

The Durand Line

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In an attempt to secure or depict borders or frontiers, several lines were to be drawn in India and elsewhere during the period of the British Empire. These were to include the Durand Line (1893) that was to represent the limits of the respective spheres of influence of British India and Afghanistan in the Pakhtun belt; the Johnson-Ardagh Line (1895) which was to form the basis for defining the border of Ladakh, a territory belonging to the Indian princely state of Kashmir, with Tibet and Sinkiang; the so-called McCartney-MacDonald Line (1899) that was to form part of a proposal for the Kashmir-Ladakh border with Sinkiang and Tibet; the McMahan Line (1914) between Tibet and India in the eastern sector; and the Radcliffe Award/Line (1947) dividing British administered India (excluding the princely states comprising one-third of undivided India, which were technically to become independent, with the lapsing of paramountcy) into India and Pakistan.

The Durand who has lent his name to the so-called Durand Line was Sir Henry Mortimer Durand (1850–1924), Indian Civil Service – at times confused with his father Maj. Gen. Henry Marion Durand (1812–1871). He was born at Sehere, where his father was serving as Political Agent and Resident at Bhopal.

His father, Sir Henry Durand, who later became the Lt. Governor of Punjab, succumbed to severe injuries as a result of a fall from an elephant during a procession in Tonk in the North West Frontier

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region, on January 1, 1871. His grave in Dera Ismail Khan is at times mistaken for that of his son – due to the son’s historical association with the area, ensured for posterity by virtue of the name that he lent to the Durand Line.

Sir Henry was the Political Secretary to General Roberts during the Second Afghan War, 1879. Later he served as Foreign Secretary to the Government of India (1884–1894), in the footsteps of his father who had earlier held that post (1861–1865).

As Foreign Secretary, he was deputed in 1893, as head of a delegation to Kabul, whose twin aims were:

- to persuade the Afghans to relinquish their claims to the trans-Oxus area of Roshan and Shignan, also claimed by Russia under the 1872-73 Anglo-Russian Agreement, in return for the Wakhan strip that was to separate the Indian princely state of Kashmir from Russian territories; and
- to obtain an agreement to split the Pakhtun belt into respective spheres of influence of British India and Afghanistan.

The Pashtuns

The area in respect of which negotiations between the Amir and Mortimer Durand took place has for long been inhabited by the Pakhtuns. The ancient Greek historian Herodotus referred to the land they occupied (between the Oxus and Indus rivers) as Pakhtia. The late Prof. A.H. Dani, a well-known Pakistani historian and archaeologist, wrote that closer to our time the term “Pakhtunkhwa” has been occurring in Pashto literature since the fifteenth century. It has appeared in numerous writings, including those during the reign of Emperor Shahabuddin Ghauri, and more recently in poems composed by Akhund Darwazeh (d. 1838) and Ahmad Shah Abdali.

The landscape of the area (present-day south-eastern Afghanistan and north-western Pakistan, which together comprise Pakhtun territory) is mostly arid and semi-arid highlands. The mountains, which at times attain a height of 7000 ft, have in places basins and valleys where some settlements are to be found. Hardly any roads have been built here. There are varying statistics about the population of the area.¹ This area includes the seven tribal agencies of the current Federally Administered Tribal Areas (FATA) – Khyber, Bajour, Mohmand, Orakzai, Kurram, and North and South Waziristan. Also a part of FATA are the six frontier regions and the districts of Bannu, Kohat and Dera Ismail Khan. Tribes on both sides of the frontier intermarry, trade, quarrel,

mourn and entertain each other. There has not been much change in the system of their governance.

Afghanistan is the heartland of the Pakhtun belt. The areas around Kandahar, Ghazni and Herat are more fertile and are the traditional home of both the Durrani, who comprise the erstwhile royal family of Afghanistan, and the other major tribal grouping, the Ghilzais. The Pakhtun tribes on the British Indian side (in areas wrested from Afghanistan as also including the north-western belt of erstwhile Punjab) such as the Waziris, Afridis and the Khattaks are considered "even more fiercely independent and uncompromisingly Muslim (perhaps implying religious) than the lowlanders".²The *Pashtunwali*, the Pakhtun code of honour, is considered very significant with its concepts of Revenge, Hospitality, Sanctuary, and Honour.

Pressures on the Amir

Abdur Rahman Khan, a survivor of fratricidal wars and a grandson of Dost Mohammed, who was a Russian pensioner for eleven years in Samarkand, being kept in reserve, crossed into Afghanistan in January 1880 as a claimant to the throne. On taking over as Amir with British assistance in July 1880 he was insistent on not having a British Resident in Kabul, while accepting the other conditions of the Treaty of Gundamak (1879). Yakub Ali, son of Sher Ali, who had fled on hearing the news of the declaration of the Second Afghan War (1878), was his predecessor, albeit as it were to so unfold, an interim one. He had already expressed a desire to abdicate on hearing of the dispatch of General Roberts' army of retribution (1879) and there can be little doubt as to the extent of compulsion he was to be placed under while signing the treaty. By this treaty, control of the Khyber Pass and the border districts of Kurram, Pishin and Sibi was wrested from the Afghans. However, to sweeten the blow, an annual subsidy of Rupees 6,00,000 (then £60,000) was granted, which was to be later doubled in 1893 to sweeten another blow that was to be imposed by the Durand Agreement.³

