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Problems in the implementation of the APTTA Agreement and Recommendations for its Future

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Abstract. In this research article, you will read that both parties of the agreement, Afghanistan and Pakistan, believe that good relations between the two countries can be a means of resolving many issues, including trade and transit. Afghan businessmen, government officials and general people as well as the Pakistanis hope that good relations with each other will resolve the problems of Afghan and Pakistani businessmen and will benefit people of both countries. Trade and transit problems can be solved by strengthening the bilateral relations. The problems of implementation of the APTTA Agreement are resolvable and there will be no grievances if both parties show commitment and mutual respect. Both parties accept the availability of the problems; however, each party is keen in resolving these issues on its own advantages, which complicates the implementation of the APTTA agreement. In this research article, we have tried to dig out relevant issues of Afghan and Pakistan transit and trade in accordance to the agreed terms of the APTTA agreement, concord with the regional conditions to find out the problems of Afghan and Pakistani traders and to re-sign the agreement keeping in view the suggestions from both parties with strong will so that the mentioned agreement brings prosperity and welfare to the people of the region as a whole, particularly of South and Central Asia. Both Afghan and Pakistani hope to include other countries in the agreement in the future. Afghanistan has demanded the inclusion of India and Pakistan has demanded the inclusion of Central Asian countries, especially Tajikistan. To understand the terms, used in this article, are explained in detail under a separate heading in the coming pages.

Keywords. Afghanistan, Pakistan, trade, transit, relations, regional connectivity, APTTA Agreement, problems

Introduction:

Keeping in view the religious, social, cultural, political and commercial aspects of Afghanistan and Pakistan, it is mandatory in terms of economic development and trade to discuss the relationship, opportunities and challenges concerned with Pakistan. Even having political turmoil, the world wants to keep economic ties with the opponent countries so that the trade is developed as most of the time, strengthening economic ties leads to political stability and exemplary friendship and such examples are visible around the globe.

The lengthy border of Afghanistan with Pakistan, the quick access of Afghans to the Pakistani Market, the easy and cheap route, the connecting location of Afghanistan, the

inclination and interest of Pakistan to Afghan Market and to have easy access to the developing economy and the market of Middle East, are the shared values that will safeguard mutual interest of both neighboring countries. The worth mentioning and interesting point is the geographical location of Afghanistan to South Asian Countries, Middle East and to the whole world. It is a golden chance from which clever nations can benefit.

Trade and regional connectivity with South Asian countries is an important and vital subject, which is not only needed for Afghanistan but also for the landlocked Central Asian countries. Now, what makes up the majority of the world's trade and transit is the trade by sea, because the route is easy and cheap, so the landlocked countries also need to be linked to seaports. In this regard, the United Nations and the Geneva Conference, which decided in (1985) that if a country is landlocked, the neighboring country is supposed to give freedom of access to its ports and to the sea. Accordingly, a trade transit agreement was signed between Afghanistan and Pakistan in 1965 (Ahmed, 2018)

Despite the strained political relations between the two countries on terrorism and other issues, the agreement was signed due to the formal and informal efforts of the United States in 2010. (Cachdeva, 2010) There are considerations from both sides regarding the terms agreed upon in the APTTA. We have thoroughly researched and analyzed the issues that are problematic in the area of its implementation, re-signing, the concerns of both contracting parties and the other countries in the region, especially India. The length of the border, cultural, linguistic, religious and ethnic proximity of Afghanistan and Pakistan has led to extensive trade and transit links between the two neighboring countries on a mutually beneficial basis. (Cochran, 2013)

1.1. Historical Background of Afghanistan-Pakistan Trade

Trade relations with South Asia particularly with India have been conducted in the past with or through Afghanistan, which has witnessed ups and down in relations at different eras of the history. When Britain was in control of India, and Pakistan was not existing as a separate country, on behalf of India, British Deputy Foreign Secretary and diplomat to India had tried to strengthen ties and trade with Amir Abdul Rahman Khan and an agreement was signed. Some Pakistani writers, as Razzaq Dawood and others, say that one of the annexations to the Durand Line was to expand trade. There is also historical evidence that efforts were made to strengthen trade and transit bonds between British-India and Afghanistan in the years following Afghanistan's political independence (1921 and 1923) for which high delegation of both countries had gatherings.

By the efforts of Khyber Pakhtunkhwa's tribal elders, the two governments signed the Afghanistan Transit Trade Agreement (ATTA) in (1965) which granted Afghanistan the right to import duty-free goods through Pakistani seaports, most notably from Karachi, however, Afghanistan did not offer Pakistan reciprocal rights to export goods to the Soviet Union, nor to the Central Asian Republics after the fall of the USSR. (Project, 2014). The agreement remained in place during the Soviet invasion and the subsequent civilian wars in Afghanistan, but it was not fully operational. Pakistan demanded to be given access to the transit of Pakistani goods through Afghanistan to Central Asia.

Article 54, paragraph 5, of the Afghanistan-Pakistan Transit Trade Agreement (APTTA) states that "the Afghanistan Transit Trade Agreement (ATTA 1965) and all its annexes shall be repealed by this Agreement."

When the United States invaded Afghanistan after September 2001, the United States and NATO transit the supply for their troops from the port of Karachi via Torkham and Spin

Boldak. It was a busy and lucrative transit route from which Pakistan received billions of dollars. In July 2010, a Memorandum of understanding (MoU) was reached between Pakistan and Afghanistan for the Afghan-Pak Transit Trade Agreement (APTTA), which was observed by US Secretary of State Hillary Clinton.

The US Special Representative for Afghanistan and Pakistan, Richard Holbrooke, has also been instrumental in mediating the agreement, in October 2010, the landmark APTTA agreement was signed by Anwar ul-Haq Ahady, Afghan Commerce Minister and Pakistani Commerce Minister in the presence of trade officials and a number of foreign ambassadors. (Muzhary, 2010).

According to this Agreement, Afghanistan got the right to send their trucks and goods via Pakistan to Gawadar and Wahaga ports and Pakistan got access to every country bordering Afghanistan, with access to Iran via the Islam Qila and Zaranj borders, Uzbekistan via the Hairatan border, Tajikistan via Ali Khanum and Sher Khan Bandar crossings, and Turkmenistan via the Aqina and Torghundi border crossings. Pakistani imports and exports are granted permission to enter Afghanistan via border crossings at Torkham, Ghulam Khan, and Chaman. Later on, a joint Afghan-Pakistani Chamber of Commerce was set up by Afghanistan and Pakistan for better coordination and better performance. It is true that Afghanistan needs to trade and transit through Pakistan, but the geographical location of Afghanistan should be considered as one of the best locations and the previous commercial and transit routes such as Lapis Lazuli and Silk can be mentioned. (Kakar, 2020).

1.2 Afghanistan's Geopolitical, Geo-Economic, and Geo-Strategic Location

Afghanistan has a geopolitical, geo-economic and strategic location, which can be mentioned as a focal point of interest for South Asia, Central Asia, East Asia and other countries in the region.

Although, the subject of our article is not the value of Afghanistan's geographical location, however, it is located at a crossroad of the region and is considered the transshipment of trade by American-Afghan expert Louis Dupree. Contemporary English historian and philosopher "Arnold Toyan" values Afghanistan and thinks that the half routes of the world lead towards Bagram and encircles the old world. Alama Iqbal considered it the Heart of Asia, Mikander calls it the Heartland of his theory and according to him; it is easy to rule the world from here. A number of other philosophers and historians have referred to the geographical location of Afghanistan in their writings and have understood its location very well " (Khalil, 2019).

In a nutshell, the current location of Afghanistan is religiously linked with of the Middle East, politically, it is a member of the South Asian region, historically, culturally and ethnically it is related to the Central Asian region and so it is the linkage point of all these parts. Historically, this region has been vital not only for its political, religious and cultural aspects, but also for trade and transit. The Afghanistan's current geographical location still retains its geopolitical value and is significant as a transit and commercial connectivity to the region. Afghanistan's current geographical location exists after the Great Game, which unfortunately, deprived us from the access to sea and left it landlocked. It can be said that this is not a natural phenomenon, but is inherited from the colonial rivalries between Russia and Britain in the 19th century. Afghanistan's location has often turned out to be a headache and has created many problems.

Historically, whenever the former colonialists dreamed of capturing India, the geographical location of Afghanistan as the connecting point of the region has become the

center of their attention and the empires lead their armies towards it. Historical data shows that from Alexander the Great to the 17th century, access to the hot water was the main longing of the British and, more recently, of the Soviet Union, through the geography of Afghanistan, which was considered to be the gateway to India. It is clear that the geography of Afghanistan is the hub for pressure, influence and connectivity on others, which historically has always been a victim of the geopolitical changes and politics of its region and others have benefited from this sacrifice. The region has been used historically as a geo-economic, commercial, trade and transit link, in which Afghanistan has been under the influence of the Silk Road.

This ancient trade and transit route, which originated in Chinese civilization and extended beyond Asia to Europe and Africa, mostly passed through Afghanistan. The four branches of Silk Road would pass through Afghanistan, where the first one from China via the Pamirs and Badakhshan, another from Tajikistan to Balkh, the third one would descend to Herat via Turkmenistan and the fourth one originated in India, which via Peshawar and then into Kandahar would enter Afghanistan. " (Panjshiri, 1999). On the other hand, the Lapis Lazuli route that connects Afghanistan to Europe via Turkmenistan, Azerbaijan, Georgia and Turkey is also of great importance.

