



# How Informal Norms Impact Compliance of State Policies in the Pak-Afghan Border Region

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## ABSTRACT

Adherence to the state policies in border regions remains significantly low. Generally, the state applies focused rules and regulations to improve governance and border management; however, local traditions and informal norms have a greater impact than state policies. Keeping aside the inevitable kinetic measures against externally supported militants, this study examines how local traditions affect compliance with state rules and regulations in the Pak-Afghan border region. The population in this region largely consists of Pashtun tribes, which adhere to the traditional code known as *Pashtunwali*. This code plays a pivotal role in compliance with state policies in cases of convergence, whereas it has significant potential to cause resistance in cases of divergence from state mechanisms. The study adopts a qualitative approach to analyze the phenomenon with the theoretical lens of Borderland Theory. The research analyzes that compliance of state policy in this region is mainly affected by historical memory, traditional identity, economic practices, and deep-rooted kinship networks.

**Keywords.** Traditional Norms, Informal Authorities, State Policy Compliance, Border Region, Cross-border Trade, Kinship Ties

## INTRODUCTION

International boundaries are enforced through state rules and regulations governing economic activities and cross-border movements; however, cultural norms, identities, and economic practices in border regions predate state formation. Taking the example of Asian countries, the borders of Malaysia-Indonesia, India-Bangladesh, and Pakistan-Afghanistan are not just border lines but are cultural and economic zones where historical memory, traditional identity, and informal authorities dominate the state mechanisms. Considering armed actions against militants as an external factor, this study focuses on political dynamics on the internationally recognized Pak-Afghan border, globally known as the “Durand Line,” which was named after British diplomat Sir Mortimer Durand, who signed an agreement with Amir Abdur Rehman Khan in 1893. The state of Afghanistan was created as a buffer zone between British and Russian empires to avoid any direct conflict. Durand Line, like many other borders, also divided a number of tribes, their agricultural fields, grazing grounds, kinship ties and economic flows (Zada, 2024). Therefore, compliance of state policies lacks in this border region despite its legal and political sensitivity (Rahimov, 2025).

Compliance encompasses state regulations enforced through institutional capacity, surveillance and sanctions (Grimms & Salas, 2017). However, compliance of state mechanisms only through state authority encounters hardships in such border regions owing to the local traditions, informal norms, erstwhile economic practices and cross border kinship ties. Such traditional values make local population more responsive to the informal social framework of the region known as *Pashtunwali* instead of state driven policies pertaining to border control, security mechanism and economic arrangements. *Pashtunwali* upholds social values like honour (*Nang*), hospitality (*Melmastia*), loyalty to the tribe (*Qawm*) and revenge or justice (*Badal*) (Ahmed, 2013). Political decision making in this culture is also done through informal council of elders known as *Jirga* which develops consensus among parties (Yousaf & Khan, 2020). This informal governance structure causes serious implications against compliance of diverging state policies. The state regulations contradicting to the centuries old free tribal agility, prestige and sovereignty face severe resistance. As the efficacy of state institutions generally remain limited in border regions therefore, authority is normally shared among paramilitary commanders, cross-border kinship elders, religious, social and economic influential figures. The state laws which do not align with the local norms and traditions, are generally ignored or strongly resisted (Goodhand, 2005). This introductory background enables

the identification of the problem area and research gap indicated through research questions as outlined in the succeeding paragraphs.

## **RESEARCH PROBLEM**

The Pak-Afghan border, as a distinct element of the South Asian geopolitical landscape, has been extensively researched through various approaches, primarily through the lenses of internal security, military operations, and the global war on terror. However, no exclusive study has yet assessed the impact of informal norms on compliance with state policies in this border region. It indicates a serious research gap regarding informal norms that supersede state policies in shaping the social behaviour of the local population in the Pak-Afghan border region. Moreover, compliance with state policies in this region depends more on cultural legitimacy than on the state's mere institutional strength. Besides that, the population of this region prefers loyalty to traditional identity over national citizenship.

## **RESEARCH QUESTIONS**

This study examines the following questions.

1. How is state policy compliance affected by informal norms and cultural traditions?
2. What is the role of the informal governance structure (Pashtunwali) in shaping community responses in the border region?
3. What are the different circumstances in which informal norms support and resist the compliance of state policies?

## **SIGNIFICANCE OF THE STUDY**

This study contributes to Geopolitical understanding of the informal dynamics of the Pak-Afghan border region, shaped by *traditional norms and informal institutions*. *The theoretical dimension provides insight into how the informal governance structure of the border region affects the legitimacy of state mechanisms*. The study also contributes to the domain of policy formulation by highlighting the risks of failure of state-led policies when enforced in isolation, without taking informal authorities into account. The social and political dynamics of this region have been kept dissociated from kinetic measures against proxies.

