to have a vital role in the *jarga* system but this has weakened as the newer generation does not respect and accept their authority, as the previous generations used to. The younger generation wants state institutions like police and the judiciary to play a greater role in day-to-day affairs. However, people still do continue to consult the elders for the resolution of disputes. Another reason in the decline of the *jarga* system is that official government support for *maliks/mashers* has declined since the merger.

“*Jarga is still functioning but the problem is that everyone is trying to serve their own interests. Earlier, jarga decisions would be implemented, now the jarga will make the decisions in the market but problems occur in its implementation.*” A shopkeeper from Tapi said that the *jarga* from their area visited the officials daily, asking them for the provision of electricity but no action has been taken by the government as yet despite several visits to the officials and staged protests by the community members. The same interviewee also mentioned that at Angoor Adda side, *jarga* also goes to Afghanistan for settling disputes (see Angoor Adda border observation).

In parallel, efforts and plans for broad investment to invigorate economic activity in the region are underway brokered through a democratic process. This includes the planned establishment of six new border bazaars. However, the merger created a great deal of expectation and delivery of results on the ground has been slow, leading to an accumulation of grievance and sense of disenfranchisement for the local communities.

THE BORDER FENCE (2017 – Present)

The border fence is the outcome of a securitization endeavor by the Pakistani state (in the context of protracted militancy and terrorism in the region). More than any other event in the region, the construction of the border fence has had the most consequential impact on dividing contiguous border communities. The fencing began in March 2017 and, it is believed, by April 2021 the concertina wire used to fence the border will complete the physical divide between Pakistan and Afghanistan. The multiphased fencing encompasses the province of Khyber Pakhtunkhwa whose shared border with Afghanistan stretches almost 700 km.

While most interviewees opposed the construction of the fence, some also expressed an understanding for the government's justification of the fence as a necessary measure for bilateral security: As one legislator explained: *"The security situation was not good so the government has placed barbed wire, and changed the border management. If anything would happen in Afghanistan, they would blame us that it is Pakistani militants who have done it. So, the Pakistan government took this decision in order to save its own side and that they don't blame us for any incident."*

At each border crossing point in our research a contiguous tribal community has been separated, and coupled with the restrictions on easement travel border tribes are cut off from family, community, and business interests. These special status groups managed to retain some privileges even after the visa requirements. However, the fence restricts them from any undocumented cross-border movement from any point other than the official BCP local to them. Villages along the border have never had any demarcation, which means the fence has ended up dividing what was considered a village on both sides of the border. As one local community member from Ghulam Khan described: *"Cuba prison⁵⁴ is better than this fencing. It seems we have been kept in the jail. Our cousins are on the other side of the border and we are here. We only see one another while fences are between us. One of my brothers is on the other side of the border. I am here. The government divided our village through fences."*

A WOMAN'S VIEW: BORDER DISRUPTION (ANGOOR ADDA)

Zarina is a 28-year-old mother of three. She lives in a village roughly an hour's driving distance from the Angoor Adda BCP in South Waziristan.

"I have heard there is a fence and a gate built at Angoor Adda but I have not seen it. We are Babar Khel and we own land near the border. Half our community is in Afghanistan. Other people from different communities are facing problems in looking after their lands near the border on the other side. But we are not facing such difficulties. We have the permission to come and go. We had pine trees in Afghanistan but our community sold the pine trees and distributed the money equally among the families.

The men used to bring us blankets, cloth, and other products from Afghanistan. But now they cannot bring anything. They used to bring refrigerators. There were fridges of good quality in Kabul. The pressure cookers were also of good quality there. In the past, people used to bring these items in larger quantities than today. Now the Pakistan government

⁵⁴ A reference to Guantanamo Bay

has imposed heavy restrictions on bringing these items. The Pakistani rupee had more value those days as compared to Afghani. Therefore, the prices of those items in Pakistani rupees were lower.”

The situation and context of the districts adjacent to the Afghan border in Ghulam Khan (North Waziristan), Angoor Ada (South Waziristan) and Torkham (Khyber) are not homogenous. **The differences across the three border points existed before the fencing and, as a consequence, the impact of fencing has therefore manifested differently across all three districts.** Prior to fencing, multiple entry and exit points existed. Some of them were seen as official border points guarded by the presence of security officials while others were largely unregulated and unmanned. Now there are only 18 official border crossing points with Afghanistan.

The fence interacts with cross-border mobility in the context of pre-existing disruption and prior changes as a result of those disruptions. However, a few specific cases in which the fence can be examined further (for outcomes that are solely attributable to the fence) include taking a closer look at trafficking, illicit trade activity, and cross-border militancy.

At present it is also too early to assess the impact of the fence on illicit trade activities. Regarding the questions on illicit trade, the reaction of some of the respondents was mixed while others chose to remain completely silent. There are clear indications that since the fencing of the border, sustaining informal movement of people and goods, including smuggling, has become very difficult. **With regard to organized smuggling, the evidence suggests that in some cases diversion from Torkham, Ghulam Khan, and Angoor Adda to the route via Tirah Maidan to Karkhano market in Peshawar (and Tarnol in Rawalpindi) has not stopped.**

BORDER CROSSING – THE KABUL KHEL OF NORTH WAZIRISTAN

Asad is a 36-year-old member of the Kabul Khel community of North Waziristan, currently residing in Bannu. Since the Ghulam Khan border has been closed to passengers for cross-border travel, many from North Waziristan with links in Birmal, Afghanistan use the Angoor Adda border crossing with mixed success.

“Some male members of my family work in the Gulf countries. They send money home, while we occasionally provide services to acquaintances that want to purchase property in Bannu and they pay us a small amount. Other than that we have no other source of income in Pakistan. I visited my village in Birmal, Afghanistan in January 2020. My family members travel between the two countries mainly due to two reasons: (i) on joyous occasions like birth of a baby, marriage ceremony etc. and (ii) at the death of relative or when someone is ill there, then we bring the patient to Pakistan because there are no such health facilities in Birmal area of Afghanistan.

We have been issued gate pass cards (rahdari permits) to cross the border at Angoor Adda. This is because my father-in-law has business and property in Wana, South Waziristan. The cards are not issued to everyone – only for three types of people: to those who do business in Wana, to those whose children get education in Wana, and to those who have jobs in Wana and are settled there. The cards are only issued to men – not women – but a husband can take his wife along. Or sometimes the husband is asked to prove his relationship with the women seeking permission and this is proved through CNIC.

Due to these cards, we get some relief but still we are made to wait for one or two hours. In the past, Kabul Khels used three other routes for personal and business travel: One was at Barmal border crossing, one at Lwarh border, and one at Faqir Ipi shrine. The routes are used no more. According to my information, 80 to 90 percent of the border has now been fenced.

For people like us from North Waziristan, crossing the border at the Angoor Adda gate was extremely difficult even before the installation of the fence. Due to obstruction at the proper routes, many people would pay 3000-4000 rupees per passenger to vehicles that would transport them across the border via informal routes in mountains. Though the drivers were charging high fares from passengers but they were still justified because they would travel on dangerous routes.

Traders from middle and lower class cannot imagine doing cross-border trade nowadays. When I was coming back from Afghanistan, I purchased one dozen cups and a pressure cooker for domestic use. The officials at the border refused to allow these items at the border. I was waiting for two hours during which I requested many officials to allow me. Finally, an acquaintance in the Khasadar force (which is now the police force) approached the army officer pleading my case after which I was allowed to bring these items. If a pressure cooker and a dozen cups are not allowed, then how can we do trade across the border.”

Local residents and travelers in this study did confirm improvements in the general security of the region; however, most of these claims (or the point from which they believe security improved) predates the border fence. Therefore, the real impact of the fence on its security objectives is yet to be revealed and documented.

BORDER DISRUPTION AND LOCAL ECONOMIES

A detailed observation of the three research sites – Torkham, Ghulam Khan, and Angoor Adda – is included as Annex C. The observation findings include: i) descriptions of the physical characteristics; ii) reporting of border crossing processes, local political economy and conflict; and iii) documenting costs of passage for cargo vehicles.

A key feature of this research endeavor is to examine the impact on lives and livelihoods in the border economy, which includes enquiry on patterns of trade and market systems. In this section we present our findings on the impact of border disruption on the movement of goods across the border and the effects on local market systems through the experiences of key stakeholders. This section includes a description of goods crossing the border from Afghanistan to Pakistan and vice versa, followed by micronarratives from market actors.

The complexities around the border crossing and easement are layered. **In the past 19 years alone there have been events, which have cumulatively led to the political, security, and policy patterns manifesting now.** These events include, but are not limited to, the NATO offensive against Afghanistan as a major part of the war on terror; Pakistan's facilitation of NATO (as the major route for supplies); military operations in erstwhile-FATA against militants (including foreign militants); Iranian interest in Afghanistan as a regionalization policy; Indian interest in Afghanistan as a matter of foreign policy; the emergence of Central Asia as the new hub for trade and energy (for instance Shanghai Cooperation Organization, Belt and Road Initiative, Central Asia Regional Economic Cooperation, etc.). These tidings and transitions contribute to how the governments of Afghanistan and Pakistan have positioned themselves around border issues and border areas, which are a gateway to and from Central Asia and Europe.

Traders, shopkeepers and transporters are worried about the fickle nature of policies regulating movement at the border, especially since trade depends on freedom and ease of movement. For border communities though, it was noted that the provision of special cards to traders for crossing the border is facilitating the community. Traders felt that the military operation between 2014 and 2016 had a positive impact on the security of their cargo and general safety, although it had adversely affected the markets in the immediate border vicinity. Narratives from respondents suggest that while the security of trade has held, subsequent disruptions (such as new rules and regulations implemented at NLC terminals) have created supply-side uncertainty and irregularity in transportation patterns.

Currently the flow of trade across different BCPs is product specific, with a few products being traded across all three BCPs. Routes for main items and destinations are given in the tables below:

Trade Routes by Product: Imports from Afghanistan

Border Point Used	Product	Point of Origin	Destination	Notes on the route
Torkham	Coal	Mazar Sharif	Cement factories across Pakistan	Border crossing at Torkham is a long time activity and political situation has been affecting it as well. Recent COVID-19 disruptions caused weeks-long wait for
		Dara Yousaf	Textile factories, Faisalabad	

	Fruits / Vegetables (Fresh)	Across Afghanistan	Peshawar Rawalpindi Islamabad	passing through Torkham Gate.
	Electronics	Kabul-Wesh (Kandahar)	Peshawar Karkhano market	For electronics, traders emphasized facilitation of Peshawar dry port instead of trading through Afghanistan.
Ghulam Khan	Coal	Mazar Sharif	Cement factories – across Pakistan	Ghulam Khan border has an active custom clearing point installed. Customs is charged both on imports and exports. Coal is treated under the universal custom duty rate as per Government of Pakistan.
		Dara Yousaf	Textile factories-Faisalabad	
	Fresh Fruit	Khost - Shehr-e-nao, Kabul	Miranshah, Bannu, Lahore and Multan	
Angoor Ada	Fresh Fruits and Vegetables	Birmal, Ghazni, Sherana, Wrdag, Kabul	Wana, DIK via Tank, KP and Punjab (Lahore, Rawalpindi, Gujranwala, Sialkot, Multan)	Pine nut is banned by Afghan government for export to Pakistan. They have direct exports to China and India via airlift.
	Dry Fruit	Birmal Ghazni, Mazar, Herat, Iran, Kabul and Kandahar	Wana, DIK, Peshawar, Rawalpindi, Lahore, Multan and Karachi	

One of the most significant imports from Afghanistan is coal, which is mostly used in cement factories in Pakistan. Cement is one of the significant exports to Afghanistan from Pakistan. The total volume has fallen from 2010/11 levels though due to disruptions, most notably the security situation on both sides of the border. Moreover, this **instability helped the Iranian cement market to move in as they share a less turbulent border with Afghanistan**. Yet, in terms of volume of goods traded from Pakistan, cement remains at the top and is exported through both Torkham and Ghulam Khan.

