

## **Fencing of the Durand Line and Its Impact**

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### **Abstract**

To avoid a direct clash, the boundaries between British India and Afghanistan were demarcated in 1893. The Afghan Amir renounced his claim to certain areas, which were permanently annexed to British India and the successive Afghan rulers recognised it as international frontier. However, on the eve of the partition of India, the Afghan Government demanded that its former territories should be handed back to Afghanistan. Since then it has been a contentious issue between Afghanistan and Pakistan. The purpose of the present research is to unravel and analyse the factors responsible for the demarcation of the Durand Line and the new dimensions of the whole scenario in the wake of the tragic events of 9/11 and the US invasion of Afghanistan in October 2001. Other issues dealt with include: (a) the ouster of the Taliban regime; (b) the regrouping of the Taliban and al Qaida in the tribal areas of Pakistan and their intrusion into Afghanistan; (c) the presence of Pakistani troops in the tribal territories and its repercussions; (d) the unchecked cross-border infiltration and its impact; and (e) the fencing of the Durand Line and the Afghan reaction.

### **Key Words**

Afghanistan, British India, Durand Line, Pakistan-Afghanistan relations, fencing of the border

### **Introduction**

Approximately 2640 kilometres long, the Durand Line is the common international border between Afghanistan and Pakistan. It was established between British India and Afghanistan in November 1893 to fix the limits of their respective rule. Thereafter, both governments agreed not to interfere in the affairs of the other, thereby avoiding a direct clash between them. Successive Afghan governments did not raise between Afghanistan and British

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India. However, after the creation of Pakistan in August 1947, Afghanistan accused Pakistan of keeping Afghan territory forcibly any objections to the Durand Line and recognised it as the international border under its control and demanded that it should be handed back to Afghanistan. Pakistan on the other hand, as a successor state to British India, contended that it had inherited the Durand boundary as an international frontier and refused to discuss the issue with Afghanistan. However, in recent years, the issue of the Durand Line has resurfaced in the context of the American invasion of Afghanistan and the launching of the “war on terror” in the region. After their ouster from power in Afghanistan, al Qaida and the Taliban regrouped in the semi-independent tribal areas of Pakistan. They found many vulnerable places along the Durand Line, which they used to cross into Afghanistan to attack the US and its allies. Despite the best efforts from the US and NATO troops, they did not succeed in putting an end to the cross-border infiltration. They accused Pakistan of being unable to stop the militants from entering Afghanistan. Pakistan denied all such allegations and floated the idea of fencing the Durand Line to stop the infiltration of the undesirable elements into Afghanistan. The Afghan government, however, surprisingly opposed the idea and termed it another division of the Pashtuns living on either side of the frontier.

The purpose of this article is to evaluate and analyse the fencing of the Durand Line in the context of Pakistan-Afghanistan relations, and to explore the reasons why the Afghans are unhappy with it. Pakistan started fencing the border in April 2007, which was opposed by the Afghans and eventually resulted in skirmishes on the border. Why are the Afghans so sensitive about this issue? Why do they oppose the fencing of the Durand Line? If they are sincere in their efforts to stop the infiltration of insurgents into Afghanistan, why then are they indignant about the fencing of the border? What are its implications for the region? How do the US and its major allies, including the UK, Germany and France, whose forces are present in the region, view the fencing of the border? What is its practicality? These and other similar kinds of questions are analysed in this contribution. Apart from the literature on the subject, recent newspaper reports have also been used in the present research to make this issue, which is straining relations between these two neighbouring countries, easier to understand as a whole.

### **Land and the people**

The Durand Line is the existing international border between Afghanistan and Pakistan. Although the exact length of the line is neither specified nor

well-defined, it is approximately 2640 kilometres long. It begins in the alpine region of Sarikol range of the Pamir Mountains in the north and runs south-west till it reaches the Iranian border near the Koh-i-Malik Siah, in the desert near the Helmand River. Passes through these rugged mountain ranges provide trade and communication links between the two countries, thus making both dependent on each other in many ways. Since the line is not well-defined in most places, it is essentially non-existent for the local population. Locals on both sides of the border have never bothered with formalities, nor are they willing to heed any government regulations. They simply cross the border as they please and at their own convenience. Another reason why they do not take the line seriously is that it is not well-demarcated on the ground: except for a few places, there is no formal control by any government. It runs through many villages and towns inhabited by Pashtuns who share a common language, religion, culture, as well as customs and traditions. These tribesmen have intermarried and are little concerned with border regulations. Interestingly, many local people have their homes and *hujras* (guest houses) on the Pakistani side of the border and their agricultural land or property on the Afghanistan side of the Durand Line. On certain occasions, e.g. the Muslim festival of *Eids* or funeral and marriage ceremonies, the associated events takes place on both sides of the border.