## **LITERATURE REVIEW**

The literature on South Asian border regions has portrayed a complex chemistry between state mechanisms and the cultural behaviour of local populations. In particular, the Pak-Afghan border provides a basis for a distinctive study owing to the British-carved borderline, subsequent sovereignty disputes, and the dominance of tribal social structures of governance in this border region. To provide a comprehensive understanding of borderland regions, the existing studies can be reviewed along the following dimensions.

### **1. Borders as Fixed Lines or Social Spaces.**

In common understanding, borders are considered fixed lines that divide the territories of two states. Contemporary studies mark this concept as a traditional understanding of borders in which the borders were conceived as static lines on the ground separating territories of states (Paasi, 2013). Another study describes it as a classic geopolitical imagination of borders, in which borders were viewed as rigid, unchanging lines separating sovereign territories (Newman, 2006). However, studies on border regions depict the areas around the border as social institutions that shape day-to-day life, generating a distinct identity and social narratives (Donnan & Wilson, 1999). Borderland Theory argues that borders produce and are produced by historical memory, cultural belonging, and regional identity (Paasi, 2011). Borders are living experiences entrenched in geographies and their rituals. In the context of the Pak-Afghan border, the Durand Line has historically lacked social legitimacy among local tribes, who consider it a British legacy that bifurcates ethnically and culturally unified tribal territories (Akbar, 2024). The borders are spaces where sovereignty is distributed across state machinery, tribal elders, religious figures, market networks, and kinship groups. These figures decide whether state policy is to be followed or contested. Scholars studying South Asian border regions view these regions as semi-autonomous, where state authority is negotiated rather than imposed (Shah, 2017).

### **2. Compliance of State Policies in the Presence of Informal Authorities**

Studies in anthropology and political sociology argue that compliance mainly depends on perceived legitimacy (Tyler, 2006). On the other hand, scholars argue that a well-organized institutional network is generally developed by the state, which ensures policy compliance through enforcement capacity, rule design, and monitoring system (Grimm & Salas, 2017). Informal institutions and traditional norms generally play a stronger role than state policy, as it prevails in the surroundings of the Durand Line (Helmke & Levitsky, 2004). According to studies on Pakistan's Western border, the population in that region is more willing to comply

with tribal authority than with state authority because tribal institutions are considered more legitimate and responsive to community welfare (Yousaf & Khan, 2020).

### **3. Informal Governance Embedded through Traditional Norms**

In tribal regions, informal norms have developed as unwritten laws grounded in social expectations rather than legal authority (North, 1990). These practices drive the social behaviour through commonly accepted interpretations, dignity, and responsiveness. These values largely govern legal rules, especially when the state is treated as an external element. Responsive behaviour develops in communities when informal norms get publicly accepted, morally valued, and jointly enforced (Ostrom, 2000). In the Pak-Afghan border region, the informal community-based governing structure authority (Jirga) resolves disputes, translates customary laws, and restores social balance without relying upon state mechanisms (Shinwari, 2011).

### **4. Legacy of Cultural Code in Informal Governance**

*Pashtunwali* is the most widely accepted cultural framework in the Pak-Afghan border region, predating the prevailing state systems (Ahmed, 2013). Owing to its deep-rooted legacy, it has specific implications on state-driven policies. In the event of a contradiction between state policies and this customary code, compliance is met with resistance. Though the Durand Line exists as a formal boundary, day-to-day routine, economic activities, and cross-border movements are mostly conducted according to cultural norms rather than state policies (Rubin, 2002).

The literature review reveals that, given the significance of the Pak-Afghan border in the geopolitical landscape of South Asia, this region has been extensively researched, but mostly from the perspective of insurgency versus kinetic measures. However, the impact of informal norms, traditional values, kinship ties, and cross-border trade on compliance with state policies in this border region remained unexplored. It leaves a research gap that needs an exclusive study in this regard.

## **THEORETICAL FRAMEWORK**

This study contains significant material that can be analyzed with a theoretical lens. The formal and informal legitimacy of this Pak-Afghan borderland, the emergence of cultural and traditional norms in this region, their role in developing informal governance mechanisms, and their implications for state policies are among the dimensions of this study that need to be reflected through the prism of a theoretical framework. Erstwhile borders were considered

fixed lines bifurcating the territories of two states. However, contemporary studies on border regions depict the areas around the border as social institutions that shape day-to-day life, generating distinct identities and social narratives. *Borderland Theory* argues that borders produce and are produced by historical memory, cultural belonging, and regional identity (Paasi, 2011). Borders are living experiences entrenched in geographies and their rituals. In the context of the Pak-Afghan border, the Durand Line historically lacks social legitimacy among local tribes, who consider it a British legacy that bifurcates ethnically and culturally unified tribal territories. The borders are spaces where sovereignty is distributed across state machinery, tribal elders, religious figures, market networks, and kinship groups. These figures decide whether state policy is to be followed or contested. Scholars studying South Asian border regions view these regions as semi-autonomous, with state authority negotiated rather than imposed.

## **METHODOLOGY**

A qualitative approach has been adopted to evaluate how informal norms affect the compliance of state policies in the Pak-Afghan border region. Cognitive elements like informal authority, identities, narratives, honour, prestige, and traditions cannot be measured in tangible figures or quantitative values. Instead, a qualitative approach enables the researcher to correctly interpret the community's responses to the state policies and the causes of resistance. This research primarily used secondary sources, including academic literature and policy reports, which provide an adequate basis for comparative analysis.

## **RELIABILITY**

To ensure data reliability, no single perspective has been taken as authority; instead, international peer-reviewed literature from both Pakistani and Afghan sources has been used. Moreover, contemporary analysis has been taken alongside historical studies to prevent a single-approach interpretation of informal norms and traditions of tribal culture. Besides, scholarly articles from journals published by renowned publishers and books written by scholars known for their relevant studies, such as Barnett Rubin, Akbar S. Ahmed, and Rasul Bakhsh Rais, have been reviewed.

## **LIMITATIONS OF THE STUDY**

Current dynamics of the Pak-Afghan border region, including massive movements of refugees, long holding of commercial vehicles, cross-border movements of militants, and

military operations, do not allow the collection of primary data in the shape of first-hand interviews of the border population. Moreover, rapid changes in state policy are making it difficult to maintain a consistent historical pattern of compliance.

## **RESEARCH DESIGN**

This research is based on a single-region case study of the Pak-Afghan border, primarily focusing on the tribal territories of Pashtun communities, because this region features unique political and cultural dynamics that cannot be generalized for comparison with other regions. Moreover, the relationship between the region's informal norms follows a particular historical pattern of compliance with state policies, which is predominantly cultural rather than institutional. It provides insight into analyzing traditional norms rather than relying on administrative tools for policy compliance.

## **ANALYSIS**

The border region falling between Pakistan and Afghanistan, known as the “Durand Line,” is culturally one of the most complex regions because it divides the Pashtun communities, which share common norms, traditions, language, cultural identity, agricultural fields, grazing grounds, kinship, as well as trade ties and memories of pre-border free movements. Analysis of policy compliance in this context requires understanding how informal norms, identities, and local informal authoritative structures respond to the formal institutional authorities. The impact of informal norms on state policy compliance in this region is examined in the following dimensions.

### **1. Historical Background**

In 1893, Amir Abdur Rehman signed an agreement with Sir Mortimer Durand of British India to establish a buffer zone between the British and Russian Empires. The decision did not include meaningful consultation and consent of the Pashtun Tribes whose land was bifurcated (Rais, 2019). Although this line got international legal status, it lacked local cultural legitimacy. The British rulers did not actively interfere in local governance; therefore, tribal autonomy remained largely unaffected. Moreover, this division was considered as a temporary arrangement owing to its non-acceptance by local communities, which resulted in a geopolitical contest over the region.

### **2. Cultural Code of Pashtun Communities: Pashtunwali**

*Pashtunwali* is the informal code of political legitimacy and social discipline for Pashtun communities in the Pak-Afghan border region, predating the formation of formal states. The core values of Pashtunwali and their responses to state policies are tabulated below.

**Table 1: Tribals' Response to Policies**

Pashtunwali Values	Response to Policies
Nang (Honour)	Humiliating Policies are resisted
Qawm (Tribal Loyalty)	Tribal norms are given priority over State Policy
Melmastia (Hospitality)	Restrictions on movements imposed by the state are resisted
Badal (Revenge / Justice)	The formal judicial system is considered slow/illegitimate
Jirga (Authoritative council of elders)	Decisions made by jirga are preferred over any decision made by formal courts

This table depicts different responses of tribals to state policies under Pashtunwali traditional values as mentioned against each.

### 3. Jirga as an Informal Governance Structure

Jirga is an informal governance structure based on collective respect within tribal communities, as opposed to state institutions with a formal legal mandate. Jirga maintains balance among the Pashtun tribes and resolves their disputes. Its proceedings are generally faster and more culturally aligned than those of the formal courts. Jirga's authority is assigned to the tribal elders supported by tribal communities with consensus, traditional identity, historical memory, moral legitimacy and accountability.

### 4. Cross-border Trade, Agricultural and Kinship Ties

All major Pashtun tribes, including Durrani, Afridi, Mohmand, Shinwari, Wazir, and many others, have kinship and trade ties across the Pak-Afghan border. These ties include marital relations, inheritance rights, trade partnerships, livestock and timber shares, food and goods exchange, vehicle and automotive spare parts markets, currency exchange, narcotics and weapons, etc. Owing to the centuries-old free movement for kinship and economic ties across a united region, these movements are severely restricted by the later-formed states of Pakistan

and Afghanistan. Informal cross-border movements declared unauthorized by the states are considered a legitimate right by the tribal communities. Informal cross-border trade, which states declare as smuggling, is considered a historically accepted economic survival strategy by the tribal population.

## 5. Parallel Governance through Formal and Informal Institutions

Pashtunwali and Jirga influence compliance with state policies by serving as informal institutions parallel to state institutions, as tabulated below.

**Table 2:** *Formal State Institutions and Informal Tribal Institutions*

Function	Formal Institution	Informal Institution	Compliance
Dispute Settlement	Courts	Jirga	Higher
Social & Road Discipline	Police	Norms	Intermittent
Local Security	Military / Police	Aman Lashkar	Higher
Trade Rules	Customs	Local network	Low

This table depicts formal state institutions and informal tribal institutions, with the extent of compliance in various functions.

## 6. Extent of Compliance in Different Zones of the Durand Line

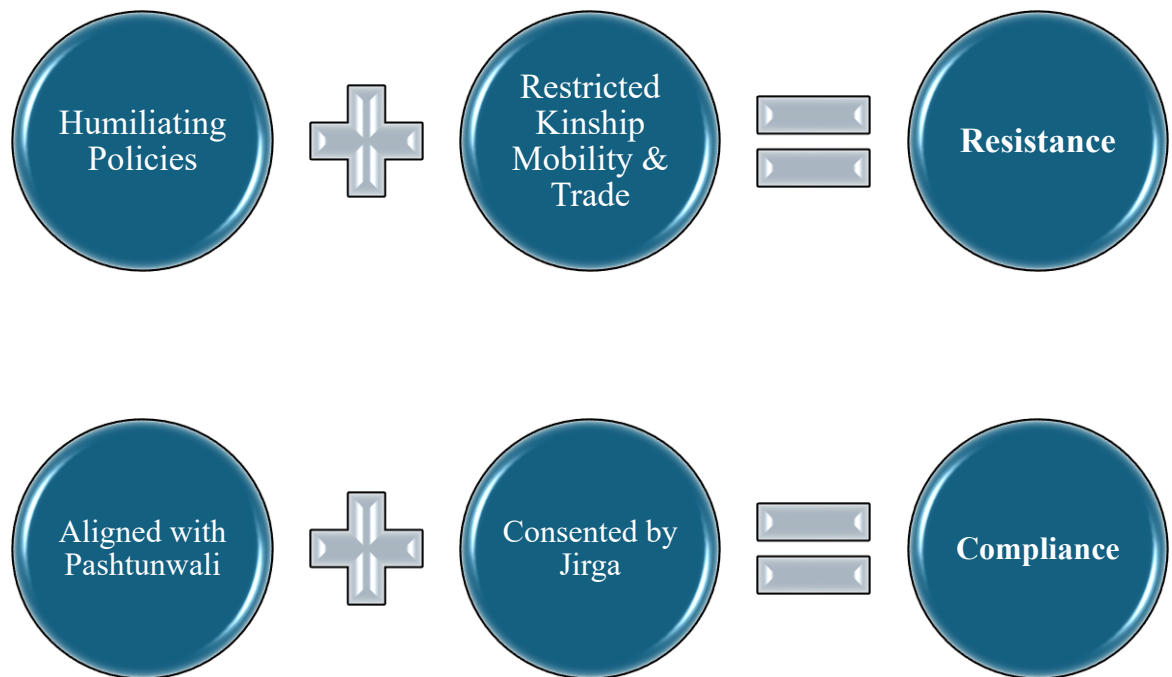
Despite the common umbrella of Pashtunwali across the region, there are variations in the extent of compliance with state policies across different sub-regions of the Pak-Afghan Border, depending on clan organization, trade structures, local history, and proximity to the state. Khyber sub-region, being in close proximity to the state structure, is more compliant with the state policies. At the other extreme, South and North Waziristan, given their proximity, hardened religious beliefs, strict social traditions, and newly emerging dynamics of South Asian regional security, became far more resistant to the state than other sub-regions. Chaman & Spin Boldak are another region that is on the higher-resistance side of the equation. Kuram, Mohmand, and Bajaur were earlier relatively compliant with state policies; however, with emerging geopolitical shifts, resistance has also begun to rise in a few fractions of these sub-regions.