Other important exports from Pakistan are rice, wheat, and general household items. Although, wheat is reportedly exported *only* through the Torkham route now as there has been an irregular supply for export owing to domestic consumption in Pakistan. The export of flour in fact was banned in June

2019⁵⁵ by the provincial government of Khyber Pakhtunkhwa to tackle the prospect of domestic shortages. Thus, the export of the two commodities (rice and flour) has declined during the last two years. As relayed by respondents, if the local shopkeepers would export 20 trucks in 2015–2016, they now export eight trucks only, half of what they used to export just a few years back.

The details shared in these tables highlight how **seemingly arbitrary and unplanned SROs from both governments disallow items without notice**, which have a dire impact on business. In the absence of the much-awaited preferential trade agreement (PTA), it will be difficult to get rid of such arbitrariness.

Electronics remain an important import from Afghanistan; however, since the markets around borders are not as vibrant as they were before the fencing, business is not as robust. However, **the Government of Pakistan has sanctioned new border bazaars to facilitate cross border subsistence**. These new subsistence markets were mentioned in most key informant interviews with government functionaries and appear to be a central element of Pakistan's overall economic policy in the border region. Moreover, the Peshawar dry port (roughly situated 60 km from Torkham) has become pivotal in facilitating export items.

Trade Routes by Product: Pakistan Exports to Afghanistan

Border Point Used	Product	Point of Origin	Destination	Notes on the route
Torkham	General household grocery items	Peshawer (old wholesale market)	Jalalabad, Kabul, Mazar Sharif	Recent COVID-19 disruptions caused weeks-long wait for passing through Torkham Gate.
	Rice	Across Punjab and Sindh	Jalalabad, Kabul, Mazar Sharif	Rice export is disrupted by government directives aimed at regulating domestic supplies.
	Wheat Flour	Mainly Punjab	Across Afghanistan	The export of wheat flour is restricted for seasonal cycles by GoP. It is a perennially highly demanded product. It is smuggled as well.
	Cement	Khyber Pakhtunkhwa	Mainly eastern and northern Afghanistan	Iran has been making in-roads into a traditionally Pakistan-controlled cement market of Afghanistan and respondents were astonished to see Iranian cement in Khost.

⁵⁵ <https://www.arabnews.pk/node/1576396/pakistan>

Ghulam Khan	Rice	Across Punjab and Sindh	Khost, Ghazni, Kabul, Mazar Sharif	Rice export is disrupted by government directives aimed at regulating domestic supplies.
	Cement	Khyber Pakhtunkhwa	Mainly eastern and northern Afghanistan	
Anoor Ada	Fresh Fruits and Vegetables	Wana, Tank and Dera Ismail Khan	Ghazni, Sherana - Birmal - Eastern, Central Afghanistan	

In Afghanistan, Khost is the main destination from where goods are dispatched to other areas. Some trucks also directly go to Kabul. An Afghan transporter noted that he brings onions to Bannu and mats made of palm tree to Mardan and Peshawar. From Pakistan, he loads cement and grocery items, (such as potatoes and rice) for Khost. In case of palm tree mats, he loads about 28 tons, but when it comes to cement and rice, he loads 30-32 tons. SROs dictate weight allowances for each product and frequently **traders, transporters, and shopkeepers complained about how both countries are not aligned in the prescribed weight limits per item (and by vehicle type)**. This issue is not unique to this particular border though and across Central Asia efforts supported by CAREC partners are working to harmonize railway gauges, road types, and vehicle standardization among a broader range of policy measures to facilitate cross-border trade. In this case, Pakistan has a more standardized process, which can be perceived as stricter. Currently, it can take up to a week for entry at the border due to thorough checking and weighing formalities to be completed.

Items are loaded from different places: grocery items from Haji Camp area of Peshawar for transport to Khost; palm tree mats from Maidan district of Khost for transport to Mardan, Bannu, and Peshawar; rice and potatoes from Azad Mandi in Bannu while some Afghan trucks load items from Ghulam Khan terminal and transport them to Kabul, Mazar-e-Sharif, Kabul, Gardez, and Khost.⁵⁶

Several interviewees transport household and regular items. But **there are certain goods that require special permits**. For example, people who export cement to Afghanistan have obtained special codes from the concerned factories for taxes. There are different cement factories like Pakistan Cement, Best Way Cement, and Lucky Cement. These factories issue a special code to traders who want to export cement to Afghanistan. Such traders are required to follow a specific and lengthy procedure. Fulfilling requirements to get this code is an extremely difficult process, as it requires huge investment and the traders are supposed to first cross a fixed limit of cement purchase. Once the code is issued to someone, then he can easily export cement without any hurdle from either of the two governments.

COMPLEXITY & COSTS: MICRONARRATIVES ON CROSS-BORDER TRADE

Traders and businessmen in Pakistan need to frequently visit Afghanistan in connection with business transactions for both selling and buying goods. Their local customers prefer goods that come through Afghanistan, both because they are of good quality and comparatively cheap. In fact, access to cheaper goods from Afghanistan is essential to the subsistence strategy of borderland communities in Pakistan. Both the regularization of the border and fencing have struck a blow to local communities' ability to afford essential household items. Most stories from traders centered on concerns about changing rules of carriage and crossing for both Afghan and Pakistani traders. The experiences varied across BCPs and it is clear different rules and mechanisms for facilitation are implemented at each BCP.

Angoor Adda: A trader from Wana mentioned that at the border they register entry at the Khamrang check post where details are noted, and then wait in queues for a token on the basis of CNICs. The token is deposited at a counter before they cross into Afghanistan. Only a CNIC is needed. But the conditions at the border are poor and the entry process very slow.

The *jaar* process (checking cargo) is costly, and takes two to three hours. The payments, he noted, include PKR 3,500 for *jaar* when going to Afghanistan, and PKR 8,000 when returning, PKR 2,000 to the Khasadar and PKR 1,000 for truck weighing or *Kantta*. Moreover, *“documentation such as belti (cargo details) and other details about goods are required, though many traders have already provided these details. If an issue arises, the munshi (government clerk) looks into it, and if there is a problem with an Afghan driver’s Tazkira document, a private clerk also helps him to enter Pakistan.”*

An Afghan trader complained that the lack of a proper shed to shelter the trucks and the goods during rain caused losses to the businessmen as the entire loaded truck was exposed to rain and thus their goods were damaged. Similarly, the laborers used for *jaar* are not properly skilled and thus they check vehicles in an unprofessional manner, damaging the cargo: *“Recently, our trucks loaded with apples were checked by untrained people and the product was severely damaged when we opened it in Lahore. In case goods are damaged during the checking or there is any other problem, there is no proper system for issuing complaints and providing solutions. It depends upon the mood of officials at the border. Several requests have been made to the officials but so far there is no permanent solution to this issue.”*

Ghulam Khan: A trader from Miranshah said that there is a proper terminal at the border where trucks can be unloaded, and this takes time sometimes as Afghanistan and Pakistan allow different weight limits. For cargo, a *farmi* (written details of vehicle, driver, and number) is needed from companies, to be deposited with customs officials. The district administration of North Waziristan has issued special facilitation cards to traders in early 2020 that made entry quicker. With these, they do not need to deposit CNICs at the border. The locally based traders have appreciated this action as a further move to help people living in the border areas. Another trader from Miranshah, however said that facilitation cards were issued just to *munshis* or political *moharirs* who are government officials. These officials were practically running local administration before the FATA-KP merger. This results in the *munshi* giving the permit to the highest bidder. This is not a new practice, except previously (before the KP-FATA merger) these cards were also given to the *maliks*, who also could pick and choose who to give the cards to.

Cement traders claim a major issue with securing permissions to cross the border, as one has to apply for entry with the Tehsildar (local administration official) and this is only approved after six to eight days. It is again important to take into perspective how complex these systems are across Pakistan,

which held a ranking of 108 out of 190 in 2020 per the World Bank's Ease of Doing Business Index report.⁵⁷

Torkham: A trader from Landi Kotal said that no facilitation cards have been issued for anyone. He could cross the border just by showing his passport, but his concern was the lengthy process of entry, token, and clearance as compared to the informality of walking or driving across before the gate and fencing. Other traders also said that tokens, and not visas, are needed to cross the border, though they differed as to which agency from the NLC, NADRA, or FIA, or others, issued this token.

The issue that they felt was more urgent was that construction of the fence required parameterizing to create a so-called 'no man's land' between the countries. This resulted in land previously owned by the local tribe (Khoge Khel) to fall within the parameter of the border (now the domain of the NLC) and therefore, they could no longer lay claim to it. Specifically, around Torkham, businesses like tea stalls, hotels, and other services for cross-border traffic from both sides had organically developed quite near the actual border zero point. Those were removed and restitution is yet to be seen since the traffic across the border has also reduced due to formal paperwork being introduced. Another local trader explained that while tokens and permissions to cross the border without a visa were being celebrated, the government was taking over all the land at Torkham, and every Shinwari clan with land in Landikotal (the first downstream market from Torkham) was finding it hard to access his own land.

Informal Trade – Pharmaceuticals

Farooq⁵⁸ is 34 years old. He is a Pashtun medicine trader based in Jamrud in district Khyber (about 40 km for Torkham) who used to import medicine from Afghanistan through informal routes and sold it at a very low price as compared to the open market in major cities. *"Closure of border and visa policy has affected all sorts of traders and businessmen."* (Farooq, Jamrud)

Before the fence:

"A container that cost 0.8 million rupees through Shelman route two years back now actually cost 2.4 million rupees. The same medicine that cost 18,000 rupees, we used to import it at 2,500 rupees and sold it at a rate of 2,700 rupees. Legally there is no arrangement for importing medicines from Afghanistan, thus this was all informal." (Farooq, Jamrud)

After the fence:

"Governments are not on good terms and when the border is closed, at times there is shortage. We tried continuing the business but it was not profitable anymore. For instance we used to get good profit in 2012 and till 2015 but not anymore. I know many people who are using the business money and investing now in property business. For the last one year real estate business is good." (Farooq, Jamrud)

Since traders are completely dependent on border activities, it is helpful to maintain good relations with border and other officials. A trader from Peshawar who uses the Torkham route regularly felt: *"Only those who have links with authorities can earn money in the present situation,"* and he continued: "we

⁵⁷ <https://nation.com.pk/09-Jan-2021/pakistan-improves-position-on-wb-ease-of-doing-business-index-report>

⁵⁸ Not his real name

make sure to meet several officials at the border, including Khasadars, scanner officials, NLC, immigration, FC, and army.” Traders also felt that Afghan security officers were more helpful and respectful than their Pakistani counterparts at Torkham. However, traders felt that all officials on either of the border were “making money in the name of facilitation.” **An important distinction to note is that traders differentiate between what they see as petty rent seeking by officials (or informal costs of carriage) and corruption.** While several traders spoke on rent seeking by officials, many admitted corruption has significantly gone down in terms of long-term arrangements and deals as were done in the past. They were of the opinion that no one on the Pakistan side demands money unless there is something amiss in the paperwork, where there is a fee to guide the person to either complete the paperwork or an informal fee charged for offering a facilitation service.

