
REGULATORY FRAMEWORK OF PAKISTAN-AFGHANISTAN RELATIONS

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ABSTRACT: This article examines the content and essence of the normative legal documents regulating the relations between Pakistan and Afghanistan, as well as the key areas reflected in them. The main focus is on analyzing the foreign policy activities of Pakistan and Afghanistan, the existing challenges in their bilateral relations, and the prospects for development in the context of national interests of both states.

KEYWORDS: Foreign policy, interstate relations, national interest, regulatory framework, bilateral and multilateral treaties, agreements, government of Pakistan, Afghanistan, Taliban.

INTRODUCTION

Pakistan and Afghanistan maintain extensive contacts in the field of bilateral relations and the trade-economic, transport and transit corridors that form their basis, as well as on regional and international issues. Developing mutually beneficial cooperation in various fields with Pakistan, which has significant political and economic potential and plays an important role in the region, is one of the priorities of Afghanistan's foreign policy. The traditions, values, and customs of the peoples and ethnic groups living in Afghanistan and Pakistan are common to each other.

As is known, relations between states are carried out on the basis of some political and legal documents. Relations between Pakistan and Afghanistan are also carried out on the basis of legal documents. These documents include national strategies that determine the main directions and principles of the independent foreign policy of both states, as well as bilateral and multilateral treaties, agreements, etc.

When two states enter into relations, each of them naturally takes into account its own interests and determines its foreign policy based on them. In particular, the strategic interests of the states are determined based on the problems that have arisen in the political, economic, and socio-cultural spheres.

Based on the above, it can be said that today the relations between these countries are based on a number of bilateral documents.

In particular, cooperation between Afghanistan and Pakistan is developing on the basis of the Kabul Declaration on Good Neighborliness (2002), signed to ensure peace, security and development in the region, the Agreement on Transit Traffic between the Islamic Republic of Pakistan and the Islamic Republic of Afghanistan (2005), the Agreement on the Establishment of a Working Group for the Implementation of Confidence-Building Measures between the Islamic Republic of Pakistan and the Islamic Republic of Afghanistan (2007), the Joint Declaration on

Bilateral Cooperation (2009), and the Islamabad Declaration (signed following the results of the international conference held in Islamabad on May 13-14, 2009).

At the same time, during the official visit of Pakistani Prime Minister Yusuf Gilani to Afghanistan on December 4-5, 2010, agreements were reached to introduce a system of duty-free trade and tax exemption for goods imported through Pakistan from January 2011, as well as to put an end to the smuggling of marble, semi-precious stones, food products, and vehicles.

In addition, during the official visit of former Afghan President H. Karzai to Pakistan on June 10-11, 2011, a clear decision was reached on the implementation of the issues stipulated in the “Afghanistan-Pakistan Trade and Transit Agreement” signed in October 2010 [1].

As a result of the entry into force of the agreement, the provision of bank guarantees for the transportation of transit cargoes was excluded from the agreement, as well as the establishment of customs tariffs and the provision of insurance guarantees for transit cargoes by insurance companies.

This agreement also establishes a legal basis for launching new transport routes for bilateral transit cargo, increasing Pakistan’s export potential to Central Asian countries, and expanding Afghanistan’s access to PIR seaports.

It should be noted that the development of Pakistan-Afghanistan trade relations in recent years has led to an increase in the volume of trade between the two countries.

In addition, the “Afghanistan-Pakistan Peace and Reconciliation Action Plan” signed by former Prime Minister of the Islamic Republic of Pakistan Shahid Abbas during his official visit to Kabul on April 6, 2018, was cited as follows:

- Pakistan-Afghanistan peace talks and national reconciliation process;
- Both countries will take effective measures against elements that threaten national security;
- Both countries will undertake to refrain from and combat the use of their territories against third countries, groups, networks, individuals and state elements;
- Establish a joint mechanism for monitoring and coordinating decisions made through “liaison officers” (mediators, communication channels);
- Both countries will not violate each other’s airspace use rules;
- Both countries should avoid public accusations of each other and implement the agreement through “action plan” mechanisms;
- Establish necessary working groups and cooperation mechanisms in accordance with the “action plan” and the above principles [2].

In order to positively resolve Pakistan’s external and internal political, economic, national-ethnic and religious problems, it is of great importance to establish positive relations with Afghanistan, which requires joint action by the two countries.

The two countries’ relations remain fraught with problems related to the Federally Administered Tribal Areas. These issues include the Pashtun factor, the status of the Afghanistan-Pakistan border, Afghan refugees, and cross-border terrorism.

In this regard, it is worth noting the following thoughts of the first President of the Republic of Uzbekistan, I. Karimov, on this problem: “For the stabilization of the situation in Afghanistan, it is

important for the leadership of neighboring Pakistan, in cooperation with the government, to resolve border issues, primarily those in the territory of Waziristan” [3].

As noted above, the issue of determining the state border between the two countries has been a long-standing issue in Afghan-Pakistani relations.

Additionally, Afghan refugees play a significant role in Pakistan-Afghanistan relations and are considered one of the most critical issues. Although Pakistan has not signed the 1951 Refugee Convention, Afghan refugees were granted freedom of movement. However, their return to Afghanistan is hindered by limited access to formal education, restrictions on opening bank accounts, employment opportunities, property ownership, and healthcare services.

Another important event in the foreign policy of the two states was the signing of a protocol in Tashkent on December 3-4, 2018 by the railway administrations of Uzbekistan, Russia, Kazakhstan, Afghanistan and Pakistan on the establishment of a financial consortium for the construction of the new “Mazar-i-Sharif - Kabul - Peshawar” railway [4]. The new railway will become a transport corridor connecting the European Union, Russia, Uzbekistan, Afghanistan, Pakistan, India and the countries of Southeast Asia. The implementation of these projects will serve the development of the economies of all countries in the region, including Afghanistan. At the same time, it will expand regional trade, develop cooperation between countries and, importantly, contribute to the development of Afghanistan and other countries in the region.

Among a number of international legal documents ratified by Pakistan, it is important to highlight the following normative legal documents that regulate foreign political activities:

The first document. “Guiding Principles of Pakistan’s Foreign Policy” developed by Muhammad Ali Jinnah, the founder of the state of Pakistan, in February 1948 (Guiding Principles of Pakistan’s Foreign Policy) [5].

Second document. The Constitution of the Islamic Republic of Pakistan, adopted in 1973, can be cited as the next legal basis for regulating foreign policy [6].

It should be said that the above-mentioned documents reflect the general principles of Pakistan’s foreign policy, and these principles are general for the foreign political activities of all countries and do not reveal the uniqueness of the state’s foreign policy.

Third document. The legal document that expresses Pakistan’s foreign policy more clearly is the “Strategic Vision of Pakistan’s Foreign Policy” adopted on June 25, 2015. This regulatory legal document defines the main tasks of the state’s foreign policy.

Based on the basic principles laid down by the founders and constitution of Pakistan and the aspirations of the people of Pakistan, the objectives of the foreign policy of the state can be summarized as follows:

- To promote Pakistan as a dynamic, progressive, moderate and democratic Islamic country;
- To develop friendly relations with all countries of the world, especially major countries and close neighbors;
- To protect national security and geostrategic interests, including Kashmir;
- To strengthen trade and economic cooperation with the international community;
- To protect the interests of the Pakistani diaspora abroad;
- To ensure optimal use of national resources for regional and international cooperation.

One of the most important directions of Pakistan's foreign policy is to strengthen good-neighborly and mutually beneficial relations with Afghanistan, Iran, and the countries of Central Asia.

Despite differences in approaches to resolving a number of issues, including the ongoing tensions with the Taliban and other issues, Pakistan is seeking to maintain friendly relations with Afghanistan.

In our opinion, there are several reasons why Islamabad is developing relations with Afghanistan:

- firstly, political stability in Afghanistan and the restoration of road and transport infrastructure will provide Pakistan with direct access to the countries of Central Asia;
- secondly, Pakistan's continued participation in the processes in Afghanistan is important for its political and socio-economic interests;
- thirdly, ensuring the territorial integrity of the country by keeping the activities of the Pashtun separatist movement under control and preventing the emergence of an unstable situation.

Since the fall of Kabul to the Taliban, the Islamic Emirate of Afghanistan has remained a diplomatically isolated political entity. Although the Taliban have significantly consolidated their power, the regime still faces serious challenges both internally and on the global stage. However, we can see that the Taliban authorities, after seizing power, have set the following priorities in their foreign policy activities:

- The Taliban regime should pursue a consistent foreign policy, maintaining neutrality and balance, like previous governments;
- achieve international recognition;
- pursue a policy of strengthening and normalizing regional cooperation;
- integrate Afghanistan economically in the region;
- restore stalled diplomatic relations and establish diplomatic relations with a number of states and non-state actors;
- recover frozen Afghan assets;
- achieve Afghanistan's accession to existing economic agreements in the region;
- achieve negotiations with Pakistan on Afghan refugees.

CONCLUSION

In general, most of the above-mentioned legal documents are aimed at regulating the border and trade and economic relations between the two countries, helping to positively resolve various issues between them and strengthen mutual cooperation. In particular, the documents signed during the visits of the heads of state in recent years are significant in that they create new opportunities in relations.

However, these documents are not up to the level of existing opportunities between the two countries. Further enrichment of this series of documents remains the main task for official Islamabad and official Kabul.

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