By 1888, Abdur Rahman had managed to reclaim Kandahar and Herat with their surrounding areas, which had earlier been severed from Kabul as a part of Lord Lytton's plan to carve them into separate states, in order to make it more difficult for the Russians or any other potential aggressor to occupy Afghanistan. Alongside, he had to crush two major rebellions, in the process killing many political opponents. Meanwhile, the Russians had taken Pandjeh in 1885, bringing them within a few days march from Herat, considered the gateway to India, from where the route to Kandahar is fairly straight, and

crossing thereafter the Bolen Pass that had not posed much difficulty for previous invaders. As diplomacy won and war was averted, Afghanistan's central northern boundary was laid down from Khawja Salar eastward to Lake Zorkul, jointly by the Anglo-Russian Afghan Boundary Commission (1885–1887), whose delimitation was virtually thrust on the Amir.

Regular raids by the hill Pakhtuns on the settled lowland areas during the greater part of the nineteenth century, especially during the latter half, posed a problem for the British with the annexation of the Punjab in 1849, bringing their frontier to the foothills. Attempts to buy/purchase/bribe the hill tribes into cooperation or pacification and even retaliatory military action did not produce the desired results. It is not for this reason alone that the British were exercising their thoughts on where the British Indian north-western frontier ought to lie. "Forward school" players were almost emphatic in their asking for the so-called scientific frontier, up to the line joining Kandahar, Ghazni and Kabul. There were then those who had argued that the physical frontier on this sector lay along the Indus. It was in this background that Mortimer Durand had been deputed to Kabul for obtaining territorial concessions in the Pakhtun belt. Durand was to carry with him a rough sketch of the area with a line drawn on it that would turn out to be a compromise between the two extreme positions espoused. There can be little doubt that at the time of receiving Durand in Kabul, the Amir was highly susceptible to pressures.

Durand Agreement

In November 1893, Amir Abdur Rahman Khan and Mortimer Durand entered into an agreement comprising seven short articles which created the Durand Line. This Line, which was marked on a small-scale map of the Pakhtun areas, is somewhat described in article 5. Its purpose was to lay down the limits of the respective spheres of influence of Afghanistan and British India.

An examination of the text of the agreement⁴ reveals:

1. That instead of referring to the two contracting parties to the agreement as "Governments" or "states", everywhere in the text one side or party has been referred to as "His Highness the Amir" or "His Highness" or the "Amir", and the other side as the "British Government" or the "Government of India". This naturally was to give rise to the speculation that the agreement was signed by the Amir in his personal capacity and therefore required subsequent ratification. However, the situation appeared to be somewhat retrieved, because the Preamble mentions "allied Governments", and at the conclusion article 6 mentions "two Governments".⁵

2. The Durand Agreement was written in the English language, with translated copies in Dari. It is believed that the Amir was required to sign only the original English version of the agreement, a language which he could neither read nor write. The Amir, however, steadfastly refused to sign the enclosed map to the agreement.⁶
3. Some Afghans have claimed that so far no agreement document bearing the signature of the Amir has been found.
4. It has been suggested by some that the Durand Line was valid for only a hundred years (i.e. up to 1993). However, no such terminal clause was included in the agreement. But a Pakistani writer has contended that “in 1993 Pakistan firmly rejected Afghanistan’s appeal to re-negotiate the Durand Line with provisions of 1893 treaty.”⁷
5. The Preamble and article 4 of the agreement could appear to be contradicting one another. While the aim and objective of the agreement as contained in the Preamble only mention the fixation of the limits of the respective spheres of influence between the two, article 4 specifies laying down and demarcating the “frontier line”.

Issues in Delimitation and Demarcation of the ‘Frontier Line’

The actual process of physically transferring the “frontier line” depicted on the map appended to the agreement on the ground was to prove extremely challenging. Such lines are known to extend up to four miles or so in width on the ground, since the scale to which they are usually drawn is extremely small. Additionally, the map was to contain several topographical errors, and at places cartographic representation, which did not tally with textual definitions contained in article 3 of the agreement. To compound matters, maps provided during the period of the joint survey by the British Indian and Afghan sides did not correspond with each other or the terrain. In areas inhabited by nomadic groups it was even more difficult to pinpoint with any accuracy the “frontier line” in view of seasonal migrations. During the survey, as greater reliance was to be placed on the unsigned map instead of the agreement itself, these complexities were to give the British Indian surveyors sufficient elbowroom to make their own interpretations on important issues, which were to have lasting consequences.

What was intended to be an exercise lasting four months or so took over two years and that too with disputed results. The “frontier line” was to be surveyed and consequently delimited and demarcated, to the extent practicable and desirable, by joint British and Afghan Commissioners as per article 4 of

the agreement. A major part of the 1519 mile (2610 km)⁸ or so stretch of the “frontier line” from Koh-i-Malik Siah (peak) on the trijunction point of British India, Afghanistan and Persia in the south to Charkhao Pass in the north was to be divided into eight sections, with each section to be placed under a joint delimitation team. Seven “boundary description” notes delimiting the “frontier line” for the sections covered therein emanated, the first in November 1894 and the last in May 1896. Six of these notes were to cover demarcation as well. Only three of them bear signatures of the Commissioners of the two sides; the remaining four bear the signature only of the British Indian Commissioner concerned. Interestingly, the British Indian Commissioner assigned to the two sections whose delimitation and demarcation was found acceptable to the Afghans, was Capt. A.H. McMahon, who would later lend his name to a line referred to in the first paragraph of this article. The third note, which was to be jointly signed, was to limit itself to delimitation.

Delimitation of the section between Sikaram peak and Nawa Pass could not be attempted because of fundamental differences that were to arise on the question of division of the Mohmand territory. During discussions in Kabul, Durand somehow had led Amir Abdur Rahman to believe that the Mohmands belonged to Afghanistan. Percival Sykes, no mean great-gamer himself and the biographer of Durand, has this to say on the matter:

The Amir said: “I understand that this line gives me the Mohmands”. Durand replied that the map was a small one and when the large map was prepared, the matter would be clearer.⁹

Unknown to Durand, the Amir had arranged for transcription of the entire negotiation proceedings by a battery of concealed scribes.¹⁰

No survey and delimitation was, however, carried out of the Durand Line north of the Charkhao Pass, which was aligned along the frontier of Chitral and eventually met the frontier of Hunza, both territories being part of the Indian princely state of Kashmir. It has been argued, however, that because some of the line north of the Charkhao Pass lies along the crest of the Hindu Kush, it needs no human delimitation/demarcation.¹¹ The real reason, perhaps, was the unsettled and rebellious state in which first Hunza in 1891 onwards and subsequently Chitral in 1895 found themselves, making a survey along their frontier an almost impossible task during the period of delimitation. In 1895 under the Anglo-Russian Pamir Boundary Commission this “frontier line” was to be extended along the southern tip of the Wakhan strip so that the eighty to ninety mile gap¹² between Afghanistan and the Chinese province of Sinkiang could be bridged and it would meet the frontier of that province at a point where the three empires, i.e., those of Britain, Russia and China, met.

T.H. Holdich, deputy leader and Chief Survey Officer of the British Indian side, had this to say of the trijunction: “It is a fitting trijunction. No god of Hindu mythology ever occupied a more stupendous throne.”¹³ This trijunction point was to be named after the Russian Commissioner, Povalov-Schveikovsky. In 1963, Z.A. Bhutto and Chen Yi, then foreign ministers of Pakistan and China respectively, were to sign an agreement to shift this point 21 miles south-west of the original,¹⁴ in an apparent bid to obliterate the well-established fact of the trijunction point of the three erstwhile empires.

Absence of signatures of the Afghan Commissioners on four “boundary description” notes leaves sufficient ground to doubt the reasonableness of delimitation pertaining to the four sections of the “frontier line” covered by these notes: there can be little doubt that the Afghans did not concur with their contents and consequently the sections of the “frontier line” which they purported to delimit. Afghan concurrence to these four sections had to wait for close to a quarter of a century until after the conclusion of the Third Afghan War (1919), when the British were once again in a position to lay down terms of a treaty on the defeated Afghans. By this peace treaty (1919), not only was Afghan consent obtained for the “frontier line” laid down during 1893–1896, henceforth to be termed as the “frontier”, but also for the delimitation of the Mohmand territory, uncovered so far.

The subsequent survey and delimitation of the Mohmand territory was done to Britain’s advantage, with Afghanistan being compelled to cede the Tor Kham ridge. This time the British were to take no chances as the Afghans were to be completely excluded from the process of survey and delimitation of this territory, as per the terms of article 5 of the treaty. Afghanistan’s consent to the changes effected in 1919 was to be obtained by a subsequent treaty (1921). It may be mentioned here that the Anglo-Russian Convention (1907), by which Afghanistan was to serve as a buffer state between the two, lay in tatters on the eve of the First World War (1914).¹⁵ After the Bolshevik Revolution (1917), the Convention was for all practical purposes forgotten, leaving Britain with a much greater degree of leverage in the conduct of Afghan affairs during the period of the events of 1919–1921.

Conversion of ‘Frontier Line’ of 1893 to ‘Frontier’ in 1919

The Durand Line was to be the beginning of a long-running source of friction between Afghanistan and British India. This would naturally get heightened after the Third Afghan War, with the declaration in the peace treaty (1919) that the Durand Line from henceforth was to be termed as the “frontier”. The

treaty was, however, silent on whether this “frontier” would continue to represent the limits of the spheres of influence of the two. To all intents and purposes status quo had remained with respect to the areas between the Administered Territories and the Durand Line. These areas had always been managed by the British through “loose political control”, with the tribes having the freedom to govern themselves. British Indian laws save for the one referred to earlier were not applicable. The question of levying land revenue did not arise. There was virtually no British Indian administration in this area, and it is not clear whether by converting the Durand Line into a “frontier” the British were trying to suggest that their administration had advanced from the foothills to the Durand Line, a position not obtaining on the ground.

It is because of the Durand Line that the British were subsequently in a position to carve out a new province, the North West Frontier Province (NWFP), in 1901 from out of the areas that had been wrested from Afghanistan (from the foothills to the Line). These currently form a part of Pakistan and include the FATA region. Interestingly, NWFP had originally included the districts of Multan, Mianwali, Bahawalpur and Dera Ghazi Khan as well, as these areas had formed a part of Afghanistan from 1747 until the 1820s, when Maharaja Ranjit Singh took possession of them. The “one unit” in West Pakistan comprising Punjab, NWFP, Sindh and Baluchistan was created in 1955. However, in 1970 when this “one unit” was dissolved and the previous system of old provinces was revived, the aforementioned four districts stood excluded from NWFP and were included in Punjab, resulting in a reduced NWFP, now renamed as Khyber Pakhtunkhwa.