One concern across BCPs is that Pakistan imposes high tariffs on goods from Afghanistan while Afghanistan also imposes a high duty on Pakistani goods. While bringing palm tree mats from Khost, one transporter said he pays about AFN 5,600 as custom duty in Khost while about PKR 110,000 at Ghulam Khan. Similarly, Pakistan charges PKR 30,000–45,000 custom per grocery truck going from Pakistan while Afghanistan charges about AFN 30,000 as custom duty on the same truck. An Afghan transporter interviewed in Torkham noted that customs clearance is about PKR 5,000 as a tribal market, it can be costly for outsiders, reaching as high as PKR 16,000-20,000. “There are two types of tax clearances in Pakistan. And then commission agents in Afghanistan clear the vehicles. If the Gumrak tax is paid to Afghan customs at the border, then the destination will be mentioned but if it is to be paid in the relevant city then one is issued a document called the ‘Ilm-ul-Khabar.’ If the vehicle is taken to Kabul or Qundoz, then the Gumrak is to be paid there and they are informed through an email.” The document shows payment, and it can be checked anywhere in the country.

LOGISTICS & LONG JOURNEYS: MICRONARRATIVES FROM TRANSPORTERS

Transporters are generally concerned with the new visa regime. Transporters have to be aware of multiple documentation procedures and Khasadars (levies/police) do check all documents thoroughly, resulting in a lengthy process.

The process of documentation and visas for individuals began around two years ago; however, documents have been long part of the process when it comes to taking cargo. The process to be followed depends on whether the exporter is a commercial or manufacturing venture. If he is a manufacturer, then he prepares documents of his company with an e-form along with an invoice and checking list. The e-form is issued from a bank when money is deposited. Another important document is the invoice by the company and the picking list, which shows the quantity of cargo and other details. It also shows a certificate of origin. There is also a web log in which all kinds of entries are made, including bank details.

One interviewee also mentioned that special authority letters are required for transporting goods across the border. There is a procedure for this in which guarantors and clearance certificates are also required. All the data about drivers is approved, stored, and processed in Ghulam Khan Tehsil. The data is also shared with the army and FC, and the letter is shown at several places such as the FC, army, and NLC. The process for travel for transporters is such that a visa is obtained from the Afghanistan consulate in Peshawar, and people are also given a token. Visas are needed at Torkham, so only Pakistani transporters cross the border from Torkham. At Angoor Adda, Ghulam Khan and Chaman, a Tazkira or Muhajir card can also be used, therefore transporters from Afghanistan can also find and do business.

Issues for Afghan drivers at Torkham and Ghulam Khan: It appears that Afghan drivers face even more problems when crossing the border. As an Afghan driver said, officials at the Khamrang check post and at the border check his *Tazkira*, the documents of his vehicle, his *belti*, and vehicle details. When coming to Pakistan, officials check the *Tazkira*, and whether the vehicle is registered with them. This is cumbersome and there are several issues including the fact that vehicles not already registered cannot cross the border. Moreover, if a vehicle is registered in the name of one driver then another driver cannot drive it across the border. At the border, FC and army personnel give tokens that are deposited at Khamrang. The drivers can also be interviewed at the border. While this process is tiresome, there is no cost to the transporters in obtaining their documents.

As a Pakistani transporter also confirmed at Torkham, Afghan drivers are asked to show Pakistani documents of trucks, passport, and Afghan citizen card. Without these, Afghan trucks are not permitted to come beyond the NLC terminal at the border. Also, if a Pakistani transporter invites an Afghan to Pakistan, papers and signatures of two owners of one's business are needed, in addition to the CNICs, and so it is often very difficult.

Another issue relates to the awareness of Pakistan's rules for Afghan drivers. According to one Pakistan transporter: "A driver coming from Afghanistan has to pay some 40,000–70,000 rupees as entry fee per trip." While this is how the transporter reported it, it appears this is the sum of the custom duty per truck in addition to the entry fee and is reported as an overall sum by Afghan transporters who are unaware of the constituent fees separately.

Visas and Tokens at Torkham: A Shinwari from Landi Kotal said that he does not need a visa, but is issued a special token on the basis of his passport. These tokens are issued by NADRA for PKR 200–300. But he also noted that only 5 percent of FC officials ask them to get a token, and others let them pass after paying a small bribe. Afghans with *muhajir* (POR) cards can cross into Afghanistan but are not allowed into Pakistan without a passport and visa. The FC personnel check documents at one toll plaza; though one interviewee felt that the checking is not very thorough.

Another transporter noted that getting a visa and passport is a major concern. Previously, this was not needed, and he would register in Karachi and then receive documents by Pakistani authorities at the border. On his return, he would deposit these papers in Karachi. Interestingly, he did not believe that as a Shinwari he had any special permit. He believed that the facility for Shinwari and local people in Landi Kotal where they get visas stamped on their passports for one year is not a special permit: "This is likely the tehsildar at Landi Kotal stamping passports, making the Shinwari a special status group – since only the Afghan consulate in Peshawar can give a visa for travel through Torkham."

Visas and Tokens at Ghulam Khan: As for documents at Ghulam Khan, one transporter said that he has to apply for entry in Miranshah cantonment, and that it takes around 25 days to enter, and for this, some people use "reference" as a euphemism for deploying networks to speed up the process. On reaching the Ghulam Khan crossing, documents are checked including for entry at the first gate, which takes some 10 to 12 minutes. At the second gate, he recalled waiting a long time since the concerned official was not available. When called for further process, entry lists are checked, CNICs are taken for entries, and pictures taken. This is a lengthy process, he complained, and there are then formalities on the Afghan side of the border as well. On returning to Pakistan, he continued, army officials ask questions about one's purpose of visit, open luggage, conduct body searches, and take immigration photos.

One transporter from North Waziristan said that before Ghulam Khan opened in March 2018, he used the Kurram and Angoor Adda routes for Afghanistan. For Angoor Adda, he would obtain a *rahdari* document from the political administration in Tank (a district before South Waziristan while travelling from Lakki Marwat or Dera Ismail Khan). In the beginning, he would get a *rahdari* for every

trip, but later he would get a six-month rahdari. Being from North Waziristan, he was not allowed to travel beyond the Khamrang check post, since he was told there is a ban on the movement of people from North Waziristan beyond this check post. He went through a long process to send goods across the border. After checking the *belti*, his truck would be weighted at the NLC counter for which he obtained a receipt that went to a private clearing agent who took it to the concerned office. The officer would ask him to get a *farmi* prepared based on this weight. The duty would be calculated in dollars. Then the driver would pay customs duty after which he was issued a gate pass. This pass was submitted to FC personnel at the end of the gate from the Pakistani side. He said that 20 to 25 transporters from among 600 in the business have been issued facilitation cards for crossing the border some 18 months ago. But this has since expired, though officials still let people pass at times, and ask them to renew their cards.

Another transporter was less concerned with border processes, and said that only those who indulge in illegal activities have to worry: *“One should save himself from the army in Pakistan, and the Afghan government on the other side,”* he exclaimed. In his own experience of travel, he has Pakistani documents for his vehicle, based on which he can only travel till Khost.

Entry at Angoor Adda: The transporters here also have shops in the local market. They feel that the long wait times add to the decline in business. A prominent trader with business interests in Wana market and several downstream markets said: *“The trucks are stopped for long periods of time in the name of entry and 20-30 minutes are spent on the entry of one vehicle. Due to the time-consuming process and wait at the border, we face shortage of trucks for loading and this leads to increase in fares, which then increases our costs. It is at the discretion of FC personnel as to how much time they take while making trucks' entries.”* If the driver who has registered himself with a truck is unable to drive the truck and sends some other relative or colleague in his place, then an additional amount of PKR 10,000 is to be paid by the truck operators.

BORDER BAZAARS IN DECLINE: MICRONARRATIVES FROM BUSINESS OWNERS

As mentioned, local customers prefer certain consumer items that come through Afghanistan because they are of good quality and comparatively cheap, given the proximity of the border as compared to trading centers of Karachi and Lahore.

The process of formalization and arrival of NLC has created confusion for the local business community. In their view, the process of clearing goods even of legal trade has tremendously slowed down with the introduction of computerized system as you can see loaded trucks waiting for clearance in long queues. For traders, **a major problem with regard to supply from Afghanistan is uncertainty at the gate.** As one shopkeeper related, in case of goods coming from Pakistan, they can place orders anytime by calling mills and dealers; but the closure of the gate creates problems. Closing the gate is at the government's discretion and when the gate is closed for laborers, nobody can bring goods from Afghanistan and it is frequently so. There is no fixed schedule as to when the gate will be closed and it is done so randomly, sometimes twice in a single day.

Lack of facilities at Ghulam Khan: One shopkeeper from Miranshah added that there are **no proper warehouses at the border for goods transported between the two countries:** *“There was a bomb explosion near the bypass, therefore the army came and demolished the warehouses as they were adjacent to the road.”* They (the shopkeeper) suffered a loss of about PKR 9,000,000 due to the demolition of their warehouse near the bypass. It was demolished a few years ago but no compensation has been paid by the government to their owners so far. One business owner from Miranshah observed: *“Almost 95 percent of the old shopkeepers weren't in a position to do business anymore, [after the military operations and market destruction] and have no source of income. The 5 percent that restarted their businesses were also running short of capital and thus couldn't buy goods in large quantity. The operation*

completely destroyed business activities in the area. As compared to earlier, bringing goods from Afghanistan is extremely difficult.”

During the last two years, both governments have increased taxes. The inflation, increased custom duty, and law and order situation are major reasons for the decline. Facilities such as schools, hospitals and roads are also nonexistent. One shopkeeper acknowledged that in some cases, the items (goods) were available but the problem was of the steep prices as they have sharply increased in the past two years. Prices of items that came from Afghanistan were comparatively stable as compared to those coming from Pakistan.

Shopkeepers are frequently forced to close their businesses due to curfews: Business owners insist, keeping in view people's losses, the government should have compensated them but it did not do so. A business owner with several shops in North Waziristan said: *“I myself lost 40-50 million rupees business. People don't have capital to invest and there are many people who were once businessmen but now other people give them zakat (Islamic charity). Other countries promote businesses while the Pakistani government is strangulating business activity. The government had announced that it will provide custom free trade opportunity to people of Miranshah but so far no such step has been taken.”*

The costs of noncompliance: A shopkeeper from Jamrud complained that during the last two years, their profit has almost come to a halt. Both the Afghan and Pakistani governments have increased taxes due to which they (shopkeepers) try to avoid taxes because, as several respondents complained, if they pay full taxes they cannot earn profit in the market under current conditions. That said noncompliance comes with costs as the shopkeeper from Jamrud noted: *“When vehicles loaded with our goods were arrested for nonpayment of taxes, we had to pay double the tax, which means loss either way.”* Another shopkeeper added that he has experienced fluctuations in supply of his own goods and borne losses due to restrictions at the border. Cloth that he had transported from Afghanistan was auctioned by the government several times and the government even auctioned his vehicles.