On Pakistan's side of the Durand Line lie the provinces of Balochistan, Pashtunkhwa and the Federally Administered Tribal Areas (FATA)<sup>1</sup>, while on Afghanistan's side the border runs through Ningrahar, Kunarh, Nuristan, Paktia, Paktika, Nimruz, Hilmand, Kandahar, Zabul and Badakhshan. The area on the Pakistani side of the border was never declared fully part of the British India and was always referred to as "Excluded Area", "Yaghistan" or "No-Man's- Land", whereas on the Afghan side it was always an integral part of the Kingdom of Afghanistan. Some important tribes living along the Durand Line are the Afridis, who live mainly in Khyber, Tirah, Chorah Bazar, Kohat Pass and some areas of Ningrahar; the Shinwaris in the Khyber Pass and near the banks of the Kunarh river and Sirobi; the Mohmands in Peshawar and at Lalpura, Asmar (Kunarh) and Dhakka in the Ningrahar;

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<sup>1</sup> The FATA is located along the Durand Line and consists of seven administrative units or autonomous agencies which included the Khyber (1879), Kurram (1892), North Waziristan (1895), South Waziristan (1895), Mohmand (1951), Bajaur (1973) and Aurakzai (1973). Malakand (1895) was initially under the Central Government but later on its status was changed and placed under the provincial administrative set up known as PATA. Most of the seven agencies are contiguous except Aurakzai, which borders on the Durand Line at certain places. They cover an area of about 27,220 square kilometres, with an estimated population of 4 million. (Hussain 2000: 2-3; Shinwari 2008: 1)

Mangals in Kurram Agency and in Paktika; Wazirs, who are further divided in Ahmadzai Wazirs in South Waziristan and the Utmanzai Wazirs in North Waziristan, live in Birmal, Shawal, Shakai, Razmak, Khaisora Valley, Shaktu, Wana and Badar; the Mahsuds live in Kaniguram and Makin; the Dauris are concentrated mostly in the Miranshah, Mirali and Datta Khel areas; Achakzais are in Gulistan and Kandahar; and the Barech in Nushki and in Afghanistan. The major non-Pashtun ethnic groups living adjacent to the Durand Line include the Wakhi, Khow, Kirghiz, Tajik, Kalash, Sarikuli, Yedgha and Bashgali, who live mainly in Chitral, Wakhan, Kunarh, Nuristan, Kamdesh, Bamburet and the Barir Valley (Khan 2000: 25–28; 38–41; Hussain 2000: 8–17; 154–162).

### **Demarcation of the frontier**

After occupying the Punjab (1849), the British were apprehensive about the North-West Frontier region. Beyond the Frontier was Afghanistan, a tiny kingdom, and further to its north the mighty Russian empire, which was always seen as a formidable threat to British interests in South Asia. During the nineteenth century, the British in India and the Russians in Central Asia were expanding their empires, which posed the serious threat of a direct confrontation between the two great powers. “Whether the danger anticipated from Russian advances in Central Asia was, or was not, real” commented Munawwar Khan, “it certainly coloured every aspect of British policy on the North-West and adversely affected British relations with Afghanistan” (Khan 1964: 1). The main aspect of British policy was, it seems, to protect its interests in India. This demanded good, friendly relations with a stable and peaceful Afghanistan. During the nineteenth century, particularly in the second half, the rapid advances of the Tsarist forces in Central Asia, which included the annexation of the Central Asian khanates, stoked British mistrust of Russia. It further strengthened their belief that, if not stopped immediately, the Russians would move further south to fulfil their designs of reaching warm waters. Hence, in order to thwart the Russian plans of moving towards India, the British formulated various policies regarding Afghanistan. Interestingly, despite the efforts of both sides, there was a lack of mutual trust and good will between them. The bone of contention between the British Empire and the Afghan authorities was probably their fixation on their respective spheres of influence. The peculiar nature of the Pashtun tribes living in the frontier area further aggravated the situation. Both the British Indian government and the rulers of Afghanistan claimed the right to exercise control over these frontier tribes. British opinion was

divided over the question of how to rule these tribesmen. Two schools emerged with the passage of time:

One of which believed the 'close border' policy, as a general principle, to be the better. By this all unnecessary interference with the tribes was to be avoided, treating them in a friendly manner when they behaved well, and punishing them when they molested us; but no attempt to occupy their territory or to send British Officers among them should be made, nor to establish any sort of control over them. The other school held that our officers should be encouraged to enter into close personal relations with the tribesmen, to enter their country, and efforts should be made in course of time to establish permanent control over the tribes, and to introduce something like peace and order among them (Tate 1911: 187).

When Amir Abdur Rahman (1880–1901), a grandson of Amir Dost Mohammad Khan (1836–1840 and 1843–1861), ascended the throne in Kabul in 1880 the country was in chaos. He was the first Afghan monarch who provided stability to the kingdom by establishing central government and diminishing the power of the tribes on whom the Afghan kings had long relied. He was also credited with preserving the identity and sovereignty of Afghanistan against its two giant neighbours, British India and Tsarist Russia. He succeeded in keeping a "judicious balance" between them, although he had "chosen to give his friendship to Britain" (Schinasi 1979: 25), a fact also acknowledged by Afghan historians (Arghandawi 1989: 34). He was a combination of both savagery and politeness.<sup>2</sup>

For a long time the British Indian government and the Afghan authorities were at loggerheads over territorial claims in the tribal territories. The control of the frontier tribes was always linked with these predicaments. As there was no clear demarcation of the actual frontier between British India and Afghanistan, it adversely affected the good relations between the two countries. The British needed the tribal territory to build a strong defence against the Russian advances towards India. The Afghan Amir, for his part, did not miss any opportunity, either, to seize as much territory as possible

