

*The Transnational Legal Dead Zone: Statehood Asymmetry And The Failure of
Counter Narcotics Laws In the Golden Crescent*

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Abstract

Historically, 'Golden Crescent' is referred to as an infamous region. The region is characterised as the global hub for illicit narcotic production and trafficking. The present paper has therefore, attempted to undertake an in-depth and systematic examination pertaining to the continued failure of counternarcotics laws and regulations in both Pakistan and Afghanistan. The dominant explanation(s) in the context of the failure offered mostly tends to focus on macro level political economy and security dynamics. However, the explanation(s) are statistically metrics centric, i.e., cultivation hectares and seizure volumes. This statistical focus has been largely critiqued by experts as "drugs fetishism". The paper in the context of the control policies failure, aims to shift this analytical focus. The required shift from political economy of drug trade towards political economy of legal enforcement therefore becomes critical. The study in this context, proposes a diagnostic framework. It attempts to explain the persistent paradox of rigorous laws co-existing with resilient trafficking networks.

To analyse the issue, the study has been grounded in a theoretical synthesis that integrates 'Routine Activity Theory' with 'Statehood Continuum'. This synthesised framework placing Pakistan as 'consolidated state' and 'Afghanistan' as 'limited state' argues that the dynamics and sustainability of legal efficacy have been primarily driven by geopolitical asymmetry. Pakistan is observed to have a sophisticated legal apparatus- exemplified by its federal and provincial counternarcotics laws and its implementation mechanism. Contrary, Afghanistan current legal and implementation landscape is dependent on coercive degrees rather than sustainable legal governance. Though a coercive decree can effectively help in achieving a dramatic short term reduction in opium cultivation, however, it would simultaneously cause a strategic shift towards synthetic drugs. Moreover, geographical displacement of opium poppies cultivation in the region has also been observed. Institutional vacuum generated by legal and political asymmetries ensures large illicit criminal enterprises remain structurally protected. The research concludes that any control policies must move beyond the traditional 'one fit all' legalism. In the context, effective policies would entail addressing institutional friction and bridging the 'transnational legal dead zone'.

Keywords: Golden Crescent, Statehood Continuum, Routine Activity Theory, Mutual Legal Assistance, Transnational Legal Dead Zone, Capable Guardian.

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1. Introduction

The persistence of narcotics production and trafficking across the Golden Crescent presents a legal problem that extends beyond the mere existence of criminal prohibitions. Both countries have established laws that seek to control cultivation, production, possession, transportation, and distribution of narcotic substances, but the effectiveness of these laws is unevenly applied to different areas and institutions (Bailes et al., 2007). Therefore the effectiveness of counternarcotics legislation is not only based on the substantive content of the laws but also on the capacity of the state institutions to investigate offences, preserve evidence, prosecute criminals and to be powerful in areas where illicit markets operate (Ahmed, 2019). Historical interactions with political networks, conflict networks, informal networks of protection, and evolving patterns of state power have made enforcement more complex than one might expect from traditional models of criminal justice (Asad, 2000). This is especially apparent in Afghanistan, where the governance of opium has always been linked to other acts of governance, including revenue generation, territorial administration, and the historical consolidation of state power (Bradford, 2019).

In this sense, counternarcotics law is more than a set of substantive criminal rules; it is a set of rules and institutions. Although the law is a criminalisation of narcotics related actions, it can be ineffective if investigative agencies have poor procedures, forensic evidence is inadequately collected or mishandled, or prosecution is hampered by documentation and evidentiary continuity problems. In Pakistan, for instance, procedural and forensic shortcomings can be a major problem in narcotics cases, as it makes it difficult for courts to conduct prosecutions despite a successful seizure of prohibited drugs (Ahmed, 2019). However, narcotics regulation in Golden Crescent cannot be divorced from the political economy of illicit drug markets as the trafficking networks often rely on relationships with local power structures, informal economies, and politically powerful intermediaries (Asad, 2000). Afghanistan's past also shows that narcotics control has relied on the capacity of the government to assert administrative control over areas where other political and economic systems have challenged central government legal control (Bradford, 2019). The counternarcotics law as such thus becomes a manifestation of the state's power, but one that may not be as effective in different institutional contexts.