As this section analyzes, state policy compliance regarding the Durand Line is primarily determined by cultural legitimacy rather than legal force. The state policies, which are humiliating and restrict trade and kinship mobilities, are severely resisted. On the other hand, compliance is observed with policies aligned with traditional code, Pashtunwali, and approved by the Jirga. A brief comparison, along with the outcome, is given below.

**Table 3: Tribal Resistance**

State Policy	Tribal Condition	Tribal Response
Durand Line is International Border	Contested by Afghan side	Resistance
Border Control is mandate of the State to ensure Sovereignty	Movement is in ancestral homeland	Resistance
Compliance is legal binding	Compliance is to be morally legitimate	Resistance
Unauthorized cross-border trade is Smuggling	Historical economic survivability	Resistance
Harboring fugitives is crime	Moral obligation to accommodate guest and old comrades	Resistance
Border fence and check-posts	Checking is Humiliation	Resistance
Support to resolve inter-tribe disputes	Jirga endorses state support for peace	Compliance
Protection of communal property	Supported for the sake of land boundaries stability	Compliance
Public welfare developments, roads, schools (boys), hospitals	Considered beneficial for tribes	Compliance
Check on infiltration of foreign militants	Militant disrupts local peace	Compliance

This table depicts tribal resistance to state policies when they diverge from the tribal stance and compliance when they converge with it.



**Figure 1:** The upper set of this figure highlights major factors that cause resistance to the state policies, whereas the lower part depicts the elements that support compliance.

## RECOMMENDATIONS

The Pak-Afghan border region is more of a cultural space than merely a border line. In this space, compliance with state policies is difficult to achieve straightforwardly; rather, it requires the tribal community's willful acceptance. Considering ongoing military action against militants as an external factor, this study recommends the following steps to achieve sustained compliance with state policies.

1. As the Jirga is recognized and accepted as an informal authority in tribal traditions, if state policies are formulated in such a fashion that they can be implemented in consultation with the concerned Jirga, it will achieve better compliance.
2. A joint framework with tribal peacekeeping committees will help maintain social discipline and control armed clashes.
3. In order to facilitate cross-border movements for kinship ties, special passes can be issued after verification.
4. As the local population largely depends upon deep-rooted cross-border trade, restrictions on such activities can cause economic strangulation of common people. Therefore, flexible trade permits should be issued to facilitate cross-border commercial activities.

5. In order to reduce the dependency on cross-border trade, a local market may be established, and incentives can be given to the locals for the diversion of commercial activities within their own territory.
6. Pashto language should be used for policy awareness in order to display respecting gesture and gain voluntary acceptance.

## CONCLUSION

As borders are spaces where sovereignty does not adhere to a single state, compliance with state policies becomes complex. This study analyzed the impact of informal norms on state policy compliance along the Pak-Afghan border region. The study reveals that policy compliance is not achieved merely on the forceful use of state authority, but rather it demands cultural legitimacy with respect to tribal identity and traditional honour. Policy effectiveness cannot be evaluated solely in terms of law enforcement capacity; it also depends on alignment between state laws and local traditional frameworks. The state is considered the shareholder rather than an absolute authority in borderlands. Informal institutions used to enjoy historical legitimacy and exercise their traditional authority attained before the inception of modern states. Compliance is generally accepted when it is viewed as a moral obligation, meets community expectations, and is perceived as legitimate. The traditional norms of Pashtunwali, such as honour (nang), hospitality (melmastia), nanawati (refuge), justice/revenge (badal), and tribal loyalty (qawm), dominate state rules. The informal institution (Jirga) can produce dual effects, including compliance and resistance to state policies. When it aligns with state objectives, it results in higher compliance by granting it local legitimacy. Whereas, when it conflicts with formal policy, it resists or evades by reinterpreting the state policy by translating it into its own meanings.

Although the Pak-Afghan border is physically controlled, socially it remains permeable due to shared cultural dominance on both sides. Policy restrictions in the borderland are resisted not because of communal rejection of the state's writ, but because they are considered obstructions to their daily life affairs. Similarly, cross-border trade or movements are not carried out in defiance of state policy, but rather as a centuries-old inherited right. The imposition of restrictions that hinder daily life becomes a major reason for resistance. Willful support can be sought for policy compliance by engaging community elders and framing state policies as welfare measures for the local population.

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