Afghanistan is located at the center of this route, where the products of European countries have access not only to South Asia but also to East Asia. This is a commercial and transport route, originates in Afghanistan's provinces, Faryab and Herat's Aqina and Toorghwandi ports, reaches to Turkmenistan's Turkmenbashi, then crosses the Caspian Sea to Baku of Azerbaijan, and from there passes through Tbilisi, Georgia, to Turkey and Europe. The route uses a variety of means of transportation, such as roads, railways, lorries and maritime, which is very essential for the land locked countries, Afghanistan, Turkmenistan, and Azerbaijan. (Rahim, 2019). In this era, the priority for the world has changed and it is not focusing on geopolitics, rather, it uses the policy of geo-economics with everyone and pursues its own strategy accordingly.

2. Literature Review

2.1. Books, Published Writings and Joint Declaration relevant to the APTTA Agreement

The agreement was signed by the Ministry of Justice of the Islamic Republic of Afghanistan on November 1, 2011. The Afghanistan-Pakistan Transit Trade Agreement draft was published in which all the annexes were included. The draft was published by both contracting parties containing a preamble, thirteen chapters and fifty-eight articles. It is worth mentioning that in the signed agreement the Afghanistan-Pakistan Transit Trade Coordination Agency's (APTTCA) job description was included. The relevant academic, scientific and transit organizations' publications of Afghanistan and Pakistan on the APTTA agreement are very vital, some of which we have mentioned above. Furthermore, seminars, reports, commercial declaration of both countries, meetings and consultations at the research centers of various business and industrial classes on the stated agreement have been taken into considerations and been placed in this article. The efforts of Dr. Mukhlis Ahmad, Advisor to the Afghanistan-Pakistan Joint Chamber of Commerce and a member of the Board of Directors of the Nangarhar Chamber of Commerce, are appreciated as he provided his views in bringing reforms, being used in suggestions of this article.

For the renewal of APTTA Agreement, both contracting parties had meetings and their economic analysts and businessmen provided some suggestions. In addition to the Ministry of Commerce and Industries in Afghanistan, chamber of commerce and economic affairs experts

also presented their proposals for the renewal of the agreement. Khan Jan Alakozi, head of the chamber, and other officials in a visit with the traders of Nangarhar, industrialist and shopkeepers had a consultative meeting which was held on (02-09-2020) in Jalal Abad on the reform of the Agreement, where a number of proposals were submitted to the Afghanistan-Pakistan Joint Chamber of Commerce and to the officials of both countries.

In this article we have also made extensive use of the writing of a former chairman of the Afghanistan-Pakistan Chamber of Commerce and a well-known Pakistani businessman, Zubair Motiwala, who in his visit to Afghanistan in 2018, expressed frustration over the lack of trade between Afghanistan and Pakistan. United States Agency for International Development (USAID) is the first one that has been working intensely on this agreement since its inception. The aforementioned organization has arranged many seminars and workshops for the APTTA reform.

USAID Trade Project based in Pakistan published a research paper in 2014 entitled “Analysis of Afghanistan Pakistan Transit Trade Agreement” in which based on the MoU of the Agreement,

the paper has some suggestions and information such as trade and transit, entry and exit routes, quality of trucks and loaded vehicles, coordination between the two contracting sides, creating customs facilities and many other areas. Dr. Kausar Takrim and Dr. Hayat Gul Professors of Peshawar and Qurtaba Universities also published a research paper on the APTTA Agreement (Pakistan-Afghanistan Transit Trade, Pre & Post APTTA Scenario). (H. Khan, 2017).

3. Research Methodology

Introduction

Research methodology is necessary to be mentioned in a research paper. Many institutions and research centers have written on the Afghanistan-Pakistan Transit Trade Agreement; the most important ones are referred in this article. We have used the above article as a reference because it is very relevant to our research on APTTA. In addition, Pakistani research institutions have done a lot of work in this regard that is why we have reviewed that and used some of the relevant portions in our research article. In many Pakistani research articles, figures and data has been provided on the transit and trade of both countries, earlier and later to the APTTA Agreement. The concerns of Pakistan over the repatriation of illegal goods by Afghanistan side has also been shared and discussed. In these articles another aspect, which deals closely with Afghanistan's trade and transit with Iran and India, is also keenly analyzed. Many institutions and scholars in Afghanistan have researched and written on APTTA Agreement, however, we have only included the problems in implementation of the Agreement, and have placed the equal and parallel concerns and suggestions for its renewal in our article.

3.1 Target Population

In this study we have targeted the following respondents and participants:

- Afghanistan-Pakistan Traders
- Officials of Afghanistan Chamber of Commerce
- Afghanistan-Pakistan joint Chamber of Commerce and Industry
- Afghanistan-Pakistan Transit Trade Coordination Authority (APTTCA)

3.2 Sample Size

Out of 310 respondents from both the countries Pakistan and Afghanistan (Traders and Businessmen) were studied, which on average 97.4% responded to questionnaire and face-to-face interview.

3.3 Sampling Method

Convenient sampling method has been employed and those respondents were included which completed the questionnaires.

3.4 Data collection

Besides interview with Authorized officials, the Primary data was collected from the population through 310 questionnaires. An introductory letter from the ROKHAN Institute of Higher Education used as to create the confidence among the respondents.

3.5 Research Instruments

In this study we have employed likert Scale which is as follow;

Likert Scale	
1	Agree
2	Disagree
3	Neutral

3.6 Interviews and Questionnaires

The questionnaires were sent to different organizations, such as the Department of Commerce and Industries of Nangarhar, Nangarhar Customs, Afghanistan Chamber of Commerce, Pak-Afghan Joint Chamber of Commerce, Pakistan Chamber of Commerce and Industries, the Afghanistan Transit Attaché in Islamabad, the Pak-Afghan joint youth body, several other agencies, business and economic officials, their responses were collected, evaluated, analyzed and placed in this article. Through the interviews and questionnaires, a lot of information is gained that had not previously been published in print, nor had people shared with us in face-to-face meetings.

Indeed, this work enriched our research article and provided us awareness of the problems that had not been published or discussed earlier.

3.6.1 Interview and Questionnaire Analysis and Evaluation

To conduct a research, professional team should prepare questionnaire; unfortunately, this has not been done in Afghanistan so far. However, we have prepared a questionnaire keeping in view articles, news and declaration relevant to the APTTA Agreement. The collected data, based on the same questionnaire has been utilized in this research article for the relevant problems of the APTTA Agreement and been also used in the suggestions section for its future. We have not only consulted the Agreement, the published writings and media declaration, but also interviewed the concerned organization to the Agreement to get the first hand data so that a balanced is taken into consideration for both countries.

Qualitative method has been focused in this article and just those organizations and officials were interviewed who were associated with the Agreement or those who gave their opinion as analysts. Moreover, the well-known scholars Miles and Huberman's method has been used and the interviews were converted into written form, the data is analyzed, the related

issues to this article are identified, coded and prioritized so that to reach to the root causes and inclination of the people towards the Agreement.

3.7 Emails, Face-to-Face, and Online Meetings

One of the advantages of this research article is that, that most of the information is authentic and accurate based on primary data, collected from the relevant agencies and officials through personal meetings and emails. In face-to-face meetings, we met with the Afghanistan Chamber of Commerce, Ministry of Commerce officials, business and trade associations of Nangarhar and other provinces. Moreover, we spoke to the Media Advisor of the Embassy of Pakistan and the Coordinator of the Pak-Afghan Youth Forum and other officials in Kabul. Drivers of the Pakistani trucks were directly contacted and its business officials were contacted online to enrich the data of the article.

All the relevant organizations were contacted, however, a few of them replied, unfortunately, the freedom of access to information still has many problems in Afghanistan. Ministry of commerce was emailed, but with no answer, so we were compelled to get some information in person. We emailed WTO who fulfilled their responsibility by replying, even though very briefly. They were asked whether they were approached by any party to complain about the breach of APTTA Agreement, surprisingly, they answered, so for neither Afghanistan nor Pakistan complained from each other. For evidences, a link of database about complaint was attached, where no complaint was registered.

As Afghanistan and Pakistan are members of the World Trade Organization (WTO), the shadow of the WTO over the APTTA agreement is clear and visible. (Akbari, Implications of WTO Rules on Freedom of Transit and Security Exceptions for Afghanistan–Pakistan Transit Trade., 2021). Having meetings with the businessmen, it became clear to us that the businessmen had more information about this Agreement than the officials and they shared their suggestions about the future of the agreement again and again with the officials. We had a detailed discussion with Naqibullah Safi, Managing Director of the Kabul Branch of the Afghanistan-Pakistan Joint Chamber of Commerce and Industry. He shared authentic and first-hand information for our article and that how to resolve the existing obstacles to the Agreement gave us suggestions for its future.

4 Findings and Data Analysis

4.1 What do Afghans say?

From ordinary Afghans to businessmen, economists and politicians, all have unanimously claimed that Pakistan has created major obstacles to the implementation of the APTTA agreement. According to them, Pakistan has used its ports as political tools again and again for Afghan goods, which has caused great harm to the traders and lay men and this trend is done in a continuous and repetitive manner. Traders say that whenever relations between the Afghan and Pakistani governments are strained, transit routes are closed so that they are suffered million dollars.

4.1.2 The Agreement is used as Political Pressure

Afghans know that it is a complete trade and transit agreement, but Pakistan is using it as a tool of political pressure with Afghan Traders, and Pakistan is blamed of violating of international transit law. Whenever discussions with regional countries on Afghanistan's relations begin, Pakistan creates obstacles to Afghan goods as a pressure and protest. Sometimes under the pretext of administrative procedures in customs transactions and sometimes opt for

delays in other areas. Both Pakistanis and Pakistani businessmen are of the opinion that Pakistan views the APTTA agreement as purely political pressure and a political deal, though, it is purely a transit and trade developing treaty.