It has been argued that the Durand Agreement “yielded one advantage. It calmed the Russian anxiety that Britain would not continue to extend its territory further west, i.e., towards Russia, and cooled the Great Game”.¹⁶ Putting it differently, since the “frontier line” set a limit to the forward policy, it was hoped that Russian fears on British expansion westward would be allayed. Mortimer Durand, it has been argued, is not only to be remembered by the line to which his name is appended but as a great-gamesman of the region, who paved the way for the Anglo-Russian Convention (1907).¹⁷ It may not be out of place to mention here that Kipling has been attributed with immortalizing the borrowed phrase, “the Great Game” in *Kim*, because of the popularity the book, published sometime immediately after the signing of the Durand Agreement, has enjoyed; the phrase was thereafter to gain rapid currency to describe the Anglo-Russian struggle for the mastery of Central Asia. Russia’s aims after the fall of the Central Asian khanates by the 1880s and its activities on the Pamirs from 1890 onwards, both imagined and real, fed the great-

gamers with sufficient fuel to put forward strong arguments in favour of a strategic frontier with Afghanistan, from where the Indian empire could be best defended. It is mainly in this backdrop, as mentioned earlier, that Durand would proceed to Kabul to seek a line whereby control of the major mountain passes, which happened to be on the traditional invasion routes into India, would lie with the British, with utter disregard to the fact that this line was to divide a people, their villages, and at places even their families.

The document *Durand Line: History, Consequences, and Future* (2007), emerging from a conference organized by the American Institute of Afghanistan Studies and the Hollings Center, held in Istanbul, Turkey in July 2007 (henceforth AIAS-HC conference report) is a recent exhaustive study on the subject. Its executive summary report reads:

Imposed by British India in 1893 over Afghan objections, the Durand Line divided the Pashtun tribes living in the area and gave the British control of regions that would later become Pakistan's Northwest Frontier Province (NWFP – now Khyber Pakhtunkhwa). When Pakistan became an independent state in 1947, it declared the line its international border with Afghanistan. Successive Afghan governments over the next sixty years rejected this position, even though some of Afghanistan's actions have constituted de facto recognition of the line.¹⁸

Pakistan's Position on the Durand Line

Although on its emergence in 1947 Pakistan drew sustenance for its case from the Treaty of Gundamak (1879), the Durand Agreement (1893), the seven boundary description notes (1894–1896), the peace treaty (1919) and the subsequent treaty (1921), its position appears to have been developed mainly from the last two treaties mentioned. Pakistan set out its position on the Durand Line as follows:

Pakistan's position was formally summed up in 1947. It maintained that the Durand Line is a valid international boundary recognized and confirmed by Afghanistan on several occasions (in 1905 and 1919); that the Durand Line terminated Afghan sovereignty over the territory or influence over the people east of [the] Durand Line; and finally that Pakistan, as successor state (to British India) derived full sovereignty over this area and its people and had all the rights and obligations of a successor state.¹⁹

Never before had the Durand Line been referred to as the “international border”. This was the first time a unilateral assertion to that effect was made.

Pakistan was able to obtain support for its position on the Durand Line from Britain and SEATO (South East Asia Treaty Organization) to varying extents. Speaking in the House of Commons on 30 June 1950 Philip Noel-Baker articulated Britain's position on the Line as under:

It is His Majesty's Government's view that Pakistan is in international law the inheritor of the rights and duties of the old Government of India and of His Majesty's Government in the United Kingdom in these territories and that the Durand Line is the international frontier.²⁰

At the Ministerial meeting of SEATO, held in Karachi on 8 March 1956, then capital of Pakistan, the Pakistan position on the Durand Line was supported. The statement read:

The members of the Council declared that their governments recognized that the sovereignty of Pakistan extends up to the Durand Line, the international boundary between Pakistan and Afghanistan.²¹

While Britain went one step forward and chose to term the Durand Line as the "international frontier", SEATO decided to support the Pakistani position in toto.

Whereas, traditionally, Pakistan has claimed the Durand Line as its international border, some leading Pakistani scholars maintain that a perceptible shift in its thinking on the Line seems to have occurred during General Zia's time. Farzana Sheikh has written of "a shift in Pakistan's Afghan policy in exchange for guarantees involving a mutually acceptable resolution of its dispute with Afghanistan over the status of the Durand Line" and of arguments by some "to maintain a porous border with Afghanistan rather than to press for recognition of the Durand Line".²² Ahmed Rashid maintains that Pakistan did not use the many opportunities that came its way from 1988 up to the events of 11 September 2001 to obtain Afghan support on the Durand Line. He cites Sahebzada Yaqub Khan, Pakistan's Foreign Minister during the 1980s, that "the military deliberately never asked for Afghan recognition of the Line."²³

The reason, according to Ahmed Rashid, is that General Zia as President had worked passionately for the creation of an Islamic pro-Pakistan government in Afghanistan, which in his scheme of things was to be followed by islamization of Central Asia.

In military parlance, this was Pakistan's strategy to secure "strategic depth" in relation to India. Zia's vision of a Pakistani-influenced region extending into Central Asia depended on an undefined border with Afghanistan, so that the Army could justify any future interference in that country and beyond. A defined border would have entailed

recognizing international law and obligations and the sovereignty of Afghanistan. As long as there was no recognized border there was also no international law to break if Pakistani forces were to support surrogate Afghan regimes such as the Taliban.²⁴

This may be Pakistan's preferred solution, but not officially articulated, for obvious reasons. Alongside, a timely word of caution may have been sounded by a Peshawar-based author who has observed, "Pakistan would be advised to re-evaluate its past policy and approach to the question. Because over the years the Pukhtunistan issue may evolve into a problem with totally new dimensions."²⁵

Afghanistan's Position on the Durand Line

The Afghan position, after the creation of Pakistan in 1947, was one of complete repudiation of the Durand Agreement. No Afghan government in modern times has accepted the Line as the international boundary between Afghanistan and Pakistan. In this regard the AIAS-HC conference report states:

Although they might have agreed on nothing else, since that time successive Afghan regimes in Kabul (monarchist, republican, communist, Islamist and democratic) have all maintained the policy of refusing to grant de jure recognition to the existing border with Pakistan.²⁶

Afghanistan's arguments may be summed up as follows:

- The Pakhtun region should not only have been given the option of joining either India or Pakistan in 1947 during the referendum conducted by the British, "but should have been offered the additional options of becoming an independent state or joining with Afghanistan."²⁷
- That after the partition of British India, and with the departure of the British from there, the agreement signed between the Amir and the British colonial government automatically lapsed, as Pakistan could not inherit the rights of an "extinguished person", namely the British Indian Government in India.²⁸ This argument has, however, been refuted by an Indian scholar.²⁹
- All agreements and treaties were signed under duress. Pashtun areas that historically and legally formed a part of Afghanistan were forcibly taken away between 1879 and 1921 and now form a part of Pakistan. A Pakistani writer would, however, like to ascribe it to inducements which he feels carried the day, when he writes:

It is also difficult to understand, in the light of subsequent events, the reasons which prompted the Amir to agree to this settlement. Perhaps his consent was purchased by the increase of his subsidy and by the recognition of his right to import munitions of war.³⁰

- There was no legal basis for converting the Durand Line into a “frontier” in 1919–1921, when in fact the Line continued to represent the limits of the spheres of influence of the two. There is virtually no administration between the foothills and the Durand Line. The position obtaining in this regard in 1919–1921 was the same as it was in 1893, continued to remain the same up to 1947, and is the same even today. The Durand Line as negotiated was never intended to serve as the frontier between Afghanistan and British India. It was also never meant to physically disrupt the tribes. Accordingly, it was intended to be more like an arrangement for tribe management.
- The line delimited at the conclusion of the surveys does not follow the original Durand Line because greater reliance was placed on the un-agreed map drawn up by the British surveyors in utter disregard of what was stated in the agreement. The line took no cognizance of ethnic groups, dividing not only the Pashtuns but the Waziris and the Mohmands as well. The Line even cuts through tribal lands in Waziristan where “it splits at least 12 villages and divides other villages from their fields”.³¹ This resulted in the requirement to position over ten thousand British Indian troops in the area to maintain peace.³²
- Afghanistan’s arguments find an echo in the AIAS-HC conference report, which states that the Durand Agreement arbitrarily divided the Pashtun inhabitants of the region between British India and Afghanistan. As an ethnic group, the Pashtuns inhabited a wide range of territory from the Peshawar Valley to Kabul in the east and from Qandahar and the Helmand Valley to Quetta in the south. Because Pashtuns had been the dominant ethnic group in Afghanistan since the mid-eighteenth century, Afghan amirs often portrayed themselves as the historic leaders of all Pashtuns even when they did not rule over them.³³
- There is a significant difference between the Durand Agreement (including subsequent related treaties) wherein the terms “frontier line” and “frontier” respectively are used, and agreements in respect of Afghanistan’s northern border with Russia entered into around the same time period, wherein the term “boundary” is adopted. In article 1 of the Durand Agreement, there is specific mention of the “northern boundary of Afghanistan”. While a

boundary refers to a line of physical contact between states, frontiers depict zones of varying widths between states.³⁴ The distinction made in these separate agreements regarding Afghanistan by the British cannot be ascribed to oversight: it was a deliberate one, chosen with the intent of not making the Durand Line into a boundary.

- The legitimacy of the Durand Line as an international border is in question. There is no mention in the agreement or even in subsequent related documents of treating the Line as an international border. These were never intended to be boundary agreements/treaties. The “frontier line” of the agreement was meant to depict a zone, and that too for marking the limits of spheres of influence of the two. This position did not materially change even after conversion of the “frontier line” into “frontier”.
- Durand himself after the signing of the agreement had said:

The tribes on the Indian side are not to be considered as within British territory. They are simply under our influence in the technical sense of the term, that is to say, so far as the Amir is concerned and so far as they submit to our influence or we exert it.³⁵

Further, Lord Elgin the Viceroy had minuted in 1896: “The Durand Line was an agreement to define the respective spheres of influence of the British Government and of the Amir. Its object was to preserve and to obtain the Amir’s acceptance of the status quo.”³⁶

Again, as suggested by Bijan Omrani and Frank Ledwidge, the intention behind the establishment of the Line was not to annex territory or extend sovereignty, but as minuted in a memorandum sometime later by Denis Fitzpatrick, the then Lt. Governor of Punjab, was to “obviate the need or necessity for effective occupation as a bar to annexation or encroachment by a competing state”. Fitzpatrick also wrote:

I think if the agreement between us and the Amir were treated to be anything like a partition or territory, it would have a bad effect, and although I see it must practically involve something like a partition of the “sphere of influence” I think it would be unwise to put it expressly that way.³⁷

- There is no clarity on the legal status of the Durand Line. Elucidating this point, Research Paper 10/45, 22 June 2010 of the British House of Commons Library reads:

The legal status of the Durand Line has never been definitively settled. Although the British policy was and remains that the line represents a

legal frontier, Afghan arguments that it was never intended as such have considerable credibility, not least because it was always envisaged that “hot pursuit” in both directions across the line would be necessary if either side was to have any chance of controlling the area.³⁸

A recent article has not only questioned the legal status of the Line as border but also suggests a fresh approach to the problems that exist on both sides of it:

The fact that the Durand Line was not intended to be an international sovereign border, and cannot properly be administered as such, suggests that the best way to solve the many problems on either side of it – poverty, illiteracy, poor health, corruption, terrorism, laws which contravene all notions of human rights – is not to persist in the attempt to split sovereignty, but to share it. An area so unified in terrain, population and custom cannot bear inequalities in administration, but requires a common approach on both sides to solve the problems.³⁹

Pak-Afghan Relations

In the past six decades the Durand Line has been a constant source of friction between Afghanistan and Pakistan. In 1948 Afghanistan was opposed to Pakistan joining the UN. Afghan Radio advocated an independent Pakhtunistan. In 1949 there were border skirmishes between the two countries. A Loya Jirga held in 1949 repudiated all the treaties made with the British and supported an independent Pakhtunistan. In 1950 there were incursions from the Afghanistan side into Pakistani Pakhtun territory. There were riots against the Pakistan Embassy in Kabul and military mobilization in reaction to the “one unit” administrative reform carried out in Pakistan in 1955. In 1961 there were skirmishes which led to the border being shut down for a number of years. Sardar Mohammad Daud, first during his prime ministership in the 1950s and later his presidentship in the 1970s, openly spurned the Durand Agreement. On two occasions diplomatic relations were broken off between the two countries.

During the war against the Soviet Union, CIA-funded and ISI-trained Mujahideen military groups from Pakistan regularly crossed the Durand Line to fight in Afghanistan. The local people do not respect the Line. Even the Taliban, acknowledged to be under Pakistani influence, when they ran Afghanistan, refused to accept the Line as an international border. The *Friday Times*, based in Lahore, reported in the summer of 2001 that when the Taliban Interior Minister Abdur Razzaq and his delegation comprising nearly a hundred Taliban visited Pakistan, they refused to endorse the Durand Line. After the

fall of the Taliban, President Karzai has criticized the Durand Line. Skirmishes have been a regular pattern between Afghanistan and Pakistan.

Whenever an opportunity arose, Pakistan has not hesitated to violate the integrity of the Durand Line. Sarah Chayes recalls that after the fall of the Taliban in 2001, troops from Pakistan bulldozed an Afghan bazaar at the crossing of the Chaman frontier and pushed the frontier a mile westward by building a new crossing.⁴⁰ In July 2003 Afghan and Pakistan militia clashed over frontier posts. The Afghan government claimed that Pakistani militia had established bases up to 600 metres inside Afghanistan in the Yaqubi area, near the bordering Mohmand Agency. In 2007 Pakistan attempted to erect fences and posts a few hundred metres inside Afghanistan, near the frontier-straddling bazaar of Angoor Ada in South Waziristan; the Afghan National Army removed these fences. Such incidents are considered a regular feature, indicated by the following report in the Pakistan newspaper *Dawn*: “Islamabad and Kabul are locked in fresh acrimony and tension over cross-border raids.”⁴¹ Attempts by the leader of Jamiat Ulema-e-Islam, Maulana Fazal-ur-Rehman, in August 2007 to reconcile differences between the two countries were ignored.

Pakistan’s unarticulated aims continue to create problems for the maintenance of status quo on the Line. Whether they stem from its desire for a flexible western frontier or its role in the resurgence of the Taliban (and even in the Taliban’s growing influence in FATA), Pakistan views its interest to be in maintaining a high level of influence within Afghanistan, eventually covering the Central Asian theatre. Such an interest could at times be at variance with that of Afghanistan.

Summing up the Pak-Afghan relations, a Pakistani academic writes:

Despite shared geography, ethnicity and faith, relations between Pakistan and Afghanistan have never been smooth. With the sole exception of the four years of the Taliban rule over Afghanistan, successive governments in Kabul have displayed varying degrees of disaffection towards Islamabad. While the principal historical cause of this disaffection has been the unresolved issue of the Durand Line, tensions between Pakistan and Afghanistan have also emanated from their divergent strategic outlooks and dissimilar national ethos.⁴²

India’s Stand on the Durand Line

India has not exploited the difficult Afghanistan-Pakistan relations and has refrained from commenting on the Durand Line even though Afghanistan’s

frontier meets the territory of the Indian state of Jammu and Kashmir (in areas currently occupied by Pakistan).