This variation is the issue of statehood asymmetry which is a lack of uniformity in the exercise of state power within formally state-governed territories. The modern legal system rests on the assumption that the state has the institutional and coercive power to enforce its law in its entire territory, but in certain border regions, in conflict zones, as well as in spaces where the state's power is exercised in part by non-state actors or informal mechanisms, this assumption is problematic. Studies on places of limited statehood show that formal sovereignty can also be maintained despite lack of practical power to consistently apply policies or enforce regulations (Azizi & Jamali, 2022). The traditional notion of state authority is further complicated by the fact that

the legitimate use of coercion is shared across government agencies, local armed groups, community structures and other actors with effective control over the exercise of force (Bailes et al., 2007). Afghanistan's own history provides an example of how these variations in territorial control can have had an impact on the regulation of narcotics and also on broader patterns of state building, with the community interests of national and local actors not being fully aligned (Bradford, 2019). The perfect reason for the different result of legal bans on identical or similar behaviour in two different territories is therefore the statehood asymmetry.

Such disparities can be particularly pronounced when illegal drug operations span across countries. There is a strong territorial structure in the criminal law, in contrast to trafficking networks which can spread cultivation, processing, transportation, finance and protection over many locations to minimise exposure to enforcement. The political nature of the Golden Crescent narcotics economy has, historically, allowed such networks to take advantage of the differences in governmental control and enforcement priorities in the region (Asad, 2000). In areas where the state has less administrative power, national legal requirements may be realised through negotiated interactions with local actors or through a non-continuous chain of command (Azizi & Jamali, 2022). Furthermore, if the coercive power is decentralised, the State can enjoy legal sovereignty in the international sphere but not an effective monopoly over the means to apply it in the domestic sphere (Bailes et al., 2007). These conditions create jurisdictional and enforcement gaps, where traffickers can flow between states where institutions are weak or strong, and transform institutional fragmentation into an advantage.

This concept of transnational legal dead zone can serve as a framework for understanding the interplay between transnational criminality, multiple jurisdictions, and unequal state capacities. It is important to note that a legal dead zone does not mean an area devoid of the law, but an area in which multiple legal systems can formally claim jurisdiction and effective law enforcement is discontinuous, overlapping, and/or institutionally weak. Some of the factors that can foster such situations are the procedural shortcomings in domestic criminal justice systems that hamper the prospects of successful prosecutions and convictions from narcotics seizures (Ahmed, 2019). The situation at the regional level is complicated by the historical association between narcotics, political interests and trans-border networks, which makes the capacity of individual states to control a criminal economy which is not borderless is more difficult. (Asad, 2000) Limited and uneven governmental capacities also enable formal legal duties to exist alongside spaces where the state lacks capacity to provide governance or control (Azizi & Jamali, 2022). In such situations the issue is not about an absence of law, but about areas of law that are in between where responsibility is shared and enforcement is undercoordinated (Bradford, 2019). This study thus considers the failure of counternarcotics law in the Golden Crescent as a structural issue stemming from the interplay between legal authority, territorial

control and transnational criminal mobility. The main challenge is that narcotics networks are inter-political, but institutions for investigation, prosecution and coercive action are mostly intra-national. History shows that the success of Afghanistan's drug laws has always relied on and depended on the overall performance and geographical presence of police and judicial institutions, and not just on the law itself. The separation of legitimate coercive power also implies that legal sovereignty is not a sufficient basis for effective territorial control, especially when there is also significant power over security and governance in the hands of other actors. The evidentiary and prosecutorial aspects of narcotics enforcement are also weak and present another example of how institutional problems can impair the value of a comprehensive legal system. The study sees the Golden Crescent as a transnational legal dead zone that results from statehood asymmetry: a situation where sovereignty is unevenly distributed and counternarcotics enforcement is less effective, providing continuous opportunities for narcotics networks to evade the grasp of law. The counternarcotics laws may be written in the books, but the effectiveness of enforcement will be a function of the political system in which it is done. On a Statehood Continuum, Routine Activity Theory can help explain how the effectiveness of the law changes, in terms of the intensity, consistency, and extent of state institutions' presence in the surrounding environment. For these reasons, this paper aims to identify how statehood asymmetry affects antinarcotics enforcement, to explore the institutional conditions that create the transnational legal dead zone, and to consider how legal systems can be adapted to geopolitical realities and not just prohibition-centred approaches. Its wider goal is to turn the focus away from the political economy of illicit drugs and towards the political economy of law enforcement. In Pakistan, the study will also be used to compare the fragmentation of legislation and institutions and suggest an effective joint federal and provincial narcotics coordination authority to mitigate the growing tensions between the federal and provincial governments.