4.1.3 Suspension of Work in the name of Customs Inspection

Afghan traders say that Pakistan in the name of customs clearances and checks delays their transit goods, which is not transferred on time to its destination. All businessmen who have transit with other countries through Karachi are suffered the most from the abovementioned problems. They also add that Pakistani authorities need more time to observe and inspect all the goods, so the delay and transfer of products damage the products, thereby, harming Afghan traders. The cost of detention and remaining of the containers and boats at Karachi port is so high that many traders even leave their goods due to excessive demurrage. The Afghan traders are forced to do so because of the high demurrage fee than the actual cost of the loaded goods, and in doing so, the same trader or company is blacklisted with Pakistan, from which they cannot transit and trade anymore. Afghan traders are dealing with demurrage in addition to many other trade issues. Each export and import of goods at Karachi has suffered from the demurrage.

Due to the Corona pandemic quarantine in April 2020, thousands of containers of Afghan traders were stranded at Karachi Port for which traders were paying high price for each day. According to the Nangarhar Chamber of Commerce, after the first quarantine 22,000 containers of Afghan traders were stuck at Karachi Port, each with a demurrage of 3,000 to 4,000. A delegation from the Afghan Parliament and officials from the Chamber of Commerce traveled to Pakistan to address the issue. These are just the figures for the Corona and Quarantine periods. Afghan traders have always faced such issues many times. This is despite the fact that the transit trade agreement between Afghanistan and Pakistan clearly defines the inspection of goods.

“Inspection of goods: It is the process of physical verification of goods by the customs administration regarding the nature, origin, status, quantity and value of the goods, with reference to the transit documents provided. However, this definition applies only to a maximum of 5 % per property, according to the Risk Management System. (News., 2010). The agreement also emphasizes that work should be done expeditiously and in a coordinated way. The contracting parties agreed in order to ensure that the transit passage is cleared without delay so...

A. Relevant institutions and customs clearance facilities within their national jurisdiction should be physically as adjacent to each other as possible, in order to facilitate the inspection of their vehicles and cargo to monitor, maintain and protect them.

B. To co-operate the gradual access to the coordinated controls through which the officials of the Contracting Parties conduct their joint and simultaneous inspections. (Justice, Transit Trade Agreement between the Islamic Republic of Afghanistan and the Islamic Republic of Pakistan. (APTTA)., 2011).

It indicates that the APTTA Agreement is sufficient in legal issues and has encircled every aspect, but the main problem is in the implementation and practical area, which has created obstacles to the agreement.

4.1.4 Creating Additional Procedures at the Border

According to officials of the Afghanistan Chamber of Commerce and Industry, Pakistan has created additional procedures for Afghan traders at the border, which are contrary to the

agreement, and being used to create barriers to trade. Afghan Businessmen are compelled to pay bribes to Pakistani authorities so that these procedures are completed quickly and on time. However, Pakistan also has serious complaints about the same problems and has always spoke about corruption in Afghanistan's business community.

The unnecessary and unknown blockage of routes by Pakistani side, and the complicated scanning process by them creates many problems and waste the time. The Pakistani side should expedite the scanning process for Afghan trucks and should not find out unreasonable ways for stopping the trucks. Afghan traders complain that the scanning process is not speedy. Moreover, they are not only inspecting their loaded trucks, but they also scan the offloaded trucks again, which is in violation of the Agreement.

4.1.5 Creating Barriers in Legal Matters

Afghan traders have also complained that hurdles are created even in legal matters for them in Pakistan, such as in the documents of firms, work permit and strictness in legal passing has bothered many Afghan traders. Financial problem is also delaying the business of Afghan Traders because the money is not received on time, as there are no Afghan Banks in Pakistan, money is usually transferred through money-changer or other means. This issue is often raised by Afghan traders that most of them are harmed due to their unfamiliarity and lack of knowledge with the legal issues and the applicable laws of Pakistan, which often leads to delays in their work.

4.1.6 Lack of Ample Space for Afghan Goods at Ports

Afghan traders also say that the lack of adequate space for Afghan transit goods at ports often leads to spoilage and demurrage of goods. Even though, according to the Agreement both contracting parties should provide warehouses so that the goods would be unloaded or would be kept till the specified time. Afghan and Pakistani traders have made a number of proposals to both sides to resolve the issues in the draft of the renewal of the APTTA agreement to provide terminals and warehouses.

4.2 What do Pakistanis say?

Pakistan indicates major obstacles to the APTTA agreement as follow.

4.2.1 Roads and Highways' Problems

Pakistan says that due to Afghan loaded vehicles and trucks all its roads have been damaged, while these roads are being used by Pakistani transit and civilians as well. In this case, Pakistan says that in the route of Karachi port the Baluchistan and Khyber Pakhtunkhwa's roads have become unusable due to heavy traffic of Afghan loaded vehicles. Although with the recent advent of Imran Khan's government, the Khyber Pakhtunkhwa highway and the road from Peshawar to Torkham have been rehabilitated, it is still congested due to over trafficking.

They also say that the APTTA agreement has been disrupted due to heavy traffic on these highways as their own transit through Karachi port is also at a high level, so it brings delays in customs, inspection and other formalities. They are also concerned that Afghanistan is taking full advantage of the Agreement and is using the ports of Karachi and Gwadar extensively, which had disturbed its normal routine operations, so Afghan goods remain there.

Pakistani traders are also blaming its own government for not solving the problems of highways and transit accurately. Reza Abbas, a Pakistani Economist, who has researched on the transit trade agreement between Afghanistan and Pakistan, informed Pakistani government

that Afghanistan is now thinking of other ways and brought its attention to the operation of Chabahar and called on Pakistan to remove obstacles to the agreement in order to safeguard the strong interests of both the countries.

4.2.2 Incoming Goods on Karachi Port are smuggled back to Pakistan once They Reach Afghanistan

Pakistan claims that those goods, which in Pakistan, are either banned or highly taxed, being smuggled to it through Afghanistan. Afghan government's response in this regard is that it has taken preventive steps at the governmental level, however, it requires even greater coordination between the two countries. Pakistani officials also say that corruption in Afghanistan's customs has paved the way for the smuggling. The Pakistani refer to the Peshawar bazaar as an example, which selling cloths, outfits, electronics, cigarettes, beautifying cream, toys, watches and other items on the black market, the prices are cheaper than other markets because most of the goods are smuggled without customs clearances. (Justice, Transit Trade Agreement between the Islamic Republic of Afghanistan and the Islamic Republic of Pakistan. (APTTA)., 2011).

It is also mentioned in the Afghanistan-Pakistan Transit Trade Agreement, from which Pakistan is taking advantage in its operation. "If one of the contracting parties is of the opinion that certain goods or part of the goods, which are allowed to transit are being smuggled and affecting the economy, industry or import revenue of that country, that party can lodge a complaint with the administration and express its dissatisfaction with the facts, figures and the damages that have been incurred by the goods. On finding the claim, the administration can convene a meeting within three months after the complaint is lodged so that they agree to take appropriate measures to resolve the issue. (IPS News, 2007).

Pakistan is deeply concerned about this and it has had a huge impact on its economic growth. (Husain, 2017) According to a report by the Pakistan Bureau of Statistics and Information, Pakistan under the APTTA Agreement, loses 3 billion dollars annually from illegal trade, which is being smuggled. Moreover, 37% of car tires are illegally entered into the market through Afghanistan. (Zaidi, 2015) Razzaq Dawood, economic adviser to the Prime Minister of Pakistan Imran Khan, on the issue, urged Afghanistan to take serious steps to control goods on border and to curb smuggling. According to his tweet, smuggling has caused huge damage not only to their economy, industry and loss to the revenue, but it has also hurt their domestic industry. He thanked the Pakistani authorities, especially the customs officials who recently have cracked down on smuggling.

4.2.3 Lack of Interest in Political Relations

Pakistanis believe that Afghanistan has no desire for developing relations with Pakistan; therefore, they think that the lack of interest of Afghanistan has led to the agreement not to be implemented properly. The Afghanistan's transit officials negotiating to find out alternate route, which has somewhat dissatisfied Pakistanis, that is why they are arguing that why Afghans are doing so. Pakistani traders are of the same opinion that the influx of goods from other countries, especially Iranian and Indian goods, into Afghan markets is proof that now Afghans want to end or limit their reliance on Pakistan. In fact, if we pay attention to Afghan Markets, Iranian, Indian, Chinese and Turkish products are more prevalent in the markets of Afghanistan than Pakistani goods. It is due to the problems created to Afghan Traders by Pakistan and by not implementing the Agreement. (Ali, 2015).

Zubair Motiwala, a well-known Pakistani businessman and former head of the Pak-Afghan Joint Chamber of Commerce, said in interview with the Pakistani Newspaper, Dawn Pakistan, after his visit to Kabul that Pakistan has lost its market-share in Afghanistan and the situation is deteriorating. In his interview, he expressed that India, China and Iran are providing better services to Afghan traders. Furthermore, India's low tax on exports is one of the reasons why Afghans are inclined towards India, which is a wake-up call for Pakistani traders and investors. Motiwala added that Pakistan has lost its market in Afghanistan, for example, now the flour, clothing and fresh meat's markets are largely in the hands of other countries. (Motiwala, 2018).

4.2.4 Deterioration of Security on the Border

Pakistani officials and traders also say that the escalation of security issues on the Afghan-Pakistani border has harmed the Agreement. Many checkpoints at the border, increasing screening, truck drivers' problems and increased instability are other reasons. The Pakistani side also say that the increased scrutiny by Afghan security and customs agencies and considering each Pakistani truck as a suspicious object is another factor that creates problems along the border. The Afghan traders have the same problems, mentioned in this article.