In a rare Indian public statement on the Durand Line attributed to Atal Bihari Vajpayee, who was then India's Minister for External Affairs, a Pakistani newspaper reported on 31 May 1978 his views as "The existing Durand Line between Pakistan and Afghanistan should be respected by the new Afghan Government. If there was any difference on the subject it should be settled through negotiations." This item could not be traced to any Indian newspaper, though the statement was reportedly made in Delhi.⁴³

Pakistan, if it could have its way, would like to deny India any role west of the Durand Line. In Pakistan there has also been criticism of Pakistan's India-centric policy on Afghanistan. A Pakistani political analyst and executive editor of *South Asia Journal* lamented that "The non-state actors employed as warriors of Islam in Afghanistan and India turned against the patron state" and complained that "The misfortunes of Pakistan were foreign policy-related. And the central knot of conflict was in Afghanistan where an 'India-centric' Pakistan sought to head off possible Indian regional outreach, allegedly through the very terrorists it was supposed to fight."⁴⁴

Pakistan has questioned the need for the presence of the two Indian Consulates at Kandahar and Jalalabad, forgetting that they have been there since the 1950s, except for a brief period during the Taliban rule. The opening of the consulates has been provided in the Treaty of Friendship between India and Afghanistan of January 1950, which continues to be in force. India is conscious of its role to ensure stability in Afghanistan, prevent export of terrorism and to help the Afghans in the reconstruction of their country.

Conclusion

The transformation of the British description of the Durand Line from "frontier line" (1893–1896) to "frontier" (1919–1921) and thereafter to "international frontier" (1950); and Pakistan's sudden claim after its creation to first describe it as an "international border" (1947) and later leave it vague, reflect a definite lack of consistency.

Afghanistan on its part has been consistent in repudiating the Line since 1947 and does not consider it legitimate. The Line is disputed by many. The Pakhtuns on both sides do not respect it. Its legal status has never been settled.

It should not be forgotten that the Durand Line is a product of the Great

Game and it served its purpose as a strategic frontier for defending British India. At present, it has been suggested in euphemistic terms, that efforts might be on from the Pakistani side to make the frontier “irrelevant”, a term sought to be popularized by some Pakistani policymakers in the past.

The future of the Line is very much dependent on the strategic game that is currently being played all over the region, essentially for a stake in Afghanistan’s vast oil, gas and mineral resources, with new entrants, most noticeably China. There are legitimate apprehensions that this game could fuel new hopes in Pakistan of continuing to play a role, both outsourced and otherwise, around the Durand Line.

The future of the Durand Line is in a way connected to the strategy that would be adopted by the players of this strategic game.

Endnotes

- ¹ There have never been accurate population statistics of the Pashtun areas. This author would nevertheless tend to agree with the opinion of Research Paper 10/45, 22 June 2010 of the British House of Commons Library, that now "there are at least 35 million Pashtuns living in the two countries. Pashtuns have been said to comprise an estimated 42% of the population of Afghanistan, which, at around 11.8 million, makes them the largest single ethnic group in the country. In Pakistan, Pashtuns have been said to comprise an estimated 15% of the population, which, at around 26.2 million, makes them the second largest ethnic group in the country." [Online: web] URL: <http://www.unhcr.org/refworld/publisher,UKHCL,4c21c6062,0.html>, p. 6.
- ² *Ibid.*, p. 13.
- ³ Meyer, Karl and Shareen Brysac, 1999. *Tournament of Shadows: The Great Game and the Race for Empire in Asia*, 2001 edn., Little, Brown & Co., p. 197.
- ⁴ Aitchison, C.U., 1933. "A Collection Of Treaties Engagements And Sanads Vol. XIII", pp. 255-7, [Online: web] URL: <http://202.41.82.144/cgi-bin/metainfo.cgi?&title1=A%20Collection%20Of%20Treaties%20Engagements%20And%20Sanads%20Vol-XIII>
- ⁵ *The Durand Line Agreement (1893): - Its Pros and Cons*, Sultan-i-Rome, www.valleyswat.net
- ⁶ Holdich, T.H., 1909. *The Indian Borderland: 1880-1900*; 1996 reprint of 2nd edition, New Delhi: Asian Education Services, p. 230.
- ⁷ Sheikh, Farzana, 2009. *Making Sense of Pakistan*, New Delhi: Foundation Books; London: Hurst & Co., p. 207.
- ⁸ Prescott, J.R.V., 1975. *Mainland Asia by Treaty*, Victoria: Melbourne University Press, p. 177, mentions a 1510 mile/2430 km frontier. The probable explanation for the abrupt shortening of the "frontier line" is offered in reference no. 14 on page 12.