Switching routes to avoid customs duty: According to a few shopkeepers, the main problems were the high custom duties and their constant increase, due to which shopkeepers' margins had come down. At Angoor Adda border, there was no custom and vehicles would pay only PKR 15,000–20,000 as *rahdari* (unofficial fee in lieu of easement for business purposes, an option available only to local communities split by the border). They said that they choose cross-border trade at Angoor Adda because there they didn't pay any custom while at Ghulam Khan, they paid more than PKR 100,000 on customs and check posts per vehicle. A shopkeeper from Miranshah described: *“Here, most of the profit of a trader went as custom fee and he hardly earned enough money to feed his family. On this side of the border, business was also constantly declining. Pakistan's decision to ban Afghan vehicle's entry in Pakistan, to which the Afghan government responded by a similar ban on Pakistani vehicles, further affected our businesses.”*

Complaints about customs duty: A small fruits and vegetables trader from Miranshah said his business had been affected and the taxes had increased. Earlier, one truck would cost him 3 lakh rupees while taking goods to Afghanistan but now it cost 6 lakh rupees. Shopkeepers would bring goods and then government would impose curfew for several days due to which shopkeepers' goods would rot and they would throw them away. Paying PKR 200 to PKR 300 at the check post is not a big deal for a businessman. The main problem is of custom duty. He said he had suffered huge losses during the time and remained in losses during the past two years.

He explained that their total assets had decreased. They had been earning the same profit margin as earlier but the problem was that now expenditure had increased and their profit was just enough to meet their day-to-day expenses. Due to ban from the government on items that they supplied to Afghanistan, their business has almost come to a standstill during the last eight months. In this situation,

they bring dry fruits and tea leaves from Afghanistan but the government still does not allow it in larger quantities, so they bring a few sacks just to keep their business running and meet their business expenses.

Contemplating migration due to arbitrary import/export bans: A shopkeeper from Angoor Adda observed that tea, sugar, and flour were the items people in the area consume the most. He said that they work hard all day to earn money and arrange supplies of these items. But for the last eight months, they have been doing almost no business: *“Our account is lying dormant. During the past year, we have been spending from our accumulated assets and hope that the situation will improve with the passage of time. If this trend continues we will have no option but to migrate to the Middle East for labor.”* Previously, Angoor Adda had a huge assortment of items exported to Afghanistan but now, it is mainly rice as flour and lentils are in the list of banned items. Other items, which cannot be imported, are soaps and detergents even though they are much cheaper for local sale (PKR 30 vs. PKR 70 per soap bar and PKR 400 vs. PKR 700 for a bag of washing powder). The small Angoor Adda market consisting of around 80 to 90 shops supplies to the Wana market as well as the Naway Adda Bazaar in Birmal, Afghanistan. The Market Association has split over differences on protesting over import and export restrictions.

CONCLUSIONS

Emerging from a period of active armed conflict, each of the three border control points in our study is subject to unique patterns of disruption in cross-border travel and trade. Local communities remain linked across the border through kinship networks, based on “local identity” (family, tribe, ethnicity) or through local economic networks (based on employment/occupation). Even though the region’s history of fragility and violence has weakened these links, communities rely on these networks for economic opportunities, which contribute to their livelihoods.

Disruption in cross-border mobility and economic activity has not only affected livelihoods but also affected certain types of conflict at the community level. The previous two sections of this report present the varied impact of four drivers in our investigation of disruption – changes in border regulation, border management, governance reform, and border fence.

In Pakistan, borderland residents are negotiating a transition in identity from residents of a “free” tribal region to citizens of Khyber Pakhtunkhwa province. The merger of erstwhile FATA with KP followed by a revocation of easement privileges serves in one breath to sever community links with populations in Afghanistan, while in another breath co-opts previously neglected citizens into a new contract (the rule of law framework and electoral system) with the province. Consequently, the most excluded and vulnerable group in this landscape remain Afghan citizens who depended on visa-free access to Pakistan for short-term employment, other economic opportunities, or services.

The following table summarizes our key findings on how disruption in cross-border movement impacted the market system, social system, and state-society relationship for this transitioning region.

DISRUPTION IN X-BORDER MOVEMENT OF PEOPLE & GOODS Triggers: Border Management / Border Fence / Border Regularization / Governance Reform / Covid-19	
Impact on the Market System	
	<p><u>Visa requirements, new border management, and the fence combined have had a significant negative impact on the livelihoods of the most poor and vulnerable groups in the borderland milieu.</u></p> <p>These measures prevent individual laborers from travelling across to border markets in Afghanistan (with mules and wheelbarrows intended to carry cheaply purchased household and consumer goods for resale to shopkeepers or consumers in Pakistan). This has a spillover effect on the livelihoods of small business owners and shopkeepers in border markets. The restrictions have a similar impact on: Afghan seasonal migrant labor; nomadic communities; local communities that have lost employment due to the NLC’s presence; and independent transporters driving travelers across the border.</p> <p><u>The combined effect of border regularization and visa requirements increases costs of travel for citizens of both countries, making cross-border movement unaffordable or unprofitable.</u></p> <p>Border markets, downstream markets and businesses catering to an Afghan consumer base are losing financial salience and the impact is visible on the state of business in border markets. Businesses are slowly closing down and shifting to more profitable downstream markets. The private sector healthcare industry is also suffering due to the loss of Afghan customers and the suffering of Afghans in need of these services is well documented.</p>

	<p><u>Local resident communities are no longer able to leverage free movement across the border (through special status or rahdari) for economic purposes, reducing the influence of cross-border kinship networks on trade.</u></p> <p>As trade has historically relied on kinship networks, this development has a potentially destabilizing impact on the landscape of actors within the market network. Borderland residents have traditionally played a central role in negotiating trade, as couriers for large cash payments, and as key connectors for cross-border market associations. Several respondents described these links as weakened or rendered ineffective due to the new policies. Without free movement of people and cash, the rules of business are changing and any emergent political settlement which excludes or diminishes space for borderland communities will likely lead to local conflict.</p>
	<p><u>The fabric of markets and market associations in the borderlands is changing.</u></p> <p>Policies affect different types of traders in different ways. Statutory Regulatory Orders (SROs) promulgated regarding terms of trade are having a disproportional impact on small traders, many of whom belong to the local community (particularly those involved in the trade of rice, flour, and consumer goods) and rely on informal cross-border carriage of goods and cash to run their businesses. Over the last few years prevalent conditions have adversely affected <i>bazaars</i> within the border region, with business closures and shifts to downstream markets (by those who could afford the costs). As a result, market associations no longer represent the same groups as before and have experienced a shift in legitimacy with greater competition from outsiders. New border bazaars planned by the government may see a crisis of ownership and a settlement that excludes some of the more vulnerable market actors.</p>
Impact on the Social System	
	<p><u>Cross-border communities are becoming more divided, weakening links and networks between individuals, families, and institutions across the border.</u></p> <p>Cross-border communities (those with collective property on both sides of the border) are now physically divided by the border fence, which has implications for social cohesion. Over time community ownership of collective assets is becoming divided as well, resulting in disputes over land/resource ownership. Many on the Pakistan side of the border are divesting themselves of assets in Afghanistan. The evidence suggests in some places local <i>jargas</i> are still active in cross-border community arbitration (such as Angoor Adda where cross-border pedestrian traffic continues). In other places (such as Ghulam Khan where pedestrian movement has been restricted for a long time,) older disputes remain unresolved.</p>
	<p><u>Poorer households depended on the availability of cheap goods from Afghanistan as a key sustenance strategy.</u></p> <p>Low-income households in the border regions were able to access common household items (such as appliances, electronics, clothing, and food items) at cheaper prices from markets in Afghanistan. Restriction of free movement for individual travelers effectively cuts them off from affordable markets.</p>
	<p><u>There are serious consequences for Afghans who cannot access health services in Pakistan.</u></p> <p>New visa requirements have a dire impact on travelers restricted from an emergency border crossing through the BCPs in this study, but most significantly for those trying to access health services. While there appears to be popular consensus that the Pakistani government should ease requirements in these special cases, any easement so far has been</p>

	arbitrary (or brokered by local influential people and sympathetic politicians) and clear policy articulation, systemically applied, is yet to emerge.
	<p><u>Evidence suggests women (refugees, those in transborder marriages, border residents with close relatives across the frontier) have had difficult traveler experiences. The full impact of travel restrictions on women, and persons with disabilities remains unclear.</u></p> <p>The evidence sheds some light on the experiences of Afghan women travelers crossing the border for health services, as refugees, and those travelling to meet family. Typically, the chaotic experience of travel leaves them overwhelmed. Even though male companions mediate the travel interactions for most, women travelers described an increase in petty rent seeking at the BCP for procurement of proper documents. For settled local communities, it remains unclear how much travel women undertook under the <i>rahdari</i> system and what effect the revision of special status will have on their lives and cross-border networks, particularly as cross-border marriages have been one factor in negotiating the expansion of these networks.</p>
Impact on the State-Society Relationship	
	<p><u>At the BCPs, the actions of the National Logistics Cell (NLC) are shaping local perception of the state.</u></p> <p>Local communities, from whom the NLC has leased land for the border terminals, are protesting the terms of those agreements, particularly non-payment of agreed dues and lack of adequate employment opportunities at the BCPs. The evidence suggests growing disillusionment with the community brokers (tribal elders) authorized to negotiate community interests with the NLC. At Torkham, the Khoge Khel community are demanding collectively held land be divided and settled between smaller <i>khels</i> and that the terms of the land lease be renegotiated with each constituent sub-tribe or <i>khel</i> separately, which is a significant challenge to the existing political settlement. As communities lose special status for free movement across the border, a re-envisioned future is raising questions of identity and causing a shift in demands. The experience from Torkham also affects perceptions of the NLC (as a manifestation of the state) at Ghulam Khan and Angoor Adda. Communities are seeking assistance from political parties, political representatives, and elected officials to act as arbiters between them and the NLC.</p> <p><u>Land settlement is a necessary measure but will be a contentious aspect of the governance reform process requiring grievance redressal and arbitration across community groups. Any accountability mechanisms will also require more transparency.</u></p> <p>The transition of the erstwhile FATA into the Newly Merged Districts of Khyber Pakhtunkhwa province has been slow. These newly merged districts lag behind the rest of Khyber Pakhtunkhwa, and Pakistan overall, in social development. Development targets and funding are uncertain and at the mercy of the federal government.⁵⁹ More recently, there have been concerns highlighted about people's disappointment that the reforms</p>

⁵⁹ Syed Akhtar Ali Shah, "Integration of merged tribal areas: new challenges," *Express Tribune*, August 28, 2019, <https://tribune.com.pk/story/2043584/6-integration-merged-tribal-areas-new-challenges/>

	<p>have not changed much. Particularly with regard to improvements in basic services and local dispute resolution/arbitration, locals feel there has been no clear roadmap for implementation. The endeavor for land settlement will immediately encounter the weight of pre-existing resource-based conflict across community groups demanding swift resolution. The evidence suggests communities expect the government to address these challenges, yet the avenues of negotiation are transitioning between brokers in a shift away from tribal <i>jargas</i> (including the army, elected representatives, government agencies, and district bureaucracies). Losses to Pakistan-based communities, on account of the fence, may trigger demands for compensation from the state as well.</p>
	<p><u><i>The perception of improved security for cargo and reduced corruption do give traders some confidence and also add pressure to comply with new documentation and taxation requirements.</i></u></p> <p>The research did not reveal any major concerns regarding security for traders and transporters in Pakistan. In fact the consensus was that the security situation had improved. Traders were generally unhappy with the taxation regime and initially some ignored it. However, the experience of penalties and cargo confiscation quickly established incentives for improved compliance with state regulation on the Pakistan side. Individuals expressed many complaints about petty rent seeking at BCPs; however, on the movement of goods there was a high level of awareness among interviewed traders of the standardized fee payments at check points.</p>
	<p><u><i>Pakistani traders are concerned about ease of doing business as well as border closures. Both Afghan and Pakistani traders are concerned about inefficiencies in border screening processes.</i></u></p> <p>Border disruption/closures have made trade an unreliable prospect for some Pakistani traders. In addition, it became clear that periodic SROs (particularly temporary bans on items such as rice and flour) are equally a cause for concern for local traders. Pakistani traders also feel the government needs to pay more attention to the issues raised by Pakistani traders, as most new policy measures (such as the 24/7 opening of Torkham) are primarily aimed at facilitating Afghan traders. For instance, there are complaints regarding the variation in customs charges (and collection points) in Afghanistan, which they expect the Pakistan government to raise with the Afghanistan government. Overall, most traders and business owners felt the Pakistan government is not doing enough to improve ease of doing business and reduce the congestion for Afghan-bound traffic at the BCPs. Complaints regarding the time inefficiency in processing cargo as well as screening processes such as <i>jaar</i> were raised by both Afghan and Pakistani traders.</p>

WHAT TO CONSIDER

Populations in the Afghanistan-Pakistan borderlands each face a transition in their governance systems and future security. On the Afghan side, a withdrawal of United States and NATO forces this year will lead to a potential shift in the governing settlement and general stability, while the Pakistan government's border policies further restrict access to a more stable environment. On the Pakistan side, while security has generally improved from five years ago, there remain dynamics that threaten instability if the governance reform process does not materialize in improved economic opportunities and services for local populations. Previous analyses pointed out the governance reform process triggered "increased incentives and spaces for political agitation that can become disruptive if expectations are not met and docking points for redressal/negotiation with the government are not

provided.”⁶⁰ And that the challenge for the international community supporting the region is to “**manage fragility** whilst improving resilience of communities, improving service delivery, and helping the state... build trust with citizens.”⁶¹

The combined effect of Pakistan’s border policies is more significant in restricting the movement of people, as compared with goods. The complex security situation in Pakistan has already had a significant impact on the economic well-being of the border population – the military insurgency in erstwhile FATA, internal displacement, and continuing mistrust towards the Afghan population have reduced transnational mobility in the recent past. Now, new factors including: the universal visa regime; new management and regulation at BCPs for trade and travel; the erosion of the *rahdari* system that allowed free movement for borderland communities; and the border fence plugging frequently used motorable routes are taking their toll on the livelihoods of borderland residents and on the social cohesion of the borderland community.

The research effort conducted a deep dive into the experiences of particular target groups (defined in the methodology section of this report) to capture a diversity of views and grievances. The absence of demand-side mechanisms through which citizens are able to engage the state and resolve issues are largely scarce in Pakistan overall but the situation is improving. The question is how to sufficiently customize these mechanisms to the local context and how to make these systems accessible to those who need resolution and arbitration.

For traders and transporters, the primary concerns relate to the ease of doing business and stable continuity in the rules of business and border crossing processes. Fluctuating levels of bilateral trade between Afghanistan and Pakistan have also affected the incomes of cross-border populations. Many of the issues identified in this report with respect to costs of trade and mobility to citizens may be improved, as “teething issues” of the Pakistan government’s policy implementation are resolved. The chief finding, however, remains that transnational mobility and cross-border travel continues to be an important strategy for improving and maintaining the socioeconomic well-being of local communities. The policy space with respect to bilateral trade has become significantly active in 2021 in the aftermath of COVID-related border closures. Political will and commitment to improving bilateral trade is evident in the many recent measures such as the reopening of the Ghulam Khan route in addition to improved business hours at Torkham, and the temporary extension of the Afghanistan-Pakistan Transit Trade Agreement (APTTA). These measures need to be supplemented with systematic avenues for resolution of complaints that occur at the BCPs themselves.

For economically vulnerable small traders (who are also local residents of the border region) the disruption has severely affected livelihoods by restricting informal trade. Similar challenges face wage laborers and local transporters, a diverse group including both Pakistani and Afghan migrant laborers and persons local to the area who technically belong to a special status tribal group formerly accorded easement privileges. For these target groups, formalizing and consolidating the state’s writ at the border may be positive in the longer term, but in the short term the impact on loss of employment must be addressed. This leaves us with some questions: The Government of Pakistan is planning to develop new border markets, conceived as subsistence markets, but will these market systems be

⁶⁰ Verso Consulting “Conflict Sensitivity Analysis” for the FCDO-funded Khyber Pakhtunkhwa Merged Districts Support Programme. February 2019.

⁶¹ Ibid

inclusive and responsive to the needs of the most vulnerable in the local community? What kind of intervention is required to ensure inclusivity of the poorest? Will the new markets themselves be sustainable in the absence of a cross-border (Afghan) consumer base? Within the new border management paradigm can the policy community advocate for a creative solution (such as local trade corridors) that may also serve the needs of the Afghan migrant laborer?

Citizens of both countries, in this transition from informality to formality, are experiencing an increase in costs of passage (where the possibility of passage exists) for visas, for carriage of consumer and household goods that are integral to quality of life, for education and health, for small business and employment opportunities, to maintain social and familial ties, and to maintain ownership of local assets such as land and forests divided by the fence. Many view these costs as discriminatory. Among special status groups on the Pakistan side most view these costs as a surrender of “rights” to identity, livelihoods, and community, as the privileges of a formalized system have not yet materialized for them. For Afghan citizens the costs pose a more permanent problem without the possibility of a rollback to informality. Eventually, a sustained formality of the border will require the Afghan state to develop systems that citizens can rely on to facilitate their compliance with the new rules, so cross-border movement can continue.

The burden of solutions is heavy for the government of Pakistan and immediate attention is required in two areas: a) the arbitration of conflicts between resident border communities and the NLC with a resolution that not only settles the terms of land use but also clearly commits to employment for local communities; b) a rapid assessment of how to streamline and scale up the processing of travelers through the congested BCP at Torkham, with an approval of exceptional terms for emergency travel. Further, the state’s engagement should be focused on a few policies responsive to immediate needs of local citizens, with the support of political representatives and implementation of a strong communications strategy. Specifically, a sustainable peaceful resolution will not exist until a settlement between the state and the people addresses losses of collective community (clan or *khe*) assets due to the dividing force of the border fence. It is critical that citizen demands in the region be addressed proactively as a buffer against populist mobilization where a history of armed conflict exists.

The findings of this review establish the need for new policy approaches that will strengthen and facilitate cross-border movement – improved border stations and centers, acceleration of trade agreement implementation, establishment of schools and hospitals in borderlands, and improvements to facilitate trade between Pakistan and Afghanistan. They also suggest a need to look holistically at the relationship at the border between the two countries since it deeply affects people’s lives, livelihoods, and relationships. The individuals and communities being affected by changes in policies need to take center stage in any policy discussions, and trade decisions also need to take into account the unique circumstances of vulnerable groups.

ANNEX A: BORDER CROSSING PROFILES

TORKHAM

Torkham is the busiest border crossing between Pakistan and Afghanistan, connecting the Afghan Nangarhar province with the erstwhile Khyber Agency of Khyber Pakhtunkhwa. It is a site for the movement of both people and trade. Pakistan has constructed a border gate and other infrastructure at the site, and proper documentation is required for passage. Like other crossings – but with more severe implications – Torkham is often closed down and re-opened due to political or security issues. For instance, in May 2016, it was reopened after having been shut down after Afghan border forces had prevented Pakistan’s fencing of the border.⁶²

Pakistan introduced new border controls in June 2016 at Torkham, requiring incoming Afghans to have valid visas or *rahdari* papers (allowing local tribes limited movement). The policy initially left hundreds of people and cargo-filled vehicles stranded at the site. For many Afghans, crossing the border was a regular, sometimes daily, activity, and visas were seen as expensive and cumbersome, and some one million refugees in Pakistan were also said to be affected. Afghanistan expressed displeasure at what it saw as Pakistan’s unilateral policy based on political rather than security concerns.⁶³ The International Organization for Migration (IOM) estimates that before these policies, over 20,000 people crossed the border daily, and this was reduced to 2,000–2,500 Afghans after border controls.⁶⁴ Others estimate 10,000–15,000 as the average daily crossings before the policy,⁶⁵ which Pakistan wanted to replicate on other border sites as well.⁶⁶

Since September 2019, Torkham was announced to be operationalized round-the-clock, when previously it was open for 12 hours daily, creating delays and difficulties for traders and travelers, including those needing medical attention.⁶⁷ In spite of updated infrastructure and policies, smuggling and corruption at the border remain rampant.⁶⁸ Moreover, the border is closed whenever there are security concerns or other problems in the bilateral relationship, as well as other more practical reasons, such as during the COVID-19 pandemic in March 2020.⁶⁹ Given the busy nature of the site, screenings were carried out for the virus and quarantine facilities also made available,⁷⁰ before Pakistan shut down the border on March 15 for two weeks initially, prior to which some 15,000 people crossed the border in just a few days – over 5,000 more than the average daily numbers.⁷¹

⁶² <https://tribune.com.pk/story/1107595/pakistan-army-hands-angoor-adda-border-crossing-facility-afghan-forces/>

⁶³ <https://thediplomat.com/2016/06/pakistan-tightens-security-at-key-afghan-border-crossing/>

⁶⁴ https://www.iom.int/sites/default/files/situation_reports/file/IOMPakistan_0617_AssessmentofIncomingAfghanNationals%28Torkham%20Border%29.pdf

⁶⁵ <https://www.bbc.com/news/world-asia-36438575>

⁶⁶ <https://thediplomat.com/2016/06/pakistan-tightens-security-at-key-afghan-border-crossing/>

⁶⁷ <https://www.aljazeera.com/news/2019/09/pakistan-afghanistan-inaugurate-247-torkham-border-crossing-190918100724045.html>

⁶⁸ <https://www.thenews.com.pk/print/608143-smuggling-at-torkham-border-wide-range-of-probe-under-way-on-pm-imrans-direction>

⁶⁹ <https://www.thenews.com.pk/print/606380-pakistan-closes-torkham-border>

⁷⁰ <https://www.pakistantoday.com.pk/2020/02/26/torkham-border-on-high-alert-for-coronavirus/>