4.2.5 Lack of coordination

Afghans and Pakistanis alike agree that there is no or little coordination in the Agreement and other trade issues for overseeing, adjusting and expanding, even though, a joint Afghan-Pakistani chamber of commerce has been set up, but there is still problem of perfect coordination due to which damage is done to the businessmen and the general public of both countries.

4.3 Data Analysis

Figure: 01

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	38	12.3	12.5	12.5
No	254	81.9	83.6	96.1
Neutral	12	3.9	3.9	100.0
Total	304	98.1	100.0	
Missing 99.00	6	1.9		
Total	310	100.0		

Source: SPSS output

The above schedule exhibits that in the total of 310 respondents, 12.3% were of the view that the APTTA was effectively and properly implemented, while 81.9% were of the view that the APTTA agreement was not effectively and properly implemented, and 3.9% were responded neutral.

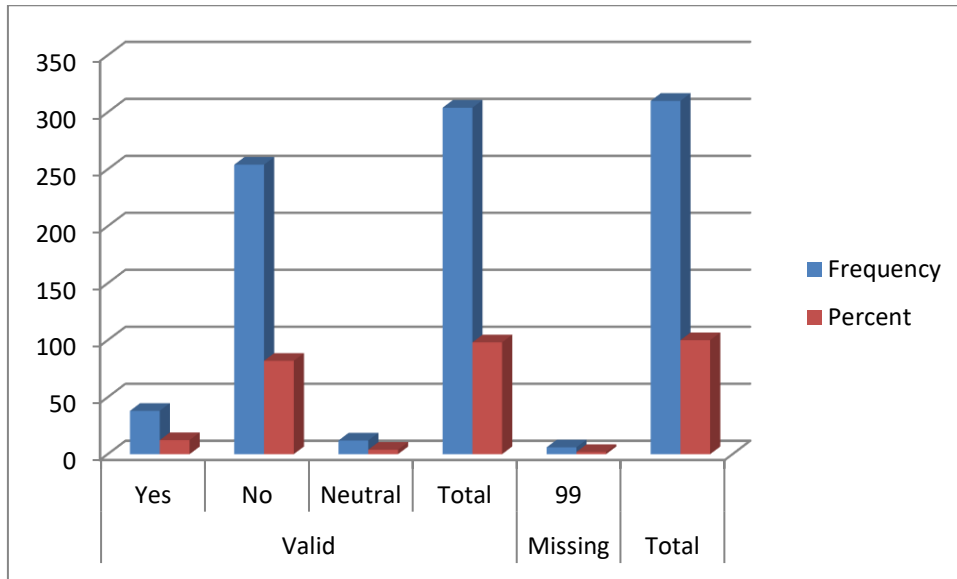


Figure: 02

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	279	90.0	93.9	93.9
	No	6	1.9	2.0	96.0
	Neutral	12	3.9	4.0	100.0
	Total	297	95.8	100.0	
Missing	99.00	13	4.2		
Total		310	100.0		

Source: SPSS

Analysis

Figure 02 elaborates that 90% of the respondents are of the view that APTTA need more consideration while 1.9% of the view that not being needed more consideration, while 3.9% were responded neutral.

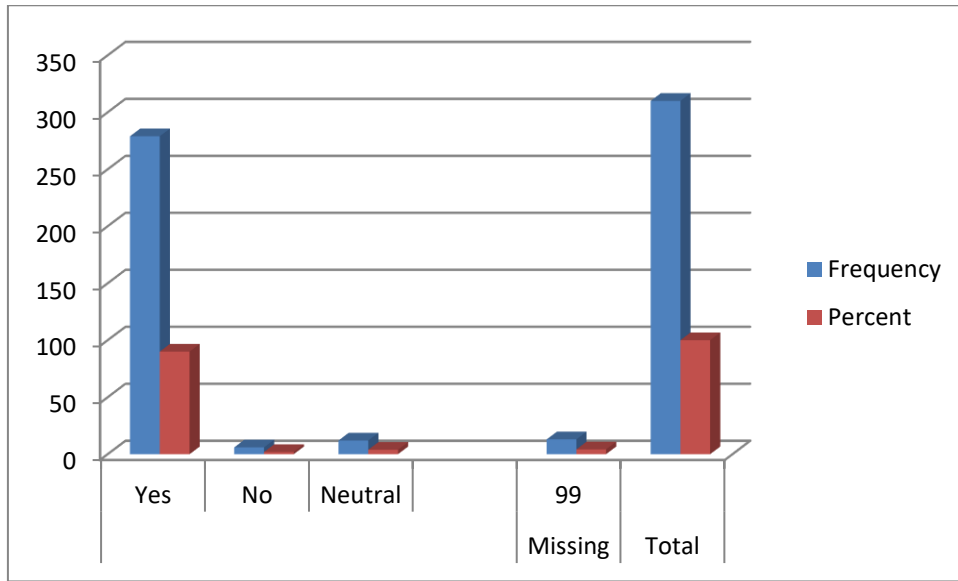


Figure 03

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	243	78.4	81.5	81.5
	No	13	4.2	4.4	85.9
	Neutral	42	13.5	14.1	100.0
	Total	298	96.1	100.0	
Missing	99.00	12	3.9		
Total		310	100.0		

The above tabulation form describes that 78.4% respondents are of the view that APPTA agreement should be extended, while 4.2 % are of the view that the agreement not needed any extension.

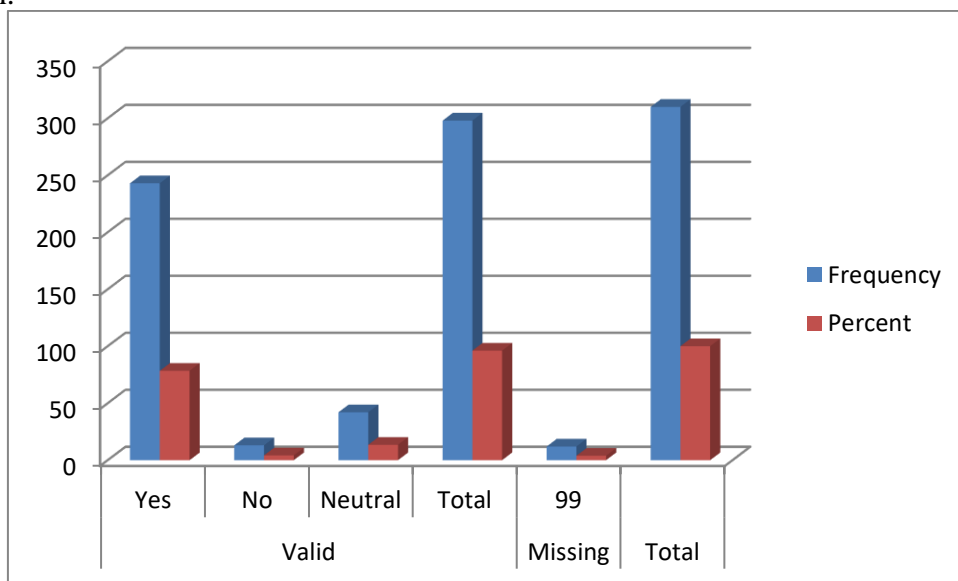


Figure: 04

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	163	52.6	53.6	53.6
	No	55	17.7	18.1	71.7
	Neutral	86	27.7	28.3	100.0
	Total	304	98.1	100.0	
Missing	99.00	6	1.9		
Total		310	100.0		

In the above figure 52.6% respondents are of the view that Pakistani officials are not obeying the rules and agreements assigned in between the two neighbor countries, while 17.7% are commented that Pakistan officials are obeying the rules and agreements of APTTA, and 27.7% not responded to the mentioned response.

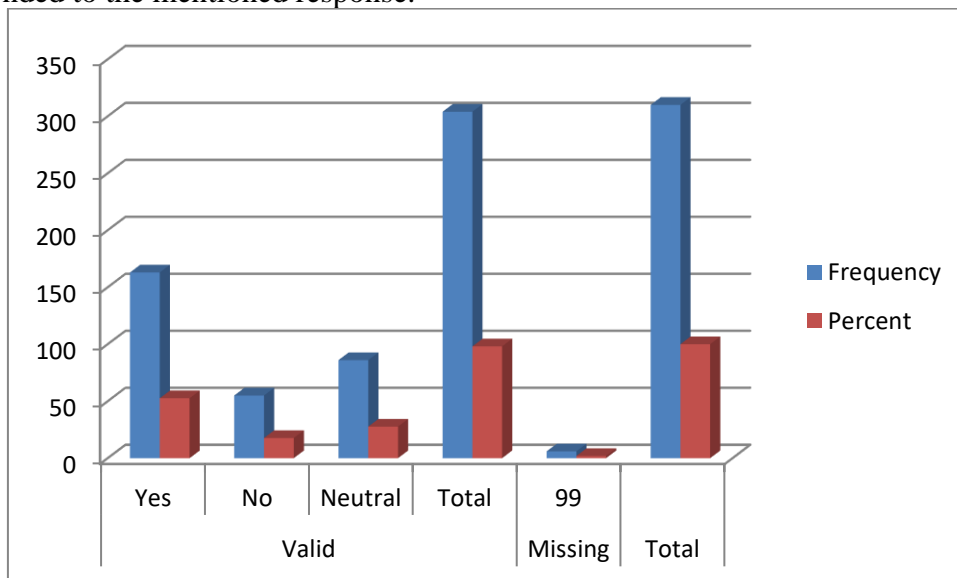


Figure: 05

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	71	22.9	23.4	23.4
	No	178	57.4	58.6	81.9
	Neutral	55	17.7	18.1	100.0
	Total	304	98.1	100.0	
Missing	99.00	6	1.9		
Total		310	100.0		

Figure 05 exhibits that Afghanistan officials do not following the rules or agreements assigned between the two neighbor countries, 22.9% participants responded, while 57.4% are of the view that Afghanistan's officials following the rules and regulations assigned in APTTA.