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- ⁹ Sykes, Percy, 1940. *A History of Afghanistan*, 2002 reprint edition, New Delhi: Munshiram Manoharlal, Vol. II, p. 176.
- ¹⁰ *Ibid.*, p. 174.
- ¹¹ Prescott, n. 8, p. 182.
- ¹² Holdich, N.6, p. 286, 288.
- ¹³ *Ibid.*, p. 286.
- ¹⁴ Prescott, n. 8, pp. 238-9. Shrine, C.P. and Pamela Nightingale, 1973/1987. *Macartney at Kashgar: New Light on British, Chinese, and Russian Activities in Sinkiang, 1890-1918*, Hong Kong: Oxford University Press, mentions a reduced gap of 60 miles (p. 9), most probably after making due adjustment on account of the Pak-China Agreement of 1963. This reduced gap was to have a corresponding effect on the length of the "frontier line", quantified in Prescott, which is, perhaps, the result of a quick estimate that was to be put together and as such lacks validity.
- ¹⁵ Seigel, J., 2002. *Endgame: Britain, Russia and the Final Struggle for Central Asia*, London: I.B. Tauris, p. xviii.
- ¹⁶ Sarila, Narendra Singh, 2005. *The Shadow of the Great Game: The Untold Story of India's Partition*, New Dehli: HarperCollins, pp. 243-4.
- ¹⁷ Prescott, n. 8, p. 180.
- ¹⁸ Conference Report on *The Durand Line: History, Consequences, and Future*, jointly conducted by The American Institute of Afghanistan Studies and the Hollings Center, held in Istanbul, Turkey in July 2007, [Online: web] URL: www.hollingscenter.org, p. ii.
- ¹⁹ Shaikh, n. 7, pp. 201-2. She has also quoted as a source Poullada, *Pashtunistan*, p. 134. The House of Commons report, referred to in n. 1, has also quoted this at p. 8.
- ²⁰ Yousafzai, Khurram Shaukat, *Durand Line, Past, Present and Future*, [Online: web] URL: <http://drksy.wordpress.com/2010/07/22/durand-line-past-present-and-future/>, pp. 74-5. Philip Noel-Baker was in 1950 Secretary of State for Commonwealth Relations in Attlee's government.
- ²¹ Hayat Khan, Azmat, 2000. *The Durand Line: Its Geo-Strategic Importance*, edited by M.Y. Effedni, University of Peshawar, p. 220. He has quoted as sources for this, H.F. Armstrong, 1956. "North of the Khyber", *Foreign Affairs*, Vol. XXIV, No. 4, July, p. 615; and *Pakistan Horizon*, 1956. Vol. XXXIV, July, p. 615.
- ²² Sheikh, n. 7, p. 208.
- ²³ Rashid, Ahmed, 2008. *Descent into Chaos*, London: Allen Lane, pp. 267-8.
- ²⁴ *Ibid.*, p. 268.
- ²⁵ Khan, n. 21, p. 243. This is the concluding sentence of the book.
- ²⁶ AIAS-HC conference report, n. 18, p. 2.
- ²⁷ *Ibid.*

- ²⁸ Fraser-Tyler, W.K., 1967. *Afghanistan: A Study of Political Developments in Central and Southern Asia*, London: Oxford University Press, 3rd revised edn. by M.C. Gillet, pp. 308-11.
- ²⁹ Noorani, A.G., 2011. *India-China Boundary Problem 1846-1947: History and Diplomacy*, New Delhi: Oxford University Press, p. 3.
- ³⁰ Khan, n. 21, p. 149.
- ³¹ Synnott, H., 2009. *Transforming Pakistan: Ways of Instability*, as quoted in the House of Commons Research Paper 10/45, n. 1, p. 101.
- ³² Sarila, n. 16, p. 244.
- ³³ AIAS-HC conference report, n. 18, p. 2.
- ³⁴ Prescott, J.R.V. and Gillian D. Triggs, 2008. *International Frontiers and Boundaries: Law, Politics and Geography*, Leiden: Martinus Nijhoff, pp. 1, 5.
- ³⁵ Khan, Javed, in The News, 4 November 2007, as quoted by Lt. Gen. J.F.R. Jacob in his article "The Af-Pak boundary is not a border". The original is quoted in G.W. Leitner, "The Amir, the Frontier Tribes and the Sultan", *The Asiatic Quarterly Review Series* 3, 1897, which is reproduced in *RUSI Journal*, October 2009, vol. 154, no. 5, p. 52.
- ³⁶ Ibid.
- ³⁷ Quoted from IOR/PS/5265 in Omrani, Bijan and Frank Ledwidge, 2009. "Rethinking the Durand Line - The Legality of the Afghan-Pakistani Frontier", *RUSI Journal*, October, pp. 48-56.
- ³⁸ Research Paper 10/45 of the House of Commons Library, n. 1, p. 8.
- ³⁹ Omrani and Ledwidge, "Rethinking the Durand Line ...", n. 37, pp. 48-56.
- ⁴⁰ Chayes, Sarah, 2006. *The Punishment of Virtue*, London: Penguin.
- ⁴¹ The Dawn, 3 July 2011.
- ⁴² Hussain, Rifaat, 2002. *Pakistan's Relations with Afghanistan: Continuity and Change*, Islamabad: Quaide-Azam University, p. 1.
- ⁴³ The Dawn, 31 May 1978, p. 7. This is a PPI report titled "Indian view on existing Durand Line" on Vajpayee's comments to the Press in New Delhi on return from a two-day visit to Iran.
- ⁴⁴ Ahmed, Khaled, 2011. "Pakistan: In the Grip of Terrorism", *South Asia Journal*, Lahore, January-March, p. 104.
- ⁴⁵ Joint Declaration between India and Afghanistan issued at the end of the visit of the Prime Minister of India, Dr. Manmohan Singh to Afghanistan, Kabul, 12 May 2011. Paragraphs are not numbered in the Declaration. Reference is to paragraph 3.