⁷¹ <https://www.dawn.com/news/1541030/over-15000-cross-torkham-border-ahead-of-its-closure>

The Torkham border was closed several times, often for extended periods, during 2020. Unsurprisingly, the periods in which the border opened saw significant traffic. After March, when the border was opened in May and then late June, for instance, it was announced that the crossing points would remain open for commercial reasons six days a week, while pedestrian movement was officially allowed only on one day of the week on Saturdays. On the days on which the border opened, it was recorded that thousands of stranded Afghans and Pakistanis crossed the border to return to their countries. The numbers of Afghans has been much higher; for instance, on August 8, 2020, almost 6,000 and some 1,300 Pakistanis crossed the border from Pakistan to Afghanistan, while the numbers of Pakistanis returning to Pakistan were much lower.⁷² Later, in September, the government announced that pedestrian traffic at the border was going to be allowed for four days a week (Tuesdays, Wednesdays, Thursdays, and Saturdays), with valid visas and passports. As Pakistan's Special Representative for Afghanistan and former ambassador Mohammad Sadiq also noted in a tweet, the goal was to revert to pre-pandemic normal affairs at the border.⁷³ In December, it was also announced that only travelers with a valid negative coronavirus test would be allowed to cross the border, and testing facilities were also arranged at the border site.⁷⁴

GHULAM KHAN

After Chaman and Torkham, Ghulam Khan, located in North Waziristan, Pakistan and Khost, Afghanistan, is the third busiest border site. It was closed in 2014 as Pakistan started military operations against militant outfits, and re-opened in March 2018.⁷⁵ There had been plans to open the border in 2017, but this was postponed due to security concerns.⁷⁶ Ghulam Khan is used for bilateral trade only, though Afghanistan requested in July 2019 that it also be used for transit trade.⁷⁷ Trade activities are gaining momentum, as traders who had shifted to other crossings are returning to Ghulam Khan.⁷⁸ This was a major trade route for Miranshah, a trading town and the capital of North Waziristan, and thus its re-opening was welcomed, with 40 to 50 trucks passing daily in initial days. But traders claimed that they were being charged up to PKR 50,000 as tax on each vehicle (more than half of what is collected at other sites such as Kharlachi). The tax depended on the goods – so that a truck exporting eggs was charged a tax of PKR 4,000 at Kharlachi but PKR 12,000 at Ghulam Khan.⁷⁹ In August 2019, some 50 to 100 vehicles were crossing daily, but traders continued to complain about taxes as well as costs for clearing vehicles.⁸⁰ However, efforts to improve trade have borne some fruit, since as of January 2020, an estimated 250 loaded vehicles pass Ghulam Khan every day, while people of the Gorbaz Khel are also able to visit relatives on both sides.⁸¹ Pakistani officials see the presence

⁷² <https://reliefweb.int/report/afghanistan/afghanistan-border-monitoring-update-covid-19-response-26-july-08-august-2020>

⁷³ <https://www.dawn.com/news/1582369>

⁷⁴ <https://www.thenews.com.pk/print/761482-covid-19-test-now-must-for-entry-via-torkham-border>

⁷⁵ "Social Impact of Cross-Border Trade on Pakistan-Afghanistan Border Region," LEAD Pakistan, November 2019

⁷⁶ <https://www.dawn.com/news/1343106>

⁷⁷ <https://fp.brecorder.com/2019/07/20190718498287/>

⁷⁸ <https://www.freshplaza.com/article/9136426/pakistan-trade-gaining-momentum-at-ghulam-khan-border/>

⁷⁹ <https://nayadaur.tv/2019/08/economic-activities-return-to-north-waziristan-after-resumption-of-transit-trade-through-ghulam-khan-crossing/>

⁸⁰ <https://www.tnn.com.pk/trade-activities-gaining-momentum-at-ghulam-khan-border/>

⁸¹ <https://www.arabnews.pk/node/1613151/pakistan>

of the tribe as a key reason for improved trade.⁸² That said, internal matters – such as the arrests of MNAs Ali Wazir and Mohsin Dawar, both leaders of the Pashtun Tahaffuz Movement (PTM) from the Waziristan region – adversely affect the free movement of people and goods.⁸³ There are plans to construct Ghulam Khan (and Angoor Adda, profiled below) on the model of Torkham with similar infrastructure and institutions in place.⁸⁴ Pakistan has also expressed desire to operate it round-the-clock.⁸⁵

In 2020, the Ghulam Khan border remained closed for around three months due to the coronavirus pandemic, finally opening after successful talks between the two countries in June. Even then, people could only travel one day a week on Saturdays while the border was to be open for vehicles carrying goods on the remaining days.⁸⁶

ANGOOR ADDA

The border crossing of Angoor Adda connects South Waziristan, Pakistan with Paktika province in Afghanistan. This is a remote area some 35 km off the regional headquarters of Wana that has experienced a number of clashes between Afghan and Pakistani border patrols in the past, and the border has been closed on several occasions.⁸⁷ Manned by the Pakistan army for around a year until May 2016, this had been a site of contention owing to competing claims on land.⁸⁸ In May 2016, the purpose-built border crossing facility was handed over to Afghan forces by the Pakistan army to improve border management and strengthen bilateral relations.⁸⁹ This was after months of engagement between the militaries of both countries to resolve the long-standing Afghan claim, and this is the first time that Pakistan has handed over land to Afghanistan that it previously occupied.⁹⁰ But there was criticism due to lack of clarity about whether residential and commercial areas – around 3,000 houses and 500 shops and markets – were being given to Afghanistan. This caused a protest by hundreds of tribesmen who did not want to lose their Pakistani identity.⁹¹ Moreover, just hours after it had been handed over to Afghan authorities, it was closed down as there were further claims of about 10 km in Pakistani territory, thus stranding thousands of people and trucks at the border.⁹² While it was later opened, in February 2017, Pakistan closed borders for security reasons,⁹³ leading to traders' protesting due to significant financial losses.⁹⁴ In April 2017, the border was reopened again, initially for pedestrian

⁸² <https://menafn.com/1099549315/Pakistan-Trade-activities-resume-at-Ghulam-Khan-border>

⁸³ <https://nayadaur.tv/2019/08/economic-activities-return-to-north-waziristan-after-resumption-of-transit-trade-through-ghulam-khan-crossing/>

⁸⁴ <https://www.urdupoint.com/en/pakistan/angor-adda-ghulam-khan-to-be-constructed-lik-750552.html>

⁸⁵ <https://sayhoon.com/public/index.php/post/6252/english>

⁸⁶ <https://profit.pakistantoday.com.pk/2020/06/23/pak-afghan-ghulam-khan-border-crossing-reopens-for-trade/>

⁸⁷ <https://www.thenews.com.pk/print/121850-Border-dispute-at-Angoor-Adda-resolved>

⁸⁸ <https://www.dawn.com/news/1260454>

⁸⁹ <https://tribune.com.pk/story/1107595/pakistan-army-hands-angoor-adda-border-crossing-facility-afghan-forces/>

⁹⁰ <https://www.thenews.com.pk/print/121850-Border-dispute-at-Angoor-Adda-resolved>

⁹¹ <https://www.thenews.com.pk/print/121850-Border-dispute-at-Angoor-Adda-resolved>

⁹² <https://www.dawn.com/news/1260454>

⁹³ <https://timesofislamabad.com/20-Apr-2017/pak-afghan-border-reopened-from-angoor-adda>

⁹⁴ <https://www.tnn.com.pk/traders-demands-resumption-of-angoor-adda-border-crossing/>

movement and later for transport of goods.⁹⁵ Pakistan also started constructing a security post and other installations at the border, leading to opposition from the Afghan side.⁹⁶ The region is being fenced by Pakistani forces for security reasons, to ensure that all of the South Waziristan border is under observation.⁹⁷ In January 2018, the NLC revealed plans to construct new and modern terminals at Angoor Adda to prevent the movement of militants and curb illegal trade.⁹⁸ But the site remains controversial and troublesome for traders and tribesmen due to closures.⁹⁹ In November 2019, land was allotted after an agreement with tribal elders, for the construction of a customs house at Angoor Adda, with plans to launch different kinds of business activities to benefit locals and keep a check on illegal trade.¹⁰⁰ In January 2020, the intent to further develop Angoor Adda (and Ghulam Khan) through policies such as round-the-clock operations and institutional facilities similar to those at Torkham was also expressed by Pakistani officials.¹⁰¹

The Angoor Adda border was, however, closed in early 2020 for four months in order to prevent the spread of the coronavirus, finally reopening in July for trade activities. It was also decided, as in other borders, that pedestrians would be allowed to cross the border only one day in a week.¹⁰² In September, Angoor Adda gained some importance as the Pakistan customs authorities announced that all arrangements for the border crossing site to become a customs station had been completed and that the border will begin handling trade cargo through customs.¹⁰³

⁹⁵ <https://timesofislamabad.com/20-Apr-2017/pak-afghan-border-reopened-from-angoor-adda>
⁹⁶ <https://www.pajhwok.com/en/2017/04/12/%E2%80%9898pakistan-resumes-building-security-post-angoor-ada%E2%80%99>
⁹⁷ <https://dunyanews.tv/en/Pakistan/410477->
⁹⁸ <https://nation.com.pk/04-Jan-2018/nlc-to-build-new-border-terminal-at-angoor-adda>
⁹⁹ <https://www.garda.com/crisis24/news-alerts/119996/pakistan-tribesmen-continue-sit-ins-in-waziristan-may-17>
¹⁰⁰ <https://www.thenews.com.pk/print/573310-tribal-elders-give-land-for-establishing-customs-house-at-angoor-adda>
¹⁰¹ <https://www.radio.gov.pk/03-01-2020/trans-border-trade-kp-govt-decides-to-develop-angoor-adda-ghulam-khan>
¹⁰² <https://www.thenews.com.pk/print/684855-angoor-adda-border-reopened-to-trade>
¹⁰³ <https://www.thenews.com.pk/print/718817-pak-afghan-trade-via-angoor-adda-starts-from-today>

ANNEX B: FGD PROFILES

Focus Group Description	Gender	Participants
Tarnol Market - Rawalpindi (traders, shopkeepers, and transporters of auto spare parts)	Male	6
Wana Community - South Waziristan (multi-khel community at Angoor Adda border crossing, including special status participants from the Khojal Khel community)	Male	7
Traders (Shinwari), Landi Kotal - Khyber	Male	9
Transport Union - North Waziristan	Male	6
Market Union, Karkhano Market - Peshawar	Male	7
Khoge Khel community - Khyber (special status group at Torkham border crossing)	Male	7
Market Union, Miranshah Market - North Waziristan	Male	7
Traders Association, Miranshah - North Waziristan	Male	7
Market Association, Wana Market - South Waziristan	Male	6
Gorbaz Khel Community - North Waziristan (special status group at the Ghulam Khan border)	Male	8
Traders Association, Wana Market - South Waziristan	Male	6
Labour/Daily Wagers, Angoor Adda - South Waziristan	Male	8
Fruit and Vegetable Traders, Wana - South Waziristan	Male	7
Community Women, Wana - South Waziristan	Female	7
Community Women, Landi Kotal - Khyber	Female	6
Community Women, Miranshah - North Waziristan	Female	7
Women Travelers - Peshawar	Female	6
Transporters (Shinwari), Landi Kotal - Khyber	Male	6
Transporters (Koki Khel, Afridis), Jamrud - Khyber	Male	9
Transporters, Rawalpindi	Male	6
Total		138

ANNEX C: A CLOSER LOOK - OBSERVATIONS OF THE BORDER

TORKHAM BORDER CROSSING (Khyber District)

The foremost visible outcome of the border fence and regulatory regime currently in place at Torkham is the major slowdown in movement of heavy transportation. Trucks line the route for miles – at the time of the research the queue extended for over a distance of 10 km from the Torkham gate. Traders interviewed cited anywhere between 8 and 15 days as the average time their trucks spend in queues at the border. The considerable queues extend both ways on either side of the border. A transporter speaking on site mentioned that a single round trip from Peshawar to Jalalabad (a distance of roughly 130 km each way) was taking one month to complete and that his truck had been held up for 10 days on the Afghan side before he was able to cross into Pakistan.

This phenomenon leads to diversion of Afghanistan-bound traffic to other border points - notably Kharlachi (Kurram District). As a transporter explained: *“There are fewer government departments dealing with border management (only two – Frontier Constabulary and Customs) while Torkham has more than eight departments and agencies. Our business has diverted to Kharlachi mainly and to some extent to Ghulam Khan and Angoor Adda as well. Some Torkham intended vehicles are also moving through Chaman border due to congestion problems at Torkham,”*

Torkham is not open 24/7 for all types of traffic. While there were high expectations on the Pakistan-side regarding the announcement that Torkham would remain open for passage 24/7, the observation findings tell a different story. The BCP is open from 8 a.m. to 8 p.m. for all types of traffic. The number of days per week when passenger traffic is allowed changes on a frequent basis (at the time of writing this report passenger traffic is allowed four days per week), while trade/cargo passage is consistent on a daily basis. However, loaded cargo vehicles can only cross from Pakistan into Afghanistan in the day shift, while empty vehicles returning to Pakistan are able to avail of 24/7 entries from Afghanistan.

Observations of the landscape and atmosphere:

- There is a stand for cars some 100 meters from the entry gate point (a local informed the research team they were to go no further from this point unless there were travelers). To the left of the gate, a booth for polio workers was observed issuing printed slips as proof of administration of vaccine, which is mandatory to enter Pakistan. Women and children along with their luggage are being pushed in wheelchairs. Wheelchairs also substitute hand-driven carts. Local youth charge AFN 150 or PKR 200 to ferry a person or their luggage to the entry gate.
- There are restaurants and a variety of food and tea are available. A line of restaurants has been abandoned after erection of the fence along the sides of the access road as well, cutting off consumers from the shops. There is a plaza with abandoned shops where one functioning bank remains open. On the right side lies a village (Bacha Mena) and a *kacha* (non-metalled) road going uphill to the village. To the extreme left of the markets, under the mountain, is a separate road leading to the truck stand connected to the “export gate” where the custom clearing agency checks trucks and clears them for entry to Afghanistan.
- The marketplace itself is lively where Afghan fruits are sold. Moneychangers or currency exchange operators display Afghan and Pakistani currency in their glass covered showcases. People visit these stalls for immediate needs of currency. There are no issues of access or

disruptions for traffic coming into Torkham; however, all traffic must pass through a security plaza everyone has to pass through. Armed personnel from an FC unit stop and check almost every vehicle and passengers. In addition, there are windows in container-built offices functioning for different services like customs clearance, NADRA (the agency issuing all forms of ID in Pakistan); FIA, etc.

- There were fewer women in the marketplace; however, female travelers can be seen in modest numbers. Upon asking about toilet facilities or women-only areas where passengers can rest, a driver responded that such facility does not exist till Peshawar.

BORDER CONFLICT: THE KHOGE KHEL VS THE NLC

The land surrounding the Torkham border crossing belongs to the Khoge Khel – a composite sub-tribe of the Shinwari. As described by a local elder: *“There are three sub-clans of Khoge Khel namely Pastikhel, Ashrafkhel and Hatmikhel. We are actually the elders of the Hatmikhel. It is our combined area from Torkham Gate to Chowni. It was decided in a tribal jarga of Khyber Agency (now Khyber District after the merger of the erstwhile FATA region into Khyber Pakhtunkhwa province) in 1976 that the area between Torkham Gate and the Bazaar was given to Khoge Khel.”* As the Pakistan government moved to regularize and reform the border management, the National Logistics Cell (NLC) – as the designated agency – had to negotiate a land lease agreement with the Khoge Khel community. The agreement was reportedly reached and signed in 2016 whereby the Khoge Khel are entitled to monthly dues/rents from the government.

The NLC’s presence has visibly expanded the writ and control of the state in the area. Secondly, due to changes in the administrative systems, as a result of the governance reform measures since 2018, local tribes have lost influence in the prevalent political settlement. Whilst willing signatories to the agreement with the NLC, payment of actual dues (both rental and purchase of land) have been pending for more than two years now. As a result, the Khoge Khel Shinwaris have been engaged in an active protest (*dharna* or sit-in) at the border. The sit-in was observed in March 2020 and again in late October 2020 by the research team at Torkham. Khoge Khel have demands pertinent to their land and its fee. They also have concerns over job losses in the border industry due to NLC policies, which have significantly shifted the landscape – these include physically shifting *addas* (loading docks), terms and permissions of employment in the *addas*, terms in the agreement under which the Khoge Khel individuals were employed by the NLC, and the terms for crossing the border for community members (many of whom hold Pakistani passports as well as Afghan *Tazkiras*). As one protestor explained: *“A recent move has taken place that a nine-member-committee has been nominated under the leadership of Mufti Ejaz of JUI who will now distribute Torkham land among three sub-clans of Khoge Khel. This will give control of land back to the tribe and the government and NLC will not be able to occupy their land without a proper procedure.”*

As of December 6, 2020, the Khyber Siyasi Ittehad (a joint political forum of all mainstream political parties of Pakistan, who played a major role in FATA reforms process) held a meeting and agreed to a list of demands for negotiation on behalf of the Khoge Khel. Among others, these include: a) easing the passage of people and goods with reduced checks; b) allowing locals to earn a living through *ganda* or (cross border carriage of goods by handbarrow or by hand), a practice which has been restricted due the formalization of movement through the terminal, supported by the fence. Interviewees allege there are around 4,000 Khoge Khel Shinwari laborers who are now unemployed, since the construction of the fence.



Hamza Baba Chowk, Khyber – the vehicle queue carrying transit ends at this Chowk and starts again at the end of Landi Kotal Bazar and goes on to Torkham.

The research team mapped and priced the journey from Peshawar (the main downstream market and major urban center roughly 60 km away) to Torkham through the various check posts. The details of each check post and associated fees/tolls are provided in the table below. Overall, the one-way journey per cargo vehicle costs roughly PKR 14,500, equivalent to approximately USD 92.

For Cargo: List of Checkpoints and Payments per cargo vehicle - Torkham Route

1. Dir Colony on Ring Road (No checkpoint but officials come out on and take Rupees)	500
2. Ring Road Toll Plaza (near Hayatabad entrance)	1000
3. Parking yard in Bara road for waiting in queue during (Private landlord)	4000
4. Takhta Beg (Levies / Police)	500
5. Begyarri (FC / Police)	500
6. Prang Sang (FC / Police)	500
7. Charwazi – FC/ Army (No payment)	
8. Ziary CP (No payment reported)	500
9. Landi Kotal (NLC / Police)	1500
10. Mechni (Police)	500
11. NLC Payment at Torkham Border Point	4000
12. Scanner at Border	1000

JAMRUD RAILWAY PHATAK (Close to Kharkhano Market, Peshawar)

The research team also investigated modes and costs of transport for passengers between Karkhano market (a major commercial center in Peshawar) and Torkham. Jamrud Travel Point is a local terminal located close to Karkhano market also known as Jamrud Railway Phatak, which serves as a collection and transport point from Peshawar for Torkham-bound travelers and incoming travelers (a distance of roughly 40 km). Transportation services are provided by local businessmen from the Afridi community who generally charge PKR 250–300 as *adda* or terminal tax per vehicle (typically a Toyota car or Hiace van). Every vehicle is assigned a number in sequence upon arrival at this terminal and the vehicle must follow the assigned order to pick up and deliver travelers. When vehicles arrive waiting passengers flock to board (at a shop close to the entrance road to Hayatabad Industrial Estate). There is no ticketing window or queuing system.



Bab-e-Khyber

A second means of transport to the Torkham Gate or Landi Kotal is by rental car. The network is also run by local Afridis (known as 2.0 D car service). **At a cost of PKR 400–500 per person, the cars can take up to four passengers.** The service is entirely informal – in fact the drivers are regularly told by the local police that they are not allowed to park here or harass passers-by with offers of transportation. While the bus terminal is a private enterprise, a new toll plaza has been developed and will soon collect toll tax from all Khyber bound cars and commercial vehicles. Drivers seemed annoyed by it. A driver expressed that recently expenses of going to Torkham have increased: “These days only one trip is made (in daylight) because there is no rush of people coming from Afghanistan.”



Jamrud Bazaar, Khyber



Ali Masjid Village – Khyber



Landi Kotal Bazar, Khyber

Services and infrastructure along the route are underdeveloped. Drivers reiterated issues caused by a lack of proper toilet facilities on the route, and at the terminals, particularly noting this was inconvenient to female travelers. There are no toilet facilities all along this route from Torkham for women travelers, revealed a male driver: *“Sometimes they have to wait till they reach Peshawar but it is quite common for us to stop on the road at secluded spots by the mountains, for those in urgent need. Local Dhaaba (roadside restaurants) provide only small chowkies (small wooden planks) to sit on the ground and the only food on offer are beans and bread.”*



Shagai Fort, Khyber

ANGOOR ADDA BORDER CROSSING (South Waziristan District)

This observation documents the journey from Wana to the BCP. The Angoor Adda crossing is accessible from Dabkot via Zerri Noor, Sholam, Raghzai, Khamrang, Zham China Sar, and Nyozi Narai. Sholam Road (or Colony Road) remained closed to public transport for the last 10 years and only recently reopened in 2020.



Sholam or Colony Road – heading to Angoor Adda

New developments in the outskirts of Wana surprise locals: There is an army checkpoint on Zerri Noor Morr (turn) adjacent to the wall of the Wana Cadet College. This is the first point where enquiries are made as to a travelers' intended destination. Local residents (members of the Khojal Khel sub-tribe of Ahmedzai Wazirs) in the research team noticed many changes such as the development of a new building at the Cadet College on the road, construction of a new "Technical College" and the renovation of the "Colony" area – now renamed Sultan Camp. Sholam is beginning to entertain larger traffic of the local population and was visibly more crowded due to the recently constructed Sholam Model Hospital.

Protracted conflict had a restrictive impact on local commerce: After Sholam the next bazaar en route to Angoor Adda is Raghzai, which serves as an important travel point for passenger transit to Afghanistan. This small bazaar is a renowned market for timber and associated businesses. The bazaar was once famous for pine nuts – an important commodity, locally grown on both sides of the border. However, during the course of time due to armed conflict in the immediate vicinity, the Raghzai bazaar did not expand and remains a small commercial outfit specializing in wood/timber from pine nut trees.



A Khasadar (now the equivalent of local police) stands at the gate of Sholam Model Hospital, Sholam.



Raghzai Bazar

Rules regarding submission of identity documents are not uniformly applied: Onwards from Raghzai is the beautiful pass of Khamrang (and the well-supplied military check post of Khamrang). Khamrang check post serves as a filter for traffic to the Angoor Adda border. Two types of “entries” are registered here: a) for those who travel to nearby villages and areas inside Pakistan such as Nyozi Narai etc.; and b) for those who plan to cross the border into Afghanistan. The former category of travelers is allowed to carry their CNIC while the latter are required to submit their CNIC at the check post. However, conversations with respondents in Wana suggest travelers are rarely made to submit their CNIC at Khamrang by officials manning the post, even if they mention their intention to cross the border.



Trucks arriving from Afghanistan wait for clearance at Khamrang CP (moving to Wana).

Lack of toilets: Approximately 12 trucks were observed waiting in line for entry and clearance at the Khamrang check post, after crossing Angoor Adda into Pakistan from Afghanistan. Though the trucks were not too many, there were no facilities for the truckers at Khamrang check post.

Special status groups still enjoy some privilege of access: At the Angoor Adda border point the Frontier Constabulary (FC), army and *Khasadar* (levies) force were deployed and could be observed. The CCTV cameras were under army oversight. The research team were allowed (upon request) to go up to the last barrier of the check post, but had to be accompanied by an FC guard and were not allowed to be unsupervised for any length of time. However, the FC guard explained the strictness was due to military surveillance and as per army directives. Initially the team were not allowed to take photos but were not stopped from taking photos after they made it clear they were from the Khojal Khel community.

Laborers need permits at the BCP for work: This employment essentially consists of two types of labor: a) *jaar* (digging into loaded trucks to check for illegal goods); or b) *ganda* (transporting a small quantity of goods in handcarts).

There is a locally agreed upon mechanism for *jaar* adopted by the border administration. According to the mechanism, the four eligible *khels* (of the Wazir tribe) including Zili Khel, Tojye Khel, Gangi Khel and Khojal Khel provide labor for *jaar* – two communities work for a week and the other two work the next week. The mechanism seems transparent but the locals allege that *maliks* (elders) select only those who work as collaborators with the army. However, the abovementioned distribution of *jaar* labor across groups does not work – in the same way as discussed above – for issuance of permit for *ganda* though the recommendation and approval system is the same as mentioned above.

Local disputes between *khels* are resolved through cross-border *jarga* arbitration: Recently a land dispute arose between Khojal Khel and Gangi Khel communities originating in Afghanistan. Members of both clans can travel across the BCP and therefore made frequent trips to Afghanistan, from Pakistan, for the resolution of the dispute through a tribal *jarga*. As the conflict situation was well known to the border authorities, they facilitated the frequent border crossing of the *jarga* members.

The border terminal is sparse with no visible facilities for passengers at all (such as toilets) and the security infrastructure appeared temporary. Considering the first observation was in mid-March, the team were surprised to see medical personnel screening incoming Afghans for COVID-19 (temperature checks with an infrared thermometer). *“I inquired that why the doctor is on the border – the Khasadar person told me that a female and a male doctor are checking (screening for COVID-19) the people entering from Afghan side. Yesterday a young Afghan girl entering into Pakistan was sent back to Afghanistan after she failed screening for COVID-19.”*¹⁰⁴

There was no proper waiting area for passengers on Pakistan’s side while a female passenger was observed waiting inconspicuously in front of one of the few rooms of the small building.



The only waiting area (public transport stop) in Angoor Adda Bazar.

The area specified for *jaar* on the Pakistan side is situated at a rough distance of about 100 meters from the border point in Angoor Adda Bazar.

¹⁰⁴ ‘Screening’ here refers to basic temperature screening as opposed to testing for COVID-19.



Trucks waiting for jaar – in Angoor Adda Bazaar.

Angoor Adda Bazaar is a small market of around 80 to 100 shops including fruit and vegetable stalls. It has a wood market and two or three small inns / hotels (each with a few rooms for passengers). There are also three small restaurants. But the construction is temporary and the whole bazaar looks like a temporary market. In addition to shops and restaurants there are also a big mosque and madrasa and a fuel station (petrol pump) in Angoor Adda Bazaar.



Angoor Adda Bazaar

The bazaar is famous for foreign goods that are available in the shops, but many of the items are more expensive when compared with Wana Bazaar (the first big downstream market). The shopkeepers are also suppliers and traders. They supply Pakistani goods into Afghanistan's market – especially in Naway Adda Bazaar in Birmal, Afghanistan. They also have links in Wana Bazaar and supply goods to shopkeepers there.



Angoor Adda

Public transport (via rented cars or taxis) for the passengers inside Pakistan is quite reasonable inside Pakistan – one can get the latest model *Fielder* car for a trip to Wana.



Fielder car used as public transport or taxi – picking up people from Angoor Adda border point to Wana.

The field team observed instances of cordial exchanges between FC border guards and locals (including both tourists from Tanai, and local families expecting to receive female passengers).



Trucks wait on Gorgora CP near Wana Bazaar (moving to Afghanistan).



Trucks wait on Gorgora CP near Wana Bazaar (moving to Afghanistan).

Angoor Adda: List of check posts and fees per vehicle

1	Angoor Adda - Zero Point	4,000
	<i>Kantta</i> (weight)	1,500
	<i>Jaar</i>	5,000
2	Khamrang	500 though not fixed
3	Raghzai	Legal 200+500=(700), illegal not fixed
4	Sholam	500
5	Wana bypass	500 to 1,000
6	Wana Police Station	500

The research team mapped and priced the journey from Wana (the main downstream market and major urban center roughly 60 km away) to Angoor Adda BCP through the various check posts. The details of each check post and associated fees/tolls are provided in the table above. Overall, the one-way journey per cargo vehicle costs roughly PKR 13,500, equivalent to approximately USD 86.

GHULAM KHAN BORDER CROSSING (North Waziristan District)

Access to the area around the BCP is severely restricted: Ghulam Khan border point is heavily securitized and, therefore, quite different to Angoor Adda and Torkham. Only members of the Gorbaz tribe can go to Gorbaz village near the “zero point” of the Ghulam Khan BCP. The Gorbaz tribe is not allowed to visit the zero point itself. In comparison, everybody can go to the zero points of Angoor Adda and Torkham border points – including visitors, researchers and media persons. Photography of the border, while possible at Torkham and Angoor Adda, is not allowed at Ghulam Khan. The rest of the people of North Waziristan can go to *Nawab Kot Camp* (or *Nawab Mandi*) check post – beyond which there are three more check posts (Ghulam Khan Fort, Old Bazar Ghulam Khan and Zero Point) where only the Gorbaz can travel.

One common feature of two border points (Ghulam Khan and Torkham) was people’s protests and sit-ins against the border management agency: In Torkham, the Khoge Khel community were in protest while the Gorbaz community held a protest against border management due to restricted travel to Afghanistan at Ghulam Khan. The Gorbaz were also protesting against some of their land being “illegally occupied” by border management forces. However, it is pertinent to note the tense and escalating security situation (on account of militancy and violence) in North Waziristan is quite different to Khyber.



Miranshah Bazar: Miranshah-Ghulam Khan road. The loaded truck of cement can be seen moving towards Ghulam Khan.

Cement exports are thriving: The main dealers and traders of cement are located at the Miranshah Bazaar (the first big downstream market from Ghulam Khan) and most of the cement-loaded trucks can be seen in the bazaar. The majority of transporters' *addas* or terminals/stations are located on the bypass road itself. These days the cement business is doing very well (according to dealers/traders) at the Ghulam Khan border point, which could be witnessed throughout the journey to Ghulam Khan.



Sign of Lucky Cement Dealer next to a petrol pump in Miranshah.

Ghosts of the Old Bazaar: Soon after leaving Miranshah one can witness the remains of the ruined market of Miranshah Bazaar (destroyed in Operation Zarb-e-Azb between 2014 and 2016). At the first check post of *Sargardan Chowk*, which is managed by the FC and backed up by army personnel, passengers are required to declare their identity and location/destination. *Dandy-Darpakhel* is the first village on the road while moving to Ghulam Khan, inhabited by the Dawar tribe. The rest of the villages on the Miranshah-Ghulam Khan road are Wazir-inhabited areas and the villages themselves are situated some distance from the road.

According to locals, villages located along Miranshah-Ghulam Khan road accommodated Afghan refugees in the past, but now no Afghan refugee families remain in these villages.



The area on both sides of the road is not as green as the neighboring tehsil of Razmak, except one place near Mashar Kot (in the above photo) – but according to locals the army has recently purchased these lands.

A concentration of check posts: There are eight check posts in only 17 km along the Miranshah-Ghulam Khan road.

Onwards is the Dirdooni check post (managed by police) – where the police officials, being familiar with our local researchers' family, allowed the vehicle through without an identity check, which would otherwise be the norm. Following on from Dirdooni is Mashar Kot, which is managed by FC. This is a stringent security check post where a thorough identity check is required for every passerby. Finally, our team arrived at the Nawab Kot check post managed by police, situated about 8 km from the Ghulam Khan BCP, where they were asked to turn back as further traffic was not allowed without special authorization.



Remains of Miranshah Bazaar – this market was destroyed during Zarb-e-Azb operation

While moving from Miranshah to Ghulam Khan there are around nine different check posts, among them only three (Dirdooni-1, Dirdooni-2 and Nawab Kot) are managed by police who collect tax for local civil administration. The remaining six check posts are managed either by the army, FC, or a combination of actors.

Ghulam Khan: List of check posts and payments per vehicle

1	NLC CP – Zero Point	4,000
2	Old Ghulam Khan CP – (Police)	500
3	Ghulam Khan Fort – (FC)	700 to 5000
4	Nawab (Nawab Kot / Camp) - (Police)	500
5	Mashar Kot – (FC)	500 (not fixed)
6	Dirdooni – 1 (Police/ FC)	500
7	Dirdooni – 2 (Police)	500
8	Sargardan Chowk (FC)	no amount
9	Miranshah bypass (FC)	no amount
10	Chashma Fort – (FC)	700 (not fixed)
11	Esha (FC, Police)	not fixed
12	Talha (Police)	700

As with Torkham and Angoor Adda, the research team attempted to map and cost the journey from Miranshah to Ghulam Khan, which is roughly a 30 km distance. As the team was not allowed beyond a certain point it was not possible to reliably price the journey in full; however, our estimates suggest costs incurred fall between PKR 8,500–PKR 13,000 (about USD 55–USD 84).



A sign on the road indicating 10 km from Ghulam Khan and 12 km from the “zero point”.

Prior to the COVID-19 pandemic, traders would agree to ferry solitary passengers across Ghulam Khan into Afghanistan with the passenger posing as a conductor in a cargo vehicle (mostly carrying vegetables). The practice is no longer possible because new rules forbid more than a single occupant (driver) to a cargo vehicle.