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THE EVOLUTION OF THE UZBEKISTAN–AFGHANISTAN BORDER REGIME: ON THE QUESTION OF PERIODISATION (1991–2024)

Mirbotayev Khasan

Independent Researcher

E-mail: mirbotayevxasan@gmail.com

Abstract

The thesis analyses the changes in the border regime between Uzbekistan and Afghanistan on the basis of normative documents. The author distinguishes five stages of the regime and proposes to treat the border regime as an independent criterion for the periodisation of the history of bilateral relations.

Keywords: Uzbekistan, Afghanistan, border regime, transit, periodisation, Hairatan, Termez, free trade zone.

INTRODUCTION

The history of relations between Uzbekistan and Afghanistan is usually periodised on the basis of political events. The criteria adopted are changes of power in Kabul, the beginning of international operations, or political changes in Uzbekistan. This approach is justified, but it does not fully reflect the everyday substance of the relationship.

For two neighbouring states, the most direct indicator is something else, namely how the border works: who and what may cross it, on what conditions, and for what payment. The present thesis examines the possibility of treating the border regime as an independent criterion of periodisation.



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METHODS

The analysis was carried out on the basis of the normative documents of the Republic of Uzbekistan. The sources comprised the resolutions of the Cabinet of Ministers and the decrees and resolutions of the President contained in the lex.uz database, as well as the texts of the agreements published in the Collection of International Treaties of the Republic of Uzbekistan.

The following criterion was applied in distinguishing the stages. A change of regime was taken to mean the adoption of a new normative document establishing the conditions for crossing the border, or the abolition of the existing procedure. Political statements or press reports alone were not taken as a basis.

A separate issue concerns the absence of documents. In the author's view, the complete absence of relevant documents in a given period is itself evidence, provided that documents exist for the preceding and subsequent periods.

RESULTS

The analysis identified five stages.

The first stage covers the years 1991–1996. The border was open, but the crossing procedure had not yet taken shape. The principal document of this period is Resolution No. 413 of the Cabinet of Ministers of 5 September 1992, which provided for the creation of a commission on questions of strengthening the state border with Afghanistan. No separate document establishing the conditions for crossing the border was found.

The second stage falls in the years 1997–2001 and differs fundamentally from the others. Not a single normative document relating to the border was identified for this period. Traffic across the Friendship Bridge had been halted, and Uzbekistan did not recognise the Taliban regime. The absence of documents is the legal reflection of this state of affairs.



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The third stage lasts from 2001 to 2004. Its beginning is marked by Resolution No. 41 of the Cabinet of Ministers of 31 January 2002. The resolution regulates transit between Termez and Hairatan and introduces precise tariffs: 180 US dollars for one railway wagon, 180 dollars for a forty-ton container, 90 dollars for a twenty-ton container, and 50 dollars for a lorry. The customs authorities process the routing documents. An important point is that the resolution contains no reference to any bilateral agreement: the procedure was established entirely unilaterally.

The fourth stage extends from 2004 to 2017. It is opened by the agreement signed in Tashkent on 29 August 2004 and approved by Resolution No. 456 of the Cabinet of Ministers. Under Article 1 of the agreement, the parties grant a free transit regime to each other's carriers, and the transit carriage of goods is exempted from customs duties and other charges. Article 7 lays down the following rule: "the transit carriage of goods and means of transport across customs borders shall be carried out without customs examination". An exception applies only in cases where prohibited items are suspected.

The fifth stage begins in 2018 and represents a qualitatively new situation. By Decree No. PF-6109 of the President of 12 November 2020, a special economic zone was established in Surkhandarya region, and a ten-day visa-free regime was introduced for Afghan citizens. Resolution No. 409 of the Cabinet of Ministers of 1 July 2021 establishes the procedure for the movement of goods and persons through the "Termez International Trade Centre" free trade zone. Finally, by Resolution No. PQ-176 of the President of 13 May 2024, the visa-free regime was extended to fifteen days, and Afghan citizens acquired the right to work without a work permit, to lease commercial and production premises and, by way of exception, to purchase them.



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DISCUSSION

The stages distinguished reveal two important features.

The first is that changes in the border regime do not fully coincide with political events. For example, the international operation began in the autumn of 2001, whereas the legal framework for transit was established in January 2002. The Taliban returned to power in August 2021, yet the border regime did not change; on the contrary, in 2024 it was relaxed still further. The border regime is therefore an independent variable and may be regarded as a separate criterion.

The second relates to the boundary between the second and third stages. The 2002 resolution is a unilateral act containing no reference to a bilateral agreement, while the corresponding agreement was signed two and a half years later. In other words, the practical procedure was established first, and its treaty formalisation followed. In our view, this reflects a general feature of Uzbek–Afghan relations. A third observation concerns the fifth stage. The visa-free regime and the labour and property rights were granted not by a bilateral treaty but by the domestic normative acts of Uzbekistan. This gives rise to the phenomenon of the treaty-less institutionalisation of cross-border cooperation.

CONCLUSION

The analysis of normative documents shows that the border regime between Uzbekistan and Afghanistan passed through five stages in 1991–2024. The stages form the following sequence: unregulated openness, closure, tariff-based transit, treaty-based free transit, and a special regime zone.

Each stage is supported by a normative document, while the second stage is confirmed by the consistent absence of documents. On this basis, it is proposed to treat the border regime as an independent criterion for the periodisation of the history of relations.



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The information most needed for further research is the year-by-year dynamics of the volume of freight and passengers crossing the border, which can be obtained from the materials of the customs and statistical authorities.

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