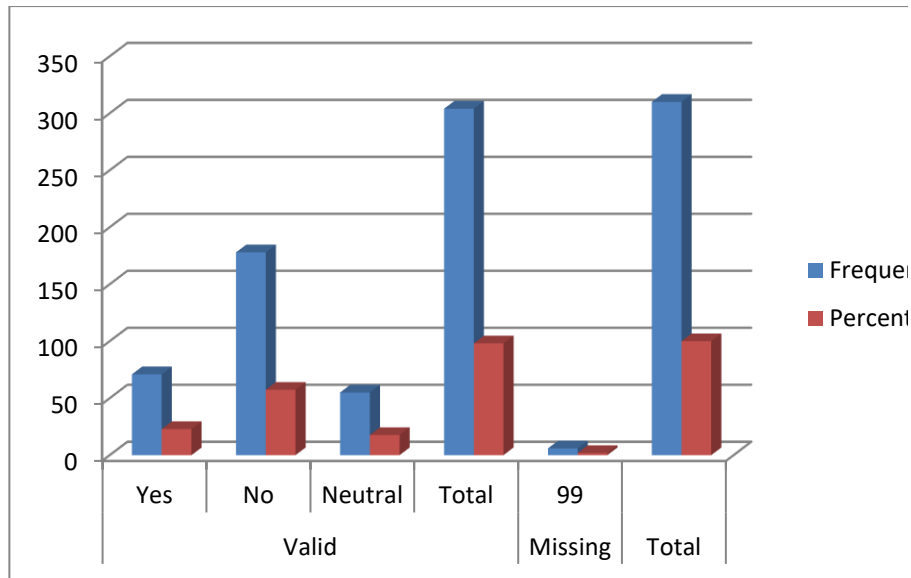


Figure: 06

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	268	86.5	89.9	89.9
	No	18	5.8	6.0	96.0
	Neutral	12	3.9	4.0	100.0
	Total	298	96.1	100.0	
Missing	99.00	12	3.9		
Total		310	100.0		

Figure 05 describes that 86.5% participants are of the view that APTTA agreement would cause to increase the Economic Growth of Afghanistan, while 5.8% are against the statement and 3.9% was found Neutral.

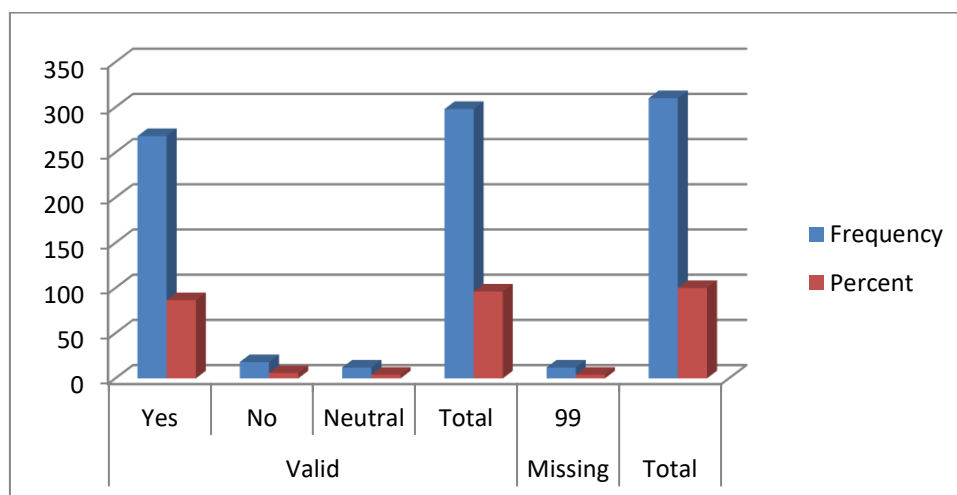


Figure 07

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	266	85.8	91.4	91.4
	Neutral	25	8.1	8.6	100.0
	Total	291	93.9	100.0	
Missing	99.00	19	6.1		
Total		310	100.0		

In the above figure 85.8% respondents are of the view that APTTA playing an important role in Pakistan's trade and transaction, while 8.1% had no comments regarding the statement.

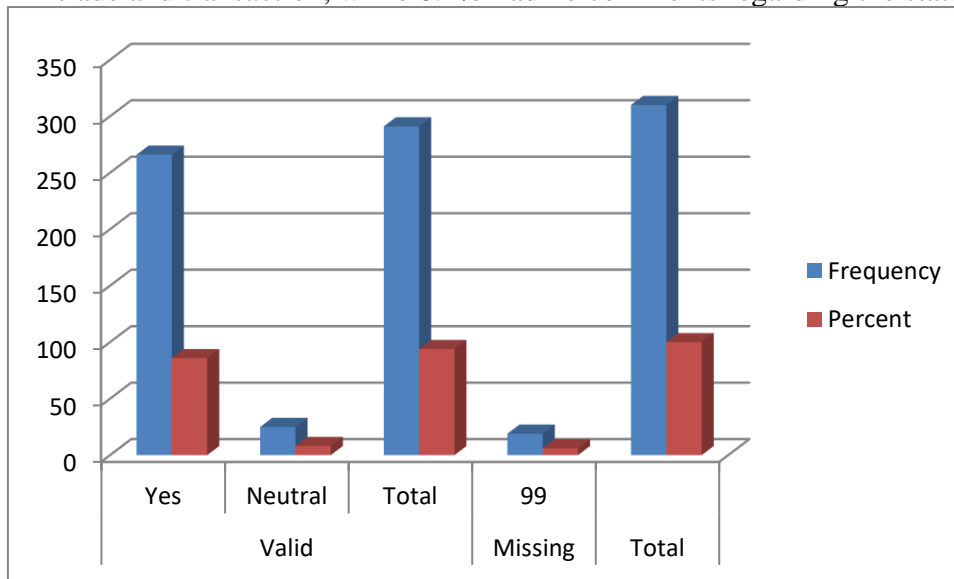


Figure 08

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	230	74.2	75.9	75.9
	No	43	13.9	14.2	90.1
	Neutral	30	9.7	9.9	100.0
	Total	303	97.7	100.0	
Missing	99.00	7	2.3		
Total		310	100.0		

The figure 08 illustrates that 74.2% respondents are of the view that other countries should participate in the APTTA agreement, while 13.9% were against the statement and similarly; 9.7% were found neutral regarding the agreement.

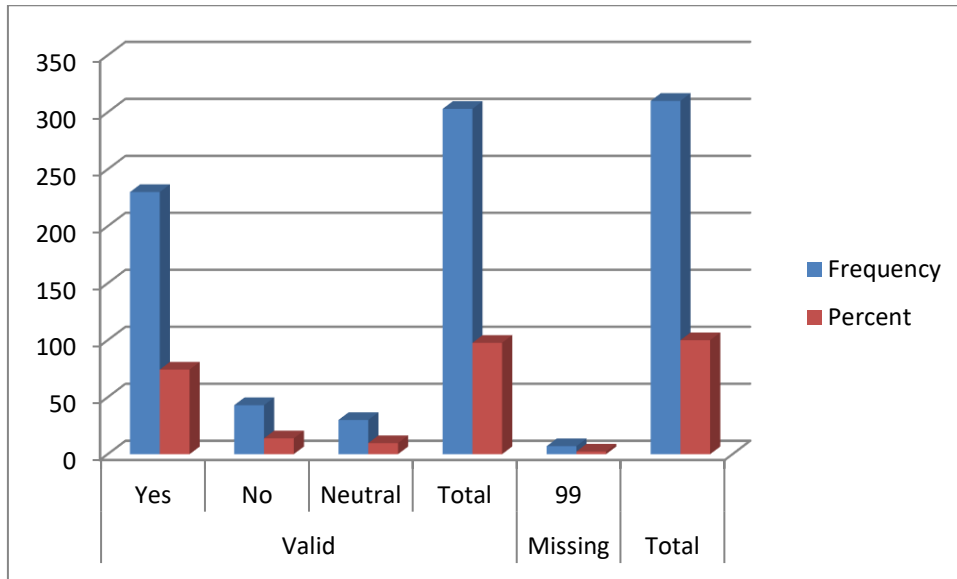


Figure 09

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	260	83.9	85.5	85.5
	No	32	10.3	10.5	96.1
	Neutral	12	3.9	3.9	100.0
	Total	304	98.1	100.0	
Missing	99.00	6	1.9		
Total		310	100.0		

In the above figure 09 the 83.9% respondents replied that both the countries Afghanistan and Pakistan would be having good relations after following the APTTA agreement. While 10.3% respondents were of the view that the APTTA agreement couldn't cause that both the countries would be having a good relation.

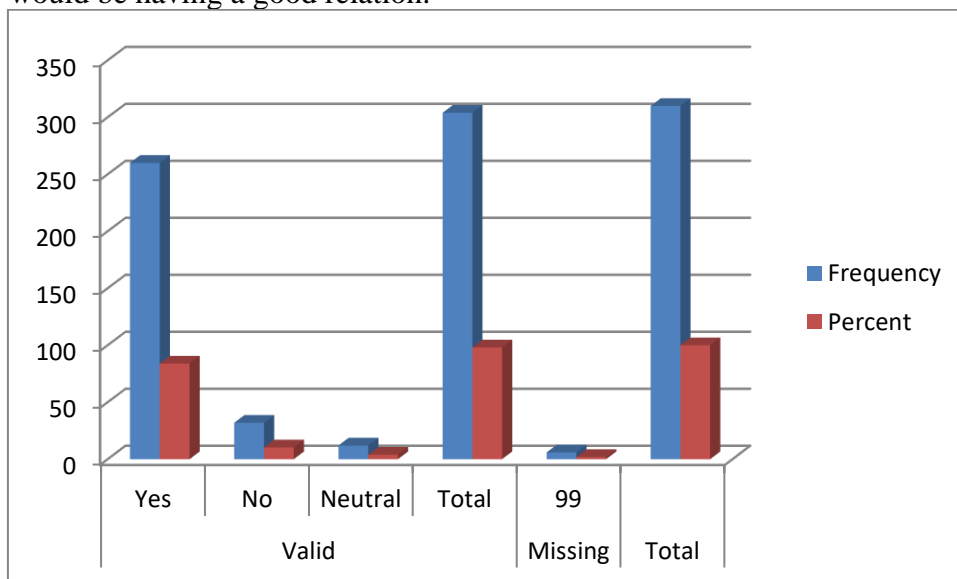
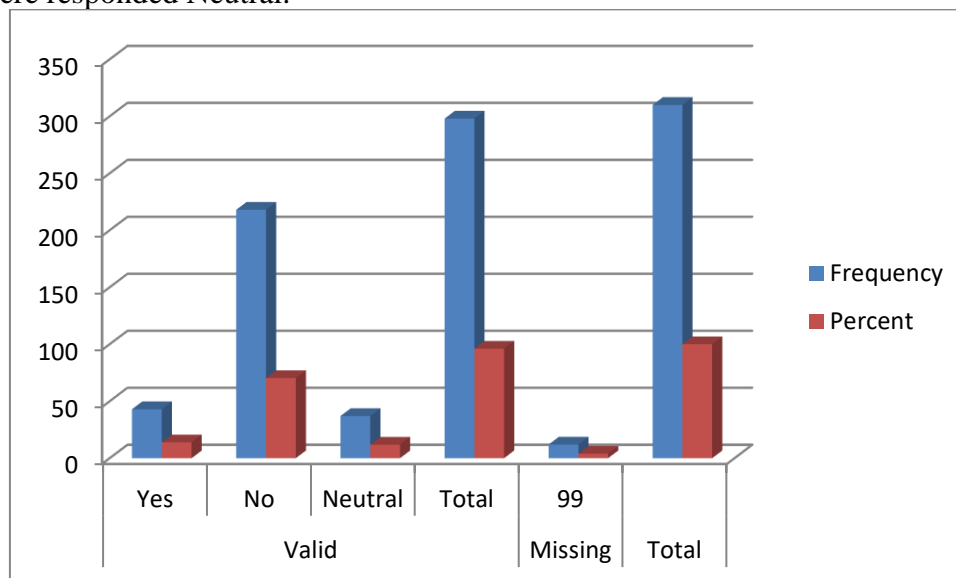


Figure 10

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	43	13.9	14.4	14.4
	No	218	70.3	73.2	87.6
	Neutral	37	11.9	12.4	100.0
	Total	298	96.1	100.0	
Missing	99.00	12	3.9		
Total		310	100.0		

In the figure 10; 13.9% of both the traders (Pakistanis and Afghan) responded that APTTA contract should be sacked, while 70.3% were of the belief that the APTTA agreement should be endure and proceed with proper consideration by the Afghan and Pakistani officials, and 11.9% were responded Neutral.



4.3 Problems and Obstacles in the Implementation of the APTTA Agreement

There are major obstacles to the APTTA agreement, which both countries refer to in terms of their own interests and perspectives: Some of the obstacles to the agreement are very facial, easy to be resolved and the rest needs to be thoroughly evaluated and reviewed. Afghan traders demand such guarantees that even in the dismal and tense situation between Afghanistan and Pakistan, the agreement should not be sacrificed and fall victim to politics. Although, promises have been made after several meetings and serious talks between the officials of the two countries, the problems in this regard have not been resolved yet.

In accordance with Article 34, Chapter 10 of the Agreement “The Afghanistan-Pakistan Transit Trade Coordination Authority” (APTTCA) was created to monitor, coordinate and implement the Afghanistan–Pakistan Transit Trade Agreement. According to Afghan and Pakistani media reports, research institutions and official customs’ surveys, the interesting points are that the transit and trade between Afghanistan and Pakistan taking into considerations

from (2005-2010) was on boom, it means before the APTTA Agreement the transit between the two countries was increasing even reached to 2.7 billion annually, but after the APTTA Agreement the annual trade and transit dealings are decreasing gradually, even to less than one billion dollars annually. The trade and transit graph between Afghanistan and Pakistan has been rising from 2001 to 2011, however, since 2011 the graph has been declining day by day.

One reason might be, that most of the supplies to the foreign forces stationed in Afghanistan supplied through Pakistan, when they announced plans to end or reduce its mission in Afghanistan after 2014 and the presence of foreign troops would only be for the purpose of training Afghan forces, therefore, more supplies were cut off. Another reason may be the difficulties in the implementation of the APTTA agreement, which has a bad impression, and that is increasing day by day affecting trade between the two countries. (Hanif, 2018). Many analysts believe that the rivalry between Pakistan and India also has a profound effect on the implementation of the APTTA agreement. (Farooqui, 2010)

Afghanistan or Pakistan has not yet complained to the WTO of the mentioned agreement and it is in line with international trade law and in many cases it is derived from WTO rules, but at the time of signing the APTTA agreement between the two contracting parties, Pakistan was not the member of TIR. This membership was gained on 21st July, 2015. (Akbari, APTTA versus Chabahar, Which Transit Trade Agreement Offers Afghanistan Broader Legal Benefits, 2020)

4.4 Extension of the APTTA Agreement

The Afghanistan-Pakistan Transit and Trade Agreement for the first time was for a period of five years, re-signed in 2015, and so it was to be expired in 2021, extended for another three months by the representatives of both countries. The extension of the agreement was held online, where the Agreement was signed for its execution between Nisar Ahmad Ghoriani, Minister of Commerce of the Islamic Republic of Afghanistan in Kabul, and Razzaq Daud, Economic and Investment Adviser to the Prime Minister of the Islamic Republic of Pakistan in the presence of high officials of both countries. During the 8th gathering of APTTCA (Afghanistan Pakistan Transit Trade Coordination Authority) which was held in Islamabad in December, 2020, it was finalized that the Agreement would be extended from 11th February, 2021 to 11th May, 2021. Officials of both countries are aware of the importance of this agreement and want more cooperation in addition to this agreement. The APTTA agreement is not only vital for Afghanistan and Pakistan, but it can also greatly contribute to the economic development of the region. (Qayum, 2012).

Nisar Ahmad Ghoriani, Minister of Commerce and Industries of Afghanistan, visited Islamabad with Afghan investors and many other officials where they met Asad Qaiser, the head of the Pakistan Parliament on (31-12-2020). It was a follow-up meeting of the (APTTCA), where during the meeting, Mr. Qaiser called on Afghan businessmen to invest in CPEC, a major economic project between China and Pakistan. He added that increasing trade between the two countries would help reduce poverty in the region and would bring positive results. Minister of Commerce and Industries, Nisar Ahmad Ghoriani, welcomed the inclusion of Afghan businessmen in the CPEC project by Pakistan and added that Pakistani businessmen should also invest in Afghanistan to help the Afghan economy.

5. Conclusion and Recommendations

During the data collection of this research article, the people we have met, almost all of them hoped that the trade relations between Afghanistan and Pakistan should be developed, and

other issues should not be linked to trade and transit. Through this article, it is easily understood that the problems in implementing the Afghanistan-Pakistan Transit Trade Agreement are often small and can be easily resolved. Furthermore, all of the participants in research are unanimous in their views and suggesting all most the same and there is no big difference for the reform and future of the Agreement.

Improving trade and economic relations often leads to solve other issues, such as political, security and coordination issues and an environment of mutual trust is created. According to Afghan businessmen, who we met face to face for this research article or who shared their views with us through a questionnaire, all of them hoped that relations between the two countries should be restored and trade and transit issues should be shared with each other to be resolved. They also added that if other issues could not be resolved then at least the Afghanistan-Pakistan Transit Trade Agreement should be kept away from political issues in order to solve the problems of traders. The concern of all sides is that the APTTA agreement is being politicized and they urged that it should be stopped.

The Pakistani side also hopes that the relations with Afghanistan should be improved and the level of trade should be increased. They are worried that the weak ties of both countries have harmed trade. The commodities of other countries such as flour, oil, clothing and so on have captured Afghan Markets, which is a matter of concern. In a nut shell, the parties to the agreement hope that the agreement should be kept away from political issues, trade and transit should be developed and both sides should fulfill their commitments to facilitate trade.

Proper implementation of the APTTA agreement will not only strengthen the political ties between Afghanistan and Pakistan, but it will also secure trade between South Asian and Central Asian Countries, and will open a new chapter. Both countries have some suggestions for the renewal of the Agreement, which are mentioned in this article in detail. The 90 percent material of the Agreement is acceptable to both contracting sides and they want more cooperation and coordination and are committed to work together for its better implementation and future. Finally, in addition to Afghanistan and Pakistan, South and Central Asian countries also hope for the development of transit and trade so that they would send their products to other markets through that. Since the signing of the APTTA Agreement, it has had many problems till now.

As its period has already expired, it is very essential to work for the solution of those issues, which Afghan and Pakistani traders and governments are concerned about. The amendments and reforms in the APTTA Agreement are needed, so it should be signed on agreed and accepted basis for its execution, keeping in view the benefits of both countries. Proper implementation of the APTTA agreement will not only strengthen the political ties between Afghanistan and Pakistan, but also secure trade between the South Asian and Central Asian countries and will open a new chapter. As central Asian countries are currently the main sources of oil, gas and electricity, and South Asian countries, because of their large population, are increasingly in need of this energy, due to which the geographical location of Afghanistan plays a key and important role, of which no one can deny.

The recent launch of major projects such as CASA-1000 (The Central Asia-South Asia) power project and TAPI (Turkmenistan-Afghanistan-Pakistan-India) Gas Pipeline Project have also combined the regional interests to each other and they try to safeguard these benefits so that ultimately open a new chapter in relations based on mutual respect. We have tried to include the opinion of the leadership of the Afghanistan-Pakistan Joint Chamber of Commerce, the Chamber of Industries and Mines, the officials of transit of both countries, economic experts as

well as Afghan and Pakistani traders through a questionnaire and the obtained information and suggestions are presented in this article.

5.1. Afghanistan Chamber of Commerce

Most of the proposals are provided by the Nangarhar Chamber of Commerce for the future of the Afghanistan Chamber of Commerce. In Nangarhar, the chamber of commerce is very vital because most of the transit and trade based on APTTA Agreement is done through this province and the existing problems relevant to the Agreement can be better understood by the Nangarhar business community.

It is worth mentioning that the specific and valuable suggestions provided by Dr. Mukhlis, the member of the chamber and advisor to the joint chamber of Afghanistan and Pakistan, who tried his best at the chamber and with other officials for the re-signing of the Agreement, which is mentioned below. When we shared our research purpose with Mr. Mukhlis and asked him to provide information as suggestions, fortunately, he shared the asked information happily. He named these suggestions as “Nangarhar Traders and Private Sector’s Proposals, Ideas and Demands” for the new Afghanistan-Pakistan Transit and Trade Agreement (APTTA). On his permission, 10 suggestions are mentioned here.

1- The Nangarhar Businessmen respectfully ask the Government of Afghanistan and especially the leadership of the Ministry of Industry and Commerce to take reciprocal actions in all aspects of the forthcoming agreement.

2: The Afghan government should lease land to construct a terminal at Karachi port so that the traders’ containers are not subject to demurrage penalty and Pakistani Government should also hastily extend the period of keeping goods there for a minimum of 15 to 21 days.

3: Afghan traders are no longer willing to pay a cash guarantee to the shipping line for containers, which are sometimes guaranteed from 500 to 800 thousand rupees. In new Agreement, it should be mentioned that from insurance company a Guarantee Certificate should be provided to the shipping line and these rules should be observed and executed. The Pakistani government has made it a condition on the Shipping Line that when Afghan transit goods from different countries are brought to Karachi port, it should be clearly stated in the bill of loading that which route would be used whether Torkham, Spin Boldak or Ghulam Khan and this has made a major problem. This is suggested that in the new agreement, it should be clearly mentioned that when the goods of an Afghan trader reaches Karachi, then it should be the choice of the trader that which of the aforementioned route would be chosen to transfer the goods and in the Bill of Loading it just be written “Cargo Via Karachi in transit to Afghanistan”. After that the change of route from Karachi would be at the discretion of Afghan traders. Afghan traders should also be free to transfer their goods from Karachi in their personal or rented container, train or tarpaulin and the limitation in this regard should be removed. It should also be stated that Afghan traders can use their personal containers to export or import their goods.

4: In ports the security and border officials just should have monitoring and security responsibility of the trucks’ movement and they are hoped not to interfere in transit and trade affairs. Of course, in suspicious circumstances, these intelligence agencies should conduct inspections or checks. It is suggested that trade and transit agreements between the two countries should not fall victim to political grievances and that irrelevant agencies of both countries should not interfere in the transit and trade dealings.

5: The transit goods whether transited through Afghanistan to Central Asian countries or Afghan transit through Karachi or other ports of Pakistan to Afghanistan or vice versa Afghan products transited to other countries through Pakistani ports. There should be no levy, as Afghan

cargo arrives to Karachi, it is sometimes levied around 7000 to 10000 rupees without any legal receipt in the name of (Heavy Excel Charges). For instance, last year, an irresponsible person by the name of Shakirullah Afridi, was extorting money illegally from Afghan cargo. Furthermore, for the development and extension of trade and business dealings to be done quickly and smoothly, it is necessary to take extensive steps to build the capacity at ports of both countries.

6. It is suggested that transit and trade agreement should be separated. There should be a bilateral agreement for trade between Afghanistan and Pakistan. In addition, a multilateral agreement for transit should be signed, it should include Afghanistan, Pakistan, Iran, India, Central Asian and other countries of the region, the presence of other countries would further strengthen the agreement. India also hopes to join the APTTA Agreement and desire for its expansion by including other countries as well. (Transit, 2015)

7. The Ministry of Public Works of the Government of Afghanistan should set the standard and scale of high tonnage weights in transit trucks similar to Pakistan at the bordering ports especially in Torkham to solve the problem. It should be clarified that the same weight, which is sealed and locked, should be allowed to be transported to Torkham, Spin Boldak and Ghulam Khan ports to the relevant provincial customs from Karachi.

8: Afghan traders are always facing delays and obstructions at Karachi port, which leads to high demurrage and detention of the goods. Pakistan often prolongs the trading and transit company's permits, guarantee for other legal administrative procedures and creates problems for Afghan traders, so to find solutions to these problems, Afghan Government should have online services for the extension of the company's permits, services for its financial and customs guarantees, banking accounts for transferring money and more relevant steps, so that on the demand of Pakistani agencies that could be provided accurately on time.

It is also proposed to the ministry of commerce and industry of Afghanistan that at Karachi Port under the auspices of the Trade Attaché, a center or office by the name of "Transit and Trade Facilitation Center" should be established, which should be kept aside from the influence of Consulate so that the "Trade Attaché" could openly take necessary steps and keep meetings with the clearing agent of the traders, customs of Karachi and the concerned authorities to resolve the transit issues. The Attaché should also have a lawyer and if any legal issues arises, he should reach that on timely basis. We suggest to the Finance Ministry of Afghanistan that they should give responsibility to the Afghan Customs Attaché at Karachi Ports to play a constructive role in coordinating customs information, resolving traders' problems and to oversee the implementation of the agreement and to provide technical assistance in difficult situations.

9: The subordinate authorities of both countries in accordance with the Memorandum of Understanding (MoU), especially through consulates, should issue biometric road pass having special barcodes with all the specifications of the truck, which should work for a longer period and on the basis of these road passes the trucks and vehicles should be allowed to pass after checking through checkpoints at border ports. It is also suggested that the truck drivers and cleaners should be issued accepted traveling cards and long-term visas by the responsible authorities or consulates of both countries.

10. In the new agreement, traders of both countries should be allowed to import and export goods from Central Asian countries through all ports using Afghan and Pakistani territory. An Afghan or Pakistani Trader should be allowed to purchase commodities from Central Asian Countries and to export it via Afghanistan to Pakistan and then through Karachi/Wahaga or Islam Qala's ports to other countries and vice versa to Central Asian

Countries. We, the traders ask both countries, Afghanistan and Pakistan, that they should allow and focus of the aforementioned suggestions for imports and exports.

5.2. According to Motiwala:

Zubair Motiwala, former chairman of the Pakistan-Afghanistan Joint Chamber of Commerce, presented some suggestions for the renewal of APTTA agreement, which has been published by Pakistan's popular web page, Urdu News.

5.2.1. Business Volume should be increased

According to Zubair Motiwala, the required facilities should be provided to Afghan and Pakistani traders, so that the trade affairs boom and increased.

The current state of it is a matter of real concern that there has been a significant decline in trade and transit between the two countries. There are many reasons for the decline in trade such as the creation of obstacles from Pakistani side, the decrease in political ties between the two countries, alternate routes for Afghan traders, increase in export and import taxes, as well as the strict transit laws and many more issues. The decline in trade between Afghanistan and Pakistan has not only led to a decrease in exports from Pakistan to Afghanistan, but it has also led to higher unemployment in Pakistan's own tribal areas and other provinces, which has created many problems.

5. 2. 2. High Taxes on Transit Goods to Central Asia through Afghanistan should be reduced.

Pakistani traders have raised their objections to the Afghan Government's high taxes on Pakistani goods, which has disappointed the Pakistani Traders leading to decrease in business. According to Mr. Zubair Motiwala, Afghan Government has high taxes on the transit of fresh fruits exported from Pakistan to Central Asian Countries, which makes problems to the traders of both countries. He, therefore, suggests that both countries should pay attention for bringing ease to the traders of both countries. In this regard, the role of Central Asian Countries is also essential to find a solution for the problems unanimously. Pakistani businessmen are urging that Tajikistan should be included in the future in the APTTA Agreement in order that the Central Asian Countries are accessed by Pakistan. President Ghani's high taxes on Pakistani goods and obstacles to their exports to the Middle Eastern markets are undermining the APTTA agreement. (GOEL, 2018)

5.2.3. Essential facilities should be provided for the offloaded trucks at the border

The essential facilities at The Afghanistan and Pakistan's transit ports should be provided because these ports are also used by general public and due to the overcrowding, the transit is suffered. Afghanistan and Pakistan should make special gates and ways for the trade and transit affairs at all ports. Furthermore, serious measures for empty containers and loaded trucks should be taken at Torkham port because thousands of empty trucks are usually stuck there at Afghanistan's side facing different problems. Overcrowding and lack of required facilities on both sides of the border have created many problems for traders and travelers of both countries. The security and unnecessary customs' checking, the unavailability of trading areas and the unreliable security are the major reasons creating problems for the movement and transferring of goods.

5.2.4. The Central Asian Countries Should Be Included in The New Agreement.

We, the researchers, suggest that for the solution of the problems of Pakistan's Trade and Transit, the Central Asian countries should be included in the agreement, so that no one will try to create problems by having legal issues in this regard, anymore. For the inclusion of central Asian countries in the agreement, Pakistani Traders have showed their interest and have demanded again and again, to do so, Afghanistan is very important as a connecting land corridor of the Central and South Asia. (Chaudhry, 2021). Afghan traders have also made similar demands, but they say that India should also be included in the agreement so that the problems of Afghan traders are also resolved in this regard.

In an exclusive interview with TOLO news, former Indian ambassador to Kabul Amrsena also said that the APTTA agreement was sacrificed to political issues. Earlier, officials at the Ministry of Commerce and Industries had said that India was not interested in the transit agreement between Afghanistan and Pakistan, but Indian ambassador to Kabul Amrsena said that India is ready to join the agreement and to expand the ties with Afghanistan and Pakistan. However, referring to Afghanistan's access to the Wagah commercial port on the Pakistan-India border, he said that it was the Islamabad Politician's Policy to make obstacles. He added, "Yes, I think, unfortunately, economic issues have become political issues, we demand that these issues should be separated".

On the other hand, now the officials of the Ministry of Commerce as well as the Chamber of Commerce and Industry say that if India does not join the agreement, Afghanistan's interest in the agreement will decrease. (Aamar Sinha, 2015). As Pakistan demands seriously the inclusion of Tajikistan in the agreement, so does the Afghan side also urge India to join the transit and trade agreement. Pakistanis consider the transit route to Central Asia and Europe through Afghanistan very important, easy and cheap for Pakistani products to be exported to those markets. (Paswan, 2017)

5. 2. 5. The Afghan Government Should Regulate Trade and Transit Facilities.

Afghanistan should take transit into considerations as a whole, however, to provide better services at zero-point, they should construct roads, expand customs areas, increase working hours, and take strong anti-corruption measures.

The inadequacy of customs land, and the overcrowding of travelers is existing especially at Torkham, which blocks transit routes and makes obstacles to the loaded trucks. Afghanistan should work to expand the customs area at Torkham and if this is not possible at the moment, then the number of customs' staff and their working hours should be increased so that the problem is solved up to some extent. The road at Zero-Point in Afghanistan's side has deteriorated, which should be repaired on emergency basis, as it keeps traffic jams and delays the transport operations. At Torkham commercial port, not only the loaded trucks, but the movement of passengers' vehicles are creating traffic jams and due to the increase of the importing vehicles, other loaded vehicles also remain and wait for hours for the road to be reopened.

6. Limitations of the Article

While we were collecting data for our research article, we faced many problems. The basic problem was that, not only the general public, but the government officials were also not familiar with the research methods and would often not cooperate in this regard. Most of the time we were compelled to give detail about ourselves, then to share all the information and purpose of the article. We had to convince them to provide relevant information and sometimes

this process took so long that both the interacting parties got tired and bored. Although, it is a legal right of every Afghan to access information under the law to obtain information, but when we were requesting information from agencies, we would face this problem that how we, as an ordinary Afghan, were asking them for information.

They would often suggest that if journalists asked them for information, they would help up to some extent, but for research purpose the data was not provided and we were not cooperated. The problem was not only existing in the public sector, but the private sector was also not willing to share their information because most of the people in Afghanistan do not understand the importance of research. Those who are working in the field of research, are compelled to knock the door of an organization several times to get information in order to enrich their articles, which is very bothering.

Personally, we have also had some difficulties in getting the opinion of those who understood the agreement and opinion of its analysts. In addition to informational section, another obstacle to this research is the lack of legal issues, researching other areas and sharing suggestions for the future. We believe that this research article will be a good source, which will be used by both sides, Afghanistan and Pakistan, in the coming time, so we had to keep a balance and both sides would see itself in it and maintaining a balance was not an easy task. The concern of one-sidedness has been eliminated by the methodology used in this article. The problems relevant to the future of the agreement have been impartially addressed and suggestions for both sides have been shared.

7. Introduction to Terminologies

The APTTA Agreement contains definitions of the essential sections to be understood easily. However, we will only explain the relevant and required terms to this article and leave the rest so that the article would not become too lengthy, just, the references will be mentioned at the end of this article.

7.1 Transit

The word transit has French roots, used to move goods from one place to another. Transit refers to the movement of those goods carried by a second country from a first country through a third country in accordance with the rules of the World Trade Organization, excluding customs duties. The routes through which commercial goods are carried, called transit routes. Transit is mainly divided into two sections, internal and external transit, it has other types as well, such as land transit, air transit, sea transit and transit through rail.

7.2 Business

According to the Afghanistan Code of Business Law, chapter third articles fourteenth, fifteenth and sixteenth business is defined as: "Merchant or non-merchant who buys movable property for sale or leases it to another person and converts that movable property into real or otherwise and sells or leases it as well as renting it out or working in it, are business dealings " (Justice., 2008). Generally, any kind of economic exchange is called trade. Legally, the sale and purchase of movable and immovable property, which is a continuous work and profession for profit, is considered a business. (Adil abdullah Warin, 2015). Trading is the process of acquiring and exchanging capital in order to make a profit.

7.3 Customs Control

Customs control means measures applied to ensure compliance with the laws and regulations relating to the importation, transit and exportation of goods which the customs are responsible for enforcing.

7.4 Customs Transit

Customs transit means procedures through which goods are transported under customs control from one Customs office of one contracting party to Customs office of other contracting party under suspension of payments of taxes and duties.

7.5 Customs Inspection

Customs inspection means inspection carried out by the host country on the importing goods of the contracting party in the national jurisdiction in the light of applicable laws in order to ensure that the host country so that the host country is satisfied.

7.6 Demurrage

Demurrage, the extra charges due to the delay of products in general sense, is a kind of penalty which is levied which is paid by the exporter-importer of goods to the shipping companies against the delay of the due date of the contract. The term demurrage is widely used in the financial and logistical aspects of moveable property, which is the penalty, paid on the delay of goods' loading, movement or unloading.

7.7 Detention

Detention is the extra rent, which is because of the delay of vehicles after their allotted time.

7.8 Contracting Parties

According to the agreement, the contracting parties refer to the parties mentioned in the agreement, Afghanistan and Pakistan, which agreed on the written document and are committed to its implementation.

7.9 Customs Clearance

The customs clearance means that the permission of transferring goods after its checking and inspecting from one of the contracting party's territory to another contracting party's territory.

A customs clearance is a written document that one of the contracting parties present against another so that to move in their national jurisdiction.

7.10 Constituency of National Authority

National jurisdiction refers to the country boundary or it refers to the area in which one of the contracting parties legally authorizes the other party to transit and trade. National jurisdiction refers to the area in which a country enforces its applicable law and its citizens are subject to that law.

7.11 Vehicle

Vehicle means any rigid road vehicle, articulated vehicle, unaccompanied trailer or semi-trailer. **7.12 Heavy Excel Charges**

Heavy Excel Charges means, the high fine and other payments, levied when the weight of vehicles transgresses the standard weight for the loaded vehicles agreed in "The APTTA Agreement".

7.13 Shipping Line

Shipping line means maritime transit line or is it a form of trade that is carried out by boats.

7.14 Bill of Loading

Bill of loading is the written official document stating the nature, quantity, quality and size of the goods for the sender and receiver and signed by the official agencies, exporters and importers.

7.15 Guarantee Certificate

Guarantee Certificate is a guarantee letter and official document for companies, which is common for insurance and other business matters. Or it is a document that is taken by banks or other financial institutions on providing services to the commercial companies and is provided to them for other commercial dealings.

7.16 Port

A seaport is a place where goods are exported and imported, or a seaport is a port that has facilities for anchoring boats, loading, unloading, storing and other commercial activities. According to APTTA Agreement of chapter 5, article 7, the first sentence states that "The Islamic Republic of Pakistan guarantees the right of use of Karachi, Qasim and Gawadar's ports and vice versa to Afghanistan on the commercial goods' transferring, official tariffs, rates, and to take other benefits without any discrimination in accordance with applicable conditions."

7.17 Container

Container means standardized receptacle or loading unit for freight to enable (i) loading and unloading (ii) movements by one or more modes of transportation, without intermediate reloading and (iii) locking and sealing.

7.18 Extortion

Extortion literally means taking property, money and documents from people by force, coercion, pressure and intimidation. Or extortion means, taking money illegally without any receipt from the transporters in the routes at checkpoints and police stations.

7.19 Road Pass

Road pass is a passing document for one of the contracting parties' transit trucks that pass through the territory of the other country having the host country's license, which permits the trucks to use and benefit its routes.

7.20 Customs Guarantee

Customs Guarantee means the acceptable cash-worthy financial guarantee for customs, either by traders or through their licensed commissioners, which is presented as a substitute for the amount of transit goods of the contracting parties for the importing tax.

7.21 Geopolitics

Geopolitics, the term was firstly used by Swedish political analyst, Rudolf Kjellen in 1889. It is a combination of two Greek words "geo" and "politike". Geo means land or soil and Politike means politics. According to Rudolf, "Geographical Organism or a phenomenon in the space as a theory of state is considered geopolitics". We can say that "geopolitics is a method of studying foreign policy and approaches due to which, we can understand, interpret and even predict global political trends by geographical changes." (Evans, 1998)

7.22 Geo-Economics

According to Namrata Goswami, an expert on ethnic, racial and international relations, "geo-economics is the knowledge, which enfolds the economic environment and relevant issues to it.

7.23 The Great Game

The Great Game is a political and diplomatic term coined in the late nineteenth and early twentieth centuries for the Central and South Asian states as a result of political conflicts between Britain and the Soviet Union, while both empires seeking to dominate Asia and to execute their plans.

7.24 Heartland

The term Heartland, which historically divided geographical boundaries into central locations and powers, was for the first time, used by the English geographer, Halford John Mackinder in 1904.

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