2. Literature Review

2.1 The Security-Political Economy Paradigm

The existing pool of scholarly discourses on the 'Golden Crescent' has been dominated by two competing paradigms. The two paradigms, however, both exhibit significant limitations in relation to legal analysis. The first is the security cum political economy paradigm. This approach expertly maps the macro context. A number of studies in the context have shown how narcotics revenue fuels insurgency, corrupts institutions, that undermines state stability (Felbab-Brown, 2010; Goodhand, 2008). However, these studies tend to treat the state and its legal system as a monolithic entity or a passive arena. Though it explains the environment of impunity however, fails to dissect the specific procedural and institutional mechanisms through which laws are neutralised (Jamshed & Bakhsh, 2024). Furthermore, it identifies that drug money

corrupts politicians, however, does not trace how this corruption manifests in the dismissal of a specific case due to a broken chain of custody.

2.2 The Historical and Geopolitical Narratives Paradigm

The second of the paradigms predominantly comprises of historical and geopolitical narratives. In the context, seminal works by scholars like Haq (2000) and Bradford (2019) provide crucial context. The studies moreover, reveal how drug control laws are often enacted as performative acts of statecraft. This is most of the time to satisfy international donors rather than as genuine domestic policy. These scholarships provide robust explanation(s) for the origin(s) and political motivation(s) that have historically underpinned such laws. However, these studies would largely remain limited in several key respects. The studies have often neglected a systematic evaluation of the contemporary functional impact of such legislation(s). This limitation would become particularly evident when confronted with modern and highly adaptable criminal enterprises (Uddin et al., 2020).

2.3 The Critical Analytical Void

Although the existing scholarship may successfully trace the security cum political economy and historical cum political origin, the dominant paradigms have left a critical analytical void. It lacks micro-level, procedural examination of "how law is functionally experienced, circumvented, and enacted?" Moreover, not applying such lenses to the contexts of state fragility and performativity, which it otherwise describes. The existing scholarships, furthermore, are highly susceptible to what Mansfield (2016) terms as "drugs fetishism". These schools of thought are further observed to be over-reliant on aggregate data- cultivation hectares often neglects more complex socio-legal realities. This data fetishism has literally transformed the policy environment prioritising easily quantifiable eradication metrics over the critical task of building resilient legal institution(s). This research, therefore, aims to address this critical lacuna. The study in the context has attempted to shift its analytical focus from the political economy of the trade to the political economy of legal enforcement itself- using a novel theoretical framework to diagnose institutional performance.

3. Theoretical Framework: Integrating Routine Activity Theory and the Statehood Continuum

The analytical architecture of this research is built upon the integration of 'Routine Activity Theory' has been further structured through the political geography concept which is the 'Statehood Continuum'. The synthesis helps in functioning as a useful diagnostic tool. It is meant to analyse transnational legal failure(s).

The "Routine Activity Theory" (Cohen and Felson, 1979), posits that a direct contact predatory crime must require three elements 'to converge in time and space'. First, a 'Motivated Offender' who has the inclination and ability to commit a crime; Second, a 'Suitable Target' that is valuable and vulnerable; and finally, the absence of a 'Capable Guardian' to prevent the act. In this research, 'Routine Activity Theory' has been strategically repurposed from a theory of crime causation into a diagnostic framework.

The persistent narcotics flow has indicated the presence of a failed or absent Capable Guardian. In this context, 'Routine Activity Theory' therefore helps provide a structured lens critical for the investigation. It would enable the study to inquire whether the laws successfully deter the Motivated Offender (M.O.)? Secure the Suitable Target (S.T.)? and empower the Capable Guardian (C.G.)?

However, 'Routine Activity Theory' in itself would mainly stand insufficient. It is primarily designed to analyse domestic crime within a functioning state. In this context, it is deficient in explaining 'why the Guardian fails in a transnational context marked by profound political asymmetry?' 'Statehood Continuum',- therefore becoming an essential lens. The concept advanced by scholars including Mansfield (2016) argue that state capacity is not binary. It rather exist(s) on a spectrum from limited to consolidated statehood.

Pakistan as 'consolidated statehood' has been characterised by a state that maintains a relative level of monopoly on legitimate force and continuity. It is further defined by the presence of robust legal and bureaucratic institution(s). Moreover, the state is capable to demonstrate the capacity to project authority across its territory. Here, the Capable Guardian is formally constituted and hierarchically structured. Its failure is typically one of internal institutional friction or corrupted execution within a sophisticated system.

Limited statehood- operationalised in Afghanistan has been defined by contested sovereignty and lack of continuity. In the context it is where central authority is observed to be largely fragmented. Furthermore, the state is one actor among many in a volatile "political marketplace" (de Waal, 2015). Here, the Capable Guardian is structurally precarious, geographically uneven, or entirely absent. Therefore, enforcement would be an act of temporary political will, not the function of a predictable legal institution. For the effective law enforcement, coercive force is not the only pillar, continuous and clear laws, legal awareness about the laws and the consequences of violation, structure and hierarchy of the legal system, and predictive judicial outcomes are the key items provide foundation to the enforcement pillar. In the case of Afghanistan for the last several decades there is a consistent breakup of the legal structure such as the government between the two Taliban take overs provided clear legal system to counter illicit drugs production and trade. This is another question to which extent this legal system was able to counter the narcotics problem. The coercive machinery of Taliban regime may be successful for a short term in some areas under Taliban control but in the long run without a clear legal system to counter this menace state institution / capable guardian will not get stronger.

The central theoretical innovation is that the 'Statehood Continuum' determines the operational capacity and character of the Capable Guardian. in the 'Routine Activity Theory' model. This synthesis helps generate several testable propositions. In consolidated statehood, the Capable Guardian is evidently present. However it is operationally compromised. In limited statehood, a sustainable Capable Guardian is

structurally absent. When these two systems interact transnationally, the procedural rigor demanded by a consolidated state's Capable Guardian cannot be met by a limited state's environment. This incompatibility in fact would create a systemic barrier to enforcement. In the context a "statehood trap" that helps it to legally insulates criminal activity.

4. Methodology

4.1 Justification for Methodology

The present study has employed a qualitative-comparative case study design. The research has been grounded in the interpretivist philosophy. In this context the study, focuses on the contextual and subjective dimension(s) of inquiry. The interpretivist approach helps in capturing the subjective meanings that stakeholders including but not limited to judges, prosecutors, and law enforcement officials attach to the law enforcement and collectively making a Capable Guardian. This perspective decodes the institutional behaviors, i.e., whether a financial investigation is actively pursued or at the end shelved (Yanow & Schwartz-Shea, 2015). This dimension therefore, becomes critical for investigating how institutional friction in Pakistan has virtually undermined the mandate of the Capable Guardian. It is equally crucial in helping examining "how political precarity in Afghanistan has distorted that mandate"? The dynamics taken together provide explanatory depth which 'aggregate data' in itself has failed to offer.

4.2 Data Collection and Sample

The research paper furthermore feeds on the systemic analysis of primary legal documents. In this context, research focused on 'Pakistan's Control of Narcotic Substances Act (CNSA) 1997', three 'provincial CNSA Acts 2019, 2024 and 2025', and the 'CNS Rules 2001'. Additionally, it also incorporated examination of relevant Afghan legal documents and decree(s) and historical statute(s). The legal analysis in the context focuses on the letter of the law and its procedural requirements.

4.3 Procedure and Time Frame

Empirical analysis of judicial decisions has confirmed high acquittal rates in Pakistan's Special Antinarcotics Courts are becoming a frequent phenomenon (Khan, 2021; Yousaf, 2020). These acquittals are observed to be often from procedural failures. The inability to produce key witnesses including the *Moharrar* (Police Station Clerk), has been regularly cited as a common procedural failure (Sindh High Court, n.d.). Moreover, just as problematic are the unexplained delays particularly experienced in transmitting seized samples to forensic laboratories and delays in the receiving forensics reports (Ahmed, 2019).

5. Analysis

5.1 Theme One: The Fractured Guardian of Consolidated Statehood (Pakistan)

According to Ghouri (2025), Pakistan is a standard case of consolidated statehood. Its authority is particularly notable by its relative monopoly to exercise legitimate

coercive power (Brast, 2015). In the context, its strong legal bureaucratic institution(s) help it to project this authority inside its political space.

Pakistan, within the 'Routine Activity Theory' framework is observed to be a 'Capable Guardian'. It helps find its expression in statutory design. Its materialisation as 'Capable Guardian' takes the form of a rigid codified and punitive federal statute(s). The punitive statute(s) in question is the CNSA 1997 and provincial CNSA Khyber Pakhtunkhwa 2019, Sindh 2024 and Punjab 2025". These laws serve not merely an organic domestic initiative. It rather has constituted a direct transposition of Pakistan's international obligations. Its control laws, therefore, intends to mirror the "1988 UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances". Moreover, Pakistan through such obligations sought to project its predictable and uniform legal authority. In the context it does so by utilising the specialised judicial infrastructure. These include Special Courts established under these laws. These courts have the powers to exercise exclusive jurisdiction over narcotics offenses.

Furthermore, Pakistan is observed to be equipped with a comprehensive and formidable set of legal tool(s). These tools are particularly strong in its targeting of the financial "Suitable Target." The counter narcotics laws in this context have mandated that 'financial institutions act as auxiliary guardians by reporting suspicious transaction patterns' (Section 67 CNSA 1997). Furthermore, Section 68 of the same Act has further established a powerful judicial centerpiece, i.e. the presumption of assets. This provision has reversed the burden of proof by requiring the accused person "Motivated Offender" to prove his wealth was not derived from narcotics trafficking. Furthermore, the amendments brought in 2022 to the CNSA sought to increase the guardian's reach. It helped in extending liability to landowners who permit their property to be used for cultivation. The amendments have explicitly targeted high value financiers and organisers rather than just low-level couriers and paddlers.

5.1.1 The Decentralisation Schism

However, Pakistan has been grappling with profound jurisdictional divisions. As a result it faces extensive internal institutional friction. These challenges are observed to be primarily driven by the rapid assertion of provincial legislative autonomy. The passage of the "KP CNSA 2019" 'Sindh CNSA 2024' and the 'Punjab CNSA 2025' is observed to have produced significant fragmentation within Pakistan's national legal framework. In this context, Section 59 of the KP Act has explicitly repealed the Federal CNSA 1997 within its jurisdiction. The Sindh Act (Section 45) does the same within the Sindh jurisdiction. In addition, Section 43 of the Sindh Act has given the provincial law an overriding effect over all other federal and provincial statutes. In a similar context, the Punjab CNSA 2025 has replaced federal jurisdiction except for offenses spanning international or inter-provincial borders.

This "decentralisation schism" helps create a more blurred and significant jurisdictional division. In the context, Pakistan's Federal agency, Anti-Narcotics Force, must now navigate overlapping authority with newly established provincial "Narcotics Wings".

Furthermore, required to observe parallel forensic procedures. The internal friction is observed to have allowed the transnational Motivated Offender to exploit bureaucratic "seams" for operational security. The Capable Guardian no longer, therefore, operates as a unified national entity. In the context, it now functions as a collection of competing provincial and federal bureaucracies. This rift is not between central and provincial agencies, there is a deep jurisdictional overlap exists between agencies performing within a province such as the excise departments versus the police departments and others. Even before the promulgation of the 2019, 2024 and 2025 Acts by the three provinces, there was jurisdictional turf existed between the provincial police departments and federal Anti Narcotics Force.

5.1.2 The Proportionality Paradox

A significant execution deficit has evidently constrained the guardian's effectiveness. Its source primarily lies in the procedural strictness of the "Code of Criminal Procedure (Cr.P.C.) 1898" such as CNSA 1997 is a special law but its Section 47 mandates the application of the Cr.P.C. to all proceedings. This requirement therefore makes law enforcement to meet meticulous standards for search, seizure, and the chain of custody.

This "proportionality paradox" is further constrained by the rigid sentencing structure. In the context 'Section 9' of the CNSA 1997 has particularly based penalties solely on the quantity of the illicit drugs seized. The law has mandated 'life imprisonment' or the 'death penalty' for quantities that exceeds ten (10) kilograms. This is however, regardless of the drug's potency. As a result, the Capable Guardian often prioritises high volume seizures of low potency substances. In the context, cannabis resin is a common example. It is primarily targeted to satisfy statistical performance metrics. Therefore, finite resources are inadvertently diverted away from complex investigations into high volume and this also because of the legal system designed in a way to pay more attention to quantity and high volume means big financiers. However the big financiers are observed to be typically operating in low volume to ditch the system. As such, this diversion effectively insulates the core of criminal organisations.

5.2 Theme Two: The Absent Guardian of Limited Statehood (Afghanistan)

Afghanistan, which is a recognised opium production center is the quintessential case study for limited statehood (Azizi & Jamali, 2022). In the context its state's monopoly on the legitimate use of force has been continuously contested (Bailes, at el, 2007; Theros & Kaldor, 2024). Moreover, as noted by Goodhand (2025) 'Afghan central government remains as merely one of the actor(s) within largely volatile "political marketplace"'. Moreover, contrast to Pakistan's consolidated legal system, the "Capable Guardian" in Afghanistan is structurally unstable- a state also geographically uneven. Afghanistan's state functioning has been further observed to be characterised by a reliance on transient actions of coercive statecraft than following a consistent and clear law. In the context, its sustainable, institutionalised governance would also

remain absent. The institutional gap(s) as discussed inadvertently helps create a fertile environment for illicit networks, to adapt and therefore, effectively thrive. This would neutralise the comprehensive regional counter-narcotics efforts.

5.2.1 Coercion vs. Codification: The 2022 Ban

The contemporary legal landscape of Afghanistan would be consistently mired by the 'De Facto Authority'. In post 2021 landscape, Taliban issued a decree effectively banning poppy cultivation in Afghanistan. The 2022 April policy witnessed a dramatic reduction (almost 95%) in cultivation of opium poppies. The agricultural "Suitable Target" decreased by more than 200,000 hectares. However, the success was noted to be political rather than legal. The ban would in principal function as a transient political act (*Amar*). May be Taliban intentions were good at least in this case but this act was seen to securing international legitimacy. The prohibition lacks the required legislative building bloc and judicial oversight for a stable legal system. The immediate impact of the ban, however, was buffered by massive opium stockpiles that exist in Afghanistan. The stocks are estimated at 13,200 tons (Felbab-Brown, 2025). These reserves help allow high level "Motivated Offenders" to command market dominance. They are reportedly also benefitting from skyrocketing prices of the existing stockpiles despite the production coming to a close. To develop a general understanding, the Afghanistan drugs architecture is mainly to make money. There is no spiritual sentiment attached to the use of drugs like in the 'Golden Triangle' where religious and spiritual sentiments are attached with the use of drugs by certain segments. For the narcotics traders and growers from Afghanistan, narcotics is not more than a speedy mechanism to earn more money and get richer in less time and putting lesser efforts, therefore when state pressure comes these elements shift to other trades in no time. However, there is a point which needs understanding. Some religious figures interpret that smuggling of otherwise licit goods, such vehicles spare parts, machinery, oil, and other daily use items is trade and therefore legitimate (*Halal*). Illicit drugs being Haram in Islam but there is a thin line between trade in licit and trade in illicit goods from the perspective of religio- business angle.

5.2.2 Livelihood Resilience and Spatial Displacement

The efficacy of the 'Absent Guardian' is observed to be particularly crippled by the state's inability to address the economic compulsions of Afghanistan's rural population. Historically, opium has remained a rational economic strategy/option in Afghanistan. The crop potentially offers revenue up to 60 times higher than licit alternatives like wheat. In this context, the ban imposed in 2022 would trigger a catastrophic 80% loss in potential farmer revenue. This has forced rural population into negative coping mechanisms and inadvertently intensified the drive for illicit survival (David Mansfield, 2025).

The economic pressure, combined with the complex nature of Taliban De Facto Authority' control, has led to geographical displacement. As prohibition was strictly observed in the southern parts of Afghanistan, cultivation particularly shifted to the

North-eastern provinces. In the context, Badakhshan now accounts for over two-thirds of the country's remaining production. This therefore would prove that in a state of limited statehood, legal enforcement merely moves the Suitable Target to peripheral zones where the Guardian's writ is non-existent.

5.2.3 The Synthetic Shift and Regulatory Vacuum

One of the most concerning adaptations that is now being increasingly observed is the Motivated Offender pivot towards synthetic drugs. In the context, methamphetamine has emerged as the primary focus of this shift. This shift has transformed the Suitable Target from visible agricultural fields into easily concealed industrial precursors. Afghanistan now suffers from a total regulatory vacuum in this domain. In the context, lacking comprehensive framework for monitoring chemical imports or industrial equipment. By contrast, Pakistan's CNS Rules, 2001 has provided such a regulatory structure. Although the Afghanistan De Facto Authority (Taliban) has introduced punitive measures targeting the trafficking of synthetic drugs, however, it lacks the administrative machinery necessary to regulate the licit industrial complex. The institutional deficiency has been extensively observed that would enable clandestine laboratories to function/flourish with near or total impunity.

5.3 Theme Three: The Transnational Failure—The Statehood Trap and the Legal Dead Zone

The core failure of counternarcotics strategy prevailing in 'Golden Crescent' is not within either state location but rather in the interaction that exists between their negating systems of legal guardianship. The interaction has created a "Statehood Trap" which neutralises control efforts.

In this context, Pakistan's 'Capable Guardian' has been legally mandated to request formal, procedurally rigorous cooperation. It is materialised through Mutual Legal Assistance (Chapter VIII, CNSA 1997). The provision helps ensure the integrity of its judicial process. In the context, Section 59 (13) of CNSA 1997 mainly requires reciprocal assurances of evidence preservation and judicial reliability. However, Afghanistan's Capable Guardian has been largely structurally incapable in order to provide the aforementioned assurance(s). It also lacks stable institutions and remains deficient in continuity of its administration and legal system. Afghanistan lacks the recognised judicial sovereignty to enter into such a formal, binding legal partnership. The Mutual Legal Assistance is further weakened by the continuous border tension and Taliban sponsored terror in Pakistan.

This would therefore result in consistent paralysis. Pakistan's most powerful legal instruments for transnational investigation and asset recovery therefore, rendered inoperative. This is not in reality an oversight in the law. It is rather observed to be an inherent contradiction which is built into the application of consolidated state legal tools across a border with a limited state entity. The sophistication of Pakistan's Capable Guardian therefore would become its own strategic liability.

The paralysis observed generates a de facto "transnational legal dead zone" that now spans the Afghanistan-Pakistan border. Within this 'dead zone', high level 'Motivated Offenders' and their financial Suitable Targets enjoy structural protection. In the context, illicit trafficking networks are coordinating production in Afghanistan's institutional vacuum. Its route would be financed through Afghanistan's unregulated system(s). This evidently exists in conjunction of being legally insulated from the sophisticated investigative powers of the Pakistan's state. The criminal network(s) are not shielded by its own sophistication but rather by the geopolitical incompatibility of the state systems arrayed against it.

In the domain of transnational cooperation, 'Absent Guardian' status representative of Afghanistan's current situation, moreover, generates a critical disconnect. The CNSA 1997 in the context of transnational cooperation requires that the federal government may only fulfill 'Mutual Legal Assistance' requests "if the Director General is satisfied that the requesting foreign state can guarantee the preservation of evidence" (Section 59 (13)). However, Afghanistan lacks a stable and internationally recognised formal judiciary and a legal system. Furthermore, it has no secured protocols that are required in the preservation of evidence. Consequently, it is unable to meet the consolidated statehood necessary for effective cooperation. This helps the high level offenders and their assets structurally protected once they are able to cross the border. They observably would operate in a "transnational legal dead zone" where Pakistan's laws are rendered "effectively dormant" by the Afghan institutional void.

In the context, the empirical evidence emanating from this 'dead zone' has been increasingly becoming abundant. In the context, precursor chemicals, i.e., acetic anhydride and ephedrine are now freely flowing. This has continued to occur despite the robust regulatory framework that exists in Pakistan (INCSR, 2025). As a former international enforcement official stated, the "legal barrier at the border" is paramount. Its evidentiary standards designed for secure judiciaries are impossible to meet with a partner in a state of institutional flux" (cited in Khan, 2024). The dead zone is a sanctuary created by legal contradiction, not by the absence of law.

6. Discussion

6.1 Revisiting Research Questions and Theoretical Framework

The core research question forming the main inquiry is: "how does the interaction between consolidated and limited statehood explain the transnational failure of counternarcotics law(s) in the Golden Crescent?" The finding(s) has evidently confirmed that Pakistan's commitment to the 'rule of law' has produced what can be described as a "Statehood Trap." The 'Mutual Legal Assistance' framework prescribed in "Chapter VIII of the CNSA 1997" is effectively dormant. Dealing with foreign requests 'Section 59(13)', is often referred by legal scholars to as a "legal fence. This section, however, requires judicial guarantees. In case of Afghanistan, with its limited statehood, is however, would structurally be incapable of providing such guarantees. This results in high level "Motivated Offenders" and their financial "Suitable Targets"

enjoying a form of geopolitical immunity. It is therefore shielded by the procedural integrity of Pakistan's consolidated state. This paradoxically has practically undermined enforcement.

The central theoretical innovation is that the Statehood Continuum determines the operational capacity and character of the Capable Guardian in the Routine Activity Theory model. In consolidated statehood 'Capable Guardian.' is present. However, it has been operationally compromised. In limited statehood, a sustainable 'Capable Guardian' would be structurally absent. Therefore, when these two systems would interact transnationally, the procedural rigor demanded by a consolidated state's Capable Guardian cannot be met by a limited state's environment. This incompatibility in fact helps create a systemic barrier to enforcement.

6.2 Comparison with Existing Literature

The existing pool of scholarly discourse on the 'Golden Crescent' is largely dominated by two competing paradigms. The security-political economy paradigm helps in mapping the macro context showing how narcotics revenue fuels insurgency and corrupts institutions (Felbab-Brown, 2010; Goodhand, 2008). However, these studies largely treat the state and its legal system as a 'monolithic entity'. The present study's micro-level and procedural examination of how law is functionally experienced attempts to address this critical gap. This study extends that scholarship by providing systematic evaluation of the contemporary functional impact of such legislations when confronted with modern, highly adaptable criminal enterprises (Uddin et al., 2020).

Furthermore, this study moves beyond what Mansfield (2016) terms "drugs fetishism" an overreliance on aggregate data including cultivation hectares. The interpretivist approach helps in capturing the subjective meanings that stakeholders including but not limited to judges, prosecutors, and law enforcement officials attach to the law. This dimension therefore becomes critical for investigating how institutional friction in Pakistan has virtually undermined the mandate of the Capable Guardian. It is equally crucial in helping examining "how political precarity in Afghanistan has distorted that mandate".

6.3 Implications for Narcotics Control Policy and Theory

The research carries some important implications for international drug policy. In the context, paper highlights the need to move beyond standardised models. It further requires moving towards strategies that are particularly responsive to the statehood continuum.

In this respect, the study calls for an end to "drug fetishism" particularly in policy evaluation. In the context, 95% reduction in Afghan opium cultivation as an unqualified success is evidently misleading. A proper evaluation should account for the Capable Guardian's simultaneous failures. The Capable Guardian has been unable to prevent the geographical displacement of cultivation. It has furthermore failed to mitigate the severe economic hardship that is evidently imposed on rural populations.

Second, the paper calls for a resolution of the Pakistan's internal jurisdictional schism both inter and intra provincial and inter-provincial and federal. This has adversely fragmented Pakistan's consolidated statehood. The enactment of Khyber Pakhtunkhwa, Sindh and the Punjab CNSAs in the context have helped further intensify a decentralisation schism. This schism has repealed or overridden federal authority within provincial borders. As a result, Pakistan's consolidated statehood now is increasingly becoming fragmented/complex by competing provincial frameworks. The policy in this context should therefore prioritize internal consolidation. This in fact requires the establishment of a "Joint Federal-Provincial Narcotics Coordination Authority as the existing Federal Ministry is struggling to bring provinces and central agencies to effectively coordinate". This joint authority may help to ensure that federal financial tracing and interdiction mandates are effectively preserved. Without it, these mandates could risk being neutralised by the blurred jurisdictional divisions that have been created under the new provincial laws.

Third, paper has recommended a more pragmatic restructuring required in the transnational legal cooperation. This is required to escape the "statehood trap." The procedural requirements of Pakistan's Mutual Legal Assistance framework are observed to be highly rigorous and rigid. Section 59(13) of CNSA 1997, often described as a "legal fence," in the context requires judicial guarantees that only a consolidated state can provide. This is observed because Afghanistan suffers from institutional instability, therefore it can not meet these requirements. As a result, the framework has remained functionally inert in practice. Therefore, effective reform would need the introduction of tiered Mutual Legal Assistance Protocols. These protocols are necessary for partners with limited statehood. These protocols would help in enabling financial data tracing and intelligence sharing. However, they would rely on politically mediated or multilateral guarantees.

Fourth, the research demands that the Capable Guardian should effectively adapt to the transformation of the Suitable Target, i.e., from agricultural crops to industrial chemicals. As noted, Afghanistan's opiate ban has clearly accelerated a shift toward a synthetic replacement economy therefore Pakistan should strengthen the implementation of the CNS Rules 2001. This in fact requires a compulsory electronic monitoring of precursor chemicals including acetic anhydride. It further demands oversight of industrial equipment [including tableting machines] aimed at preventing diversion into illicit production. This clearly necessitates moving enforcement focus from rural fields to the industrial supply chains.

7. Conclusion

The illicit narcotic production and trade continue in both Pakistan and Afghanistan. It is, however, not a case of control policy failure. It is rather a symptom of a greater mismatch between two conceptions of statehood, a geo-political mismatch in the main. This dissonance was reflected in a systemic legal contradiction. This paradox is counterproductive to effective regulation and enforcement. But the use of 'Routine

Activity Theory' in the 'Statehood Continuum' has clearly shown that the legal effectiveness is indeed influenced by the political configuration of the state. The paper's contribution to the literature is to turn the focus of the analytical gaze from the political economy of drug trade to the political economy of legal enforcement. It therefore uses a novel theoretical framework that integrates Routine Activity Theory with the Statehood Continuum aiming to diagnose institutional performance. The road must thus begin to put an end to the "drugs fetishism". The re-orientation should pivot towards geopolitically adapted legal strategies. In context of Pakistan, policy imperative is important for internal consolidation. It may be realised through the creation of a "Joint Coordination Authority" or the restructuring and reorientation of the existing federal and provincial bodies to perform in the spirit of one entity. This institution would help in resolving any observed legislative friction generated by the 2024 and 2025 provincial acts.

Abbreviations:

CNSA	Counter Narcotics Act
C.G.	Capable Guardian
M.O.	Motivated Offender
S.T.	Suitable Target
R.A.T.	Routine Activity Theory
D.F.A.	De Facto Authority
ANF	Anti Narcotics Force
KP	Khyber Pakhtunkhwa

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