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<sup>2</sup> Lord Curzon, who met Amir Abdur Rahman in 1894 at his Winter Palace in Peshawar assessed the king in these words: "In the thirteen years that elapsed before my visit, the Amir had consolidated his rule over one of the most turbulent peoples in the world by force alike of character and of arms, and by a relentless savagery that ended by crushing all opposition out of existence, and leaving him the undisputed but dreaded master of the entire country. No previous sovereign had ridden the wild Afghan steed with so cruel a bit, none had given so large a measure of unity to the kingdom; there was not in Asia or in the world a more fierce or uncompromising despot...[But] this terribly cruel man could be affable, gracious and considerate to a degree. This man of blood loved scents and colours and gardens and singing birds and flowers. This intensely practical being was a prey to mysticism, for he thought he saw dreams and visions." (Rasanayagam 2003: 13)

because he also wanted to extend his influence. This scramble for power and authority in the tribal territory disturbed the local population as well. “The resulting conflict of interests”, remarked Mary Clifford, “has led to an endless series of border raids, punitive expeditions, and constant intriguing back and forth across [the] border” (Clifford 1973: 114), and compelled the Amir in July 1888 to formally request the British Indian government to send a mission to Kabul to negotiate and fix the boundary issue once and for all.

However, Fraser-Tytler provides a different account. He is of the opinion that the strained relations between British India and Afghanistan compelled the Amir to settle the border issue with the British Indian government. The British rapidly expanded their railway towards Afghan territory. They formulated plans for a tunnel in the Khojak hills and started work on it. Amir Abdur Rahman opposed it and lodged his protest and considered pushing the railway line into the Khojak hills as “pushing a knife into my vitals” (Fraser-Tytler 1958: 188). To counter the British advances, he moved forward the Afghan outposts into Waziristan and started extending his direct influence over the Turis of the Kurram, the Afridis and with the Mohmands. In the north-east, he annexed Asmar and started further parleys in Bajaur and Dir. By 1893, according to Fraser-Tytler, the “relations were becoming increasingly strained, and the settlement of some form of boundary to check these encroachments was becoming urgent” (Fraser-Tytler 1958: 188).

Finally, on 15 September 1893, the British mission led by Sir Mortimer Durand, left Peshawar for Kabul. Sir Mortimer carefully selected the members of the mission: four British officials and four Indian Muslims to negotiate the frontier treaty with the Amir of Afghanistan. His selection criteria were very simple: he included those officials in his entourage whose expertise in the tribes and their language and their acquaintance with different tracts of the country was beyond doubt.<sup>3</sup> On receiving the news of the

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<sup>3</sup> Richard Isaac Bruce, Commissioner of the Derajat Division, provides a very interesting account regarding Durand’s choice of the officials for said Mission. According to Bruce, those officials were selected who had a vast knowledge of the Frontier areas. One such officer was Mr. Donald, who on “account of his particular knowledge of the Wazirs and Waziristan was one of those selected. When saying good-bye to him I gave a sketch map of Waziristan, which I drew up from native information, and impressed on him how suitable the summit of the Marwatti range of mountains would be for the boundary of Southern Waziristan. My sketch map turned out useful, and on it the hotly contested question of the future sovereignty of Wana was argued. On Mr. Donald’s return from Kabul he gave me back my map, which has an historic value, as on it are some notes made by Sir Mortimer Durand, as well as some pencil lines drawn by the Amir, showing where he proposed the line should run with reference to Wana. I had also the satisfaction of hearing from him that Marwatti was well within the Waziristan side of the boundary fixed. It is beautifully

departure of the British mission from Peshawar, the Amir directed Ghulam Haider, the commander-in-chief of the Afghan army, to receive the Mission at Landi Kotal and escort them to Kabul, providing them full comfort and respect. The Mission arrived at Kabul on 2 October 1893 (Gulzad 1994: 193); however, the negotiations did not start until the arrival of Salter Pyne, who was handed a map by the British authorities showing the areas of Wazirs, New Chaman, Chaghi, Bulund Khel, the whole of Mohmand, Asmar and Chitral as belonging to India (Bilgrami 1972: 228).

Under the Durand agreement, signed on 12 November 1893, the Amir was allowed to retain Wakhan, Asmar, Kafiristan, Mohmand and a portion of Waziristan. It clearly defined the southern and eastern limits of the Amir's dominions, and he was politely warned not to extend his authority beyond the defined limits. The British Indian Government took possession of Chaghi, New Chaman, Swat, Bajaur and Chitral. The Amir, under the new arrangements, also promised not to interfere in Kurram Valley and the Daur area. The Amir also relinquished the tribal areas around Gomal Pass, mainly inhabited by the Ghilzais. Both parties pledged not to "exercise interference in the territories of the other lying beyond this line, and each party professed to regard the agreement as 'full and satisfactory settlement' of all the principal differences of opinion which have arisen between them in regard to the frontier" (Fraser-Tytler 1958: 188). It was also decided on that occasion that the work of determining the actual boundary line in the context of the actual division should be carried out by the Joint Commissions, who did it in various phases in the period 1894–1896. However, some areas in Mohmand country and the Khyber have remained undemarcated to the present day.

The signing of the Durand Agreement was met with mixed feelings. According to Bruce, "No measure has been carried through since our occupation of the Punjab so pregnant of possibilities for the participation and strengthening of our frontier, and the civilisation and attaching of the Border tribes to our rule." (Bruce 1979: 262) However, he felt a bit uneasy about the handing over of the Birmal to Afghanistan, which he considers an integral part of Waziristan inhabited by the Darwesh Khel Wazirs. "But perhaps this could not have been avoided", remarked Bruce, "as the Amir strove to[o] hard to get Wana ceded to him that it may have been necessary, in order not to risk the breakdown of the entire settlement that some compromise should be made" (Bruce 1979: 263). To Fraser-Tytler, it was "the concrete symbol of compromise, the manifestation of a policy which whatever its merits was not carried to its logical conclusion. The British in

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wooded range rising up on the North-Western side of the Wana plain, its highest peaks attaining an elevation of ten to eleven thousands [sic] feet" (Bruce 1979: 261–262).

refusing to obey the law of political and strategic development by a physical occupation of the natural frontiers of India had to take the consequences of such refusal. They solved the major problem, but in such a way that they set up for themselves a minor problem which has defied solution ever since” (Fraser-Tytler 1958: 188).

While both the British Government and the Afghan Amir felt that an amicable settlement was achieved and both parties regarded it as a “full and satisfactory settlement”, it was far from being so. “The Durand Line, though perhaps in the circumstances the best line possible”, remarked Fraser-Tytler, “has few advantages and many defects. It is illogical from the point of ethnography, of strategy and of geography. It cut across one of the main basins of the Indus watershed, it splits a nation in two, and it even divides tribes” (Fraser-Tytler 1958: 188). A local British officer, while justifying British attempts to bring the frontier tribes under British control, expressed his opinion in these words:

...these tribes can produce a large number of well armed fighting men, and their attitude in the event of complications arising beyond our North-West Frontier is a matter of primary importance. The attitude might be friendly, neutral or hostile; if the first or second they would not hamper our military operations for the control or reinforcement of Afghanistan; if the third, our available military resources would be absorbed to a very dangerous extent in holding them check. In fact it may be safely predicted that, under such a contingency, we should have to wait until the tribes have been dealt with before we could move a single battalion into Afghanistan (Gulzad 1994: 205).

It is indeed astonishing that Amir Abdur Rahman accepted a boundary which divided the Pashtun tribes, willingly or unwillingly renounced his rights over certain areas which belonged to Afghanistan and were permanently annexed to India, and surrendered his claims of not interfering in the affairs of the Pashtun tribes, which historically have been part and parcel of the Afghan Kingdom. Probably faced with an economic and military blockade and threat of another war against his country, he felt compelled to accept this agreement. There were, in addition, some other factors which convinced the Amir of the usefulness of the border agreement with the British Indian Government. Fraser-Tytler is of the opinion that

It is possible that in spite of Durand’s careful and lucid explanations he did not really take in all the implications of the line drawn on the map before him, but was too conceited to say so. It is certain that in spite of his signature on the treaty he refused to agree to some of the details shown on the map which accompanied it, so that portions of the line are still undemarcated and their exact delimitation uncertain. Nor did Amir Abdur Rahman and his successor, Habibullah, treat the non-interference clause

with much more respect than the tribesmen of Waziristan treated the line itself. To the rulers of Afghanistan interference meant armed interference. They did not consider themselves debarred in any way from sending emissaries across the line to maintain Afghan influence throughout the tribal areas, or from inviting jirgas (deputations) of tribesmen from the Indian side of the line to come to Kabul, where they were treated as state guests and the Amir's policy to maintain Afghan influence among the independent tribes throughout the border, partly to defend himself from armed rebellion against the state, and partly as a prickly hedge of defence against possible British aggression (Fraser-Tytler 1958: 189).

It is pertinent to mention that the Amir was "rewarded" for his endeavours in this regard. The Amir's annual subsidy was increased to eighteen lakhs of rupees; he was allowed to import munitions of war through the British territory; and further British support of all kind was promised to him (Tate 1911: 190). As the Pashtun tribes were not consulted and excluded from the negotiations and signing of the agreement, they came out openly against the Durand Line. The whole Frontier region, from the Gomal River to Chitral was in revolt. It led to an endless series of raids into the British territories and punitive expeditions and severe reprisals against the Pashtuns, the details of which are beyond the scope of the present paper. But despite the temporary stability which this bought to the region, "this area remained and still continues to be problematic for the authorities" (Gulzad 1994: 205). Before moving into the next section, the advice of Sir Isaac Bruce in this matter is worth noting:

To secure the full advantage of the determination of the boundary, the line must be held strictly inviolate. Should tribes residing on the British side of the boundary commit depredations in the Amir's territory, it will be necessary, in order to make our agreement effective, either that we should punish them or permit the Amir and his officials to do so. It would be most unfortunate to adopt the latter course, which might lead to intrigues and offences, instigated simply with the object of enabling them to keep a finger in the pie. It would besides shake the faith of the tribes in the settlement, as they would attribute our shifting our burden on to the Amir to weakness and encourage them also to play a double game. On the other hand, if we hold the tribes on our side of the line responsible, we may, I think, rest assured that the Amir will restrain those on his side (Bruce 1979: 263).

### **The Durand Line as viewed by Afghanistan and Pakistan**

Despite sharing a long common border, having common interests, the same religion and ethnic affinities, Pakistan's relations with Afghanistan have remained strained for most of the time. The main reasons were Afghanistan's

territorial claim to certain areas of Pakistan. Interestingly, it is an undeniable fact that both countries are dependent on each other in so many ways. To extend its trade and commercial activities in the Central Asian markets, Pakistan needs safe passage through Afghanistan. Afghanistan, a land-locked country, relies heavily on Pakistan's ports of Karachi and Gwadar for its maritime activities. An attempt has been made to provide some background to the tense relations between these two neighbouring Muslim countries in the context of the border issue between Afghanistan and Pakistan and the latest controversy over fencing the Durand Line.

As mentioned, despite some minor objections, the Durand Line agreement was reaffirmed in the Anglo-Afghan Pact of 1905, the Treaty of Rawalpindi of August 1919, November 1921 and of 1930 (Quddus 1982: 97). However, when plans for the gradual British withdrawal from South Asia were announced in the mid-1940s, the Afghan government requested from Britain that its former territories should be handed back. They demanded from Britain that

before the implementation of Constitutional changes in India and cessation of the British dominions in India and the establishment of a new order as regards the former possessions of the British Empire and finally the abrogation of the Anglo-Afghan Treaty relating to the Eastern border of Afghanistan all Afghans living between the Durand Line and the River Indus – but cut asunder from the mainland of this country of Afghanistan – should be given absolute authority to decide their future destiny with perfect freedom and to settle as to whether they wanted to have a completely independent Constitution or whether they wanted to accede to other Government. (Khan in Ministry of Culture 1948: 7–8)

The Afghan authorities reminded the British Indian Government, time and again, that the Afghans living on the Indian side of the Durand Line were

not Indians and so they were not to be regarded as an integral part of either Pakistan or India. We said that these Afghans should be given complete and unrestricted authority to decide their destiny themselves. We opposed the idea that the former North-West Frontier Province of India should be made to accede to either Pakistan or to India. Our other point of protest lay in the fact that all Afghans living on the other side of the Durand Line should be given the opportunity to be united and to have a distinct identity. (Khan in Ministry of Culture 1948: 7–8)

But while the discussions on this important subject were going on between Kabul, Delhi and London, the British announced their withdrawal from South Asia in August 1947; hence, the discussions remained inconclusive.

Pakistan, however, brushed aside the Afghan claims on its territory and considered the Durand Line as an agreed international border between the two countries. It argued that since 1893 successive Afghan governments had

endorsed the present position. Pakistan, according to them, had simply inherited the Durand Line along with many other responsibilities and liabilities from the British Empire on the eve of independence in August 1947. Furthermore, the Pakistani authorities pointed out that according to International law, treaties of an extinct state always devolve on the successive states. "This law in fact", they argued, "provides the basis for inter-state relationships in the present day world. If the old, historical agreements between states are to be scrapped today, the world order as we know it will collapse and chaos will ensue" (Quddus 1982: 131).

Afghanistan, for its part, did not remain a silent spectator for long. In September 1947, Pakistan applied for membership in the United Nations Organisation on its own right. On 30 September, Afghanistan opposed Pakistan's admission to the UN on the ground that it illegally occupied the Afghan territory. Husayn Aziz, the Afghan delegate at the UN, said:

We cannot recognise the North-West Frontier as part of Pakistan so long as the people of the North-West Frontier have not been given an opportunity free from any kind of influence – and I repeat free from any kind of influence – to determine for themselves whether they wish to be independent or to become part of Pakistan (Razvi 1971: 314).

However, the Afghan attitude towards Pakistan changed. On 23 October 1947, the negative vote was withdrawn and the Afghan envoy stated that his government was interested in a peaceful solution to the issue through diplomatic means (Khan 2000: 187 (fn 4)). As a gesture of good will, the Afghan Government decided to send Najibullah Khan, the Minister of National Education as a special envoy of the Afghan King to negotiate the establishment of diplomatic relations with Pakistan. Najibullah Khan arrived in Karachi, the Pakistani capital on 14 November 1947. He tried to convince the Pakistani authorities that Afghanistan had no "unfriendly intentions towards Pakistan or any desire for territorial gains." He further explained that

Afghans of Afghanistan and the trans-border Afghans are in fact members of one and the same family. Bonds of brotherhood, solidarity and material and spiritual uniformity have for thousands of years past held them together. We cannot remain, and it is in fact impossible for us to remain, in different and disinterested as regards the future of these trans-border Afghans. As long as even a single Afghan is alive, his heart will continue to beat for his brethren. The happiness, honour, and respect of the Pashtoons living on that side of the Durand Line is in fact our own happiness, honour and respect. We consider their adversity and humiliation as our own. In this era of freedom and independence of nations we cannot afford to tolerate the idea that the Afghan community should live without a distinct identity, a specific individuality, a legitimate freedom and finally prosperity while after being subjected to imperialistic domination for a good many years

millions of Indians and Pakistanis have fortunately succeeded in achieving their freedom and independence. It therefore follows that the Afghans living on that side of the Durand Line should like-wise secure the rights to which they are entitled. (Khan in Ministry of Culture 1948: 13–14)

He made it clear that

All we want is that the Afghans living between the Durand Line and Sind should be allowed to set up a single autonomous State bearing a name representing the nationality of these Afghans so as to ensure that by these means their specific identity and individuality are not wiped away. (Khan in Ministry of Culture 1948: 14)

Najibullah's visit was followed by the establishment of formal diplomatic relations between Afghanistan and Pakistan. The importance of this matter can be judged from the nomination of Marshal Wali Khan, King Zahir Shah's uncle as the first ambassador of Afghanistan in Pakistan. M. A. Jinnah, the founder and the first Governor-General of Pakistan welcomed the nomination of Marshal Wali Khan to Pakistan. He referred to the close

natural bonds of friendship and affection which bind the people of our two countries. It could hardly be otherwise as these bonds are based on ties of faith and culture and common ideals. With such powerful bonds already in our favour we cannot, I feel, fail to bring the people of our two countries closer towards each other and closer than they were before the birth of Pakistan.<sup>4</sup>

Marshal Shah Wali reiterated that Afghanistan "has no claims on frontier territory, and even if there were any, they have been given up in favour of Pakistan" (Razvi 1971: 152). To avoid further controversy on the border issue, at the request of Liaquat Ali Khan, the Pakistani Prime Minister, the British Government stated that they considered the Durand Line as an international frontier and that "any infringement of the Durand Line would be considered a violation of a Commonwealth border" (Razvi 1971: 155). Mr Philip Noel-Baker, the Secretary of State for Commonwealth Relations, in a Press Conference on 21 January 1950 at Karachi, also said it without mincing words that under international law Pakistan was the legal "inheritor of the rights and duties" of the former Indian Government of the regions on the Pakistan side of the Durand Line (Razvi 1971: 155).

Unfortunately between 1950 and 1963, the relations between the two countries were far from cordial. There were a number of causes for this development. Afghanistan was accused by Pakistan of fanning hatred against it in the tribal areas by inciting the Pashtun tribesmen with the concept of

<sup>4</sup> Jinnah's Address in reply to the Speech made by the Ambassador of Afghanistan at the time of presenting Credentials, 8 May 1948 (Ministry of Information and Broadcasting 1989: 258).

Pashtunistan. It eventually resulted in skirmishes on the border and the severing of the diplomatic relations between the two countries, which were restored through the mediation of the Shah of Iran in May 1963. Pakistan drew closer to the USA and Western countries by joining various defence pacts, including the Baghdad Pact (CENTO) and the Southeast Asia Treaty Organisation (SEATO). This annoyed the Soviet Union, which threw its weight on Afghanistan's side. It supported Afghanistan's challenge of the validity of the Durand Line and the Pashtunistan issue. "For a time, it seemed", opined Quddus,

that the Durand Line had become an issue of the Cold war between the two major Power Blocs; the Soviet support enabled Afghanistan to adopt a more uncompromising attitude towards Pakistan. Russian military and economic aid reinforced Afghanistan's intransigence; and Soviet spokesmen did not disguise the fact that the Soviet Government was moved, not so much by its love for the Afghans as by the desire to hurt Pakistan, because of the latter's alignment with the West. (Quddus 1982: 110)

Interestingly, during the India-Pakistan Wars of 1965 and 1971, Afghanistan's sympathy was with Pakistan, a fact confirmed by the evidence that not a single shot was fired on the western frontiers of Pakistan during these wars.

During the early years of the present Afghan crisis, which began in April 1978 with the overthrow of Sardar Mohammad Daud Khan's regime and the coming to power of the Communist Khalq government under Noor Mohammad Tarakai, a new chapter in Pakistan-Afghanistan relations began. The dictatorial regime of President Zia-ul-Haq, with the full support of the USA and some Western countries, decided to champion the cause of the Afghans against the Khalq government. The systematic training of the Afghan Mujahideen (the religious warriors) a term used for those whose services were utilised by the aforementioned powers, started, primarily on Pakistani soil. The new actors included Saudi Arabia and Egypt. After being given proper training, these Afghans were sent back to fight the Russians and their Afghan supporters. Mercenaries from the Arab world and Middle East were brought to the tribal areas via Pakistan to fight the Russians in Afghanistan. The use of the tribal areas as a launching pad against the Communists encouraged all sorts of illegal activities, including the Kalashnikov culture and the unruliness of those who bore them, which eventually resulted in a worsening of law and order in the area. The USA and the other powers wanted to settle their scores with the Soviet Union, hence the escalation of violence in the area. However, after the withdrawal of the Soviet Union from Afghanistan, the global powers abandoned Afghanistan, and the region

and the local people had to put up with the hundreds of foreign militants brought from all over the world for the purpose explained above.

### **Fencing of the Durand Line**

After the US invasion of Afghanistan and the ouster of the Taliban regime in Afghanistan (October 2001), the Taliban and their supporters allegedly crossed the Durand Line and started regrouping and launching cross-border raids against the US and its NATO alliance. The subsequent developments have virtually brought tribal society to the brink of ruin. This has led to the elimination of the tribal social elite, a weakening of political authority, destruction of the educational system, undermining of the cultural institutions, including the *jirga* and *hujra* and mosques, and the displacement of thousands of families; together the developments have spread havoc across the region. This once isolated, but otherwise peaceful area has become the most dangerous area in the world. The hijacking of the tribal system by foreign militants, who are better trained and well-financed, and the destruction of the tribal social fabric continues to badly affect the region as a whole.

On 7 October 2001, the US invaded Afghanistan to punish the masterminds of 9/11. The Taliban leadership was forced to abandon their friendship with al Qaida and to expel Osama bin Laden from Afghanistan. The Taliban did not fulfil the American demands, and showed their stubbornness against any pressure from the American authorities. Pakistan, following many other nations of the world, immediately announced its support for the US and its allies in the war against terror. On 8 October 2001, General Pervez Musharraf, the President of Pakistan, expressed his country's full support for the US and its allies in their conflict with the Taliban regime in Afghanistan. He also proposed the fencing of the Durand Line, enabling Pakistani authorities to keep an effective watch on the unfrequented routes into Pakistan (Musharraf 2006: 201). The fencing, Pakistani authorities believed, would effectively check the unauthorised movement across the border into Pakistan ('Pakistan Plans to Mine Afghan Border', *The New York Times*, 26 December 2006; 'Musharraf seeks Congress help', *Dawn*, Islamabad, 4 April 2007). The fencing would be erected only in those border areas which are or can be used for crossing. There are many long sections in that area which are hard to cross. Such sections, it was said, would not be fenced. In addition to blocking the entry of unauthorised people into Pakistan, the porous border between Afghanistan and Pakistan has also enabled illegal traders to smuggle all sorts of goods into Pakistan, including electronics. A considerable part of the goods imported by Afghan-

istan under the Afghan Transit Trade Agreement between the two countries has been smuggled back into Pakistan.

While the Pakistani authorities demanded the fencing of the border, because they were convinced that it would stop illegal entry into Pakistan, fencing has serious implications for Afghanistan. The Afghan authorities see this as a clever Pakistani move to convert a “controversial” line into a permanent international border under the pretext of stopping cross-border terrorism by enlisting the support of the US. Afghanistan has never, according to the Afghan sources, accepted this as a settled border. They always considered it as “imposed” upon them by the imperialists, and were never reconciled to the division of the Pashtuns into three parts.

The Afghan President Hamid Karzai also reacted sharply, opposing the fencing of the border as “impracticable and un-implementable as families live on both sides of the line and artificial barriers like fencing would further divide them”. He further pointed out that a wall would not deter terrorists. It would, however, have a host of other disadvantages, such as dividing tribes and families (*Dawn*, Islamabad, 5 January 2007). Pakistan started fencing the border in 2007 and succeeded in fencing only 35 kilometres of the border. On 4 January 2007, Shaukat Aziz, the Prime Minister of Pakistan visited Kabul (*The News*, 4 January 2007). The issue of the fencing of the border was discussed, but both governments remained at odds on the issue. To Aziz fencing could stop the crossing of the “people who are not welcome on the other side” (*The News*, 5 January 2007). However, Karzai was of the opinion that “mining and fencing the border will not prevent terrorism, but it will divide the two nations” (*The News*, 5 January 2007). Karzai’s views were also supported by the “nationalists” from Pashtunkhwa and Balochistan provinces of Pakistan, who termed the decision to fence the border as “detrimental to the social and economic interests of the ethnic Pashtun tribes”. It was also opposed by the Muttahida Majlis Amal, a group of religious parties who were then in government both in Pashtunkhwa and Balochistan. The tribesmen gathered on Afghanistan’s side and demanded that the government prevent the fencing. On 8 January about 8,000 people protested in Paktika and about 500 protested in Kunarh. On 15 January the local branch of Awami National Party organised about 2,000 tribesmen in Chaman. A conference of Baloch political parties held in Quetta also opposed the fencing of the border and termed it as “a conspiracy against the tribesmen straddling the border” and showed their solidarity with the Pashtun political parties who opposed the fencing of the Durand Line (‘Balochistan APC opposes border mining’, *The News*, 15 January 2007). Not content with this, on 10 January 2007, the Afghan government wrote a formal letter

to the UN Secretary-General Ban Ki-moon and expressed “deep concerns” over the fencing of the border.

In April and May 2007, clashes erupted between the troops of the two countries over the fencing of the border. The Afghans accused Pakistan of legalising the Durand Line by implementing its fencing project. The Afghan Defence Ministry spokesmen confirmed that the Afghan troops were tearing down the fences near the Durand Line that separates the two countries when they were fired on by the Pakistani troops, the Afghans only retaliated with small arms in self-defence (‘Twenty km of fencing completed’, *Dawn*, Islamabad, 11 May 2007). The exact number of deaths is not known, but a careful estimate put it at about 20, the majority on the Afghan side (‘Five Afghan soldiers die in border clash’, *Dawn*, Islamabad, 14 May 2007; ‘Afghan Soldiers mass on border, ready and willing to take an old foe’, *The Times*, London, 19 May 2007; *Dawn*, Islamabad, 15 May 2007). The Afghans regarded it as a seizure of their territory by Pakistan. However, the Pakistan government denied these allegations, and made it clear that they had no intention of occupying Afghan territory. They also reiterated that they were determined to stop the cross-border infiltration, and would utilise all resources under their control and within their reach and go ahead with the fencing of the border at an appropriate time.

To avoid further clashes between Afghanistan and Pakistan a number of countries, including the USA, UK, France, Sweden and Russia, intervened and persuaded Pakistan not to fence the border, offering instead incentives for developing effective border control mechanisms (‘Border mining being reviewed: Canadian FM holds talks’, *Dawn*, Islamabad, 10 January 2007). They promised to provide Pakistan with a mini mobile radar system, which Pakistan called “the most suitable technology because of its state-of-the-art capability to check such movements within the radius of five kilometres area” (‘Pak likely to fence western border’, *The Nation*, Islamabad, 18 January 2010). The project was, therefore, abandoned and remained incomplete. However, Pakistan did not receive the mini radar system and the Pakistani authorities decided to start fencing the border again. Due to heavy Pakistani army deployment of more than 100,000 troops at various places in the FATA, the Pakistani authorities claim to have 238 security check posts, while the Afghans only have 100 check posts and are largely banking on the satellite facilities to check the crossings from Pakistan into Afghanistan. Interestingly, three major towns, including Chaman and Ghaznali, are located half in Pakistani and half in Afghanistan. In addition to the famous Khyber Pass route leading via Torkham into Afghanistan, there are about 128 frequently and infrequently used routes between Pakistan and Afghanistan, which need to be checked properly to

control the cross-border movement of unwanted people (*The Nation*, Islamabad, 18 January 2010). However, due to the strict vigilance on the Pakistani side, cross-border activity has been substantially reduced. Fewer border security arrangements on the Afghan side have not been enough to restrict the movement from the other side. It has been labelled a very difficult task which would “take an inordinate amount of resources” (*Dawn*, Karachi, 28 December 2010.). Commenting on the issue of the fencing of the Durand Line, a top Pentagon official, Colonel Viet Luong, Commander Task Force Rakkasan and 3rd Brigade Combat Team, 101st Airborne Division, said that “it’s naive to say that we can stop, you know, forces coming through the border”. According to him, “In order to secure the border, as well – as you know, it takes a lot. It takes efforts on the other side, by the Pakistanis.” He was aware of the peculiar situation. “To secure the border in the traditional sense, if you’re talking about, you know, like what we would do along our own border with Mexico down in the south western United States, that’s not what we’re doing. It takes an inordinate amount of resources and force to be able to do that”, he said. “You can look at this as a defence in depth, whereby you have your frontline defenders, which are – which really starts on the Pakistani side of the house, by the way. They have hundreds of border checkpoints across backed up by dozens of checkpoints on our side that’s manned by Afghan border police, and then we back those guys up with the US and ANA forces, really to hand over the border piece to the Afghan border police”, he observed (‘Tough job to seal Af-Pak border’, *The News*, 30 December 2010.).

### **Conclusion**

The Durand Line, established in 1893 between the British Indian Government and Afghanistan as an international border, is still a focus of special attention both within and outside the region. Given the porous nature of the border, the Pashtun tribes living along the Durand Line cross it and are accused of cross-border infiltration. It is almost impossible for the authorities to stop “unwelcome” people from visiting on both sides of the frontier. Despite the presence of a large number of US and NATO troops in Afghanistan, and more than 100,000 Pakistani troops in the tribal areas, militants are still able to cross at will. After the surge in terrorist activities on both sides of the frontier, Pakistan floated the idea of fencing the Durand Line, which was opposed, to the surprise of many, by the Afghan government. President Hamid Karzai views it as impracticable and unacceptable to the Afghans, because it would further divide the Pashtuns and not stop

terrorists from entering Afghanistan. This issue is very sensitive for Afghans, who see in the construction of security fences the *de facto* consolidation of a border dividing them from their kin in the tribal areas with whom they share a common religion, history, culture and above all ethnicity. No matter what the upper echelons of power decide, the Afghans will continue to oppose the fencing of the border. They see it as a second division of Afghanistan. They cite the example of the Berlin Wall which divided the Germans for many years; however, ultimately the will of the people prevailed and the wall was demolished. They are of the opinion that this wall, too, will be destroyed – if it is ever built.

Pakistan, on the other hand, seems determined to stop the insurgents who are crossing the Durand Line and disturbing the peace and tranquillity of Pakistan. While the blame game continues on both sides, signs of growing mistrust between the two neighbours require the international community, particularly the United Nations and the US, to ensure that this issue between Afghanistan and Pakistan is resolved amicably by using all available peaceful means and resources, i.e. dialogue and reconciliation, rather than contestation and use of force against one another.

One cannot deny some important interwoven impediments, for instance, uncertainty in the status of the tribal areas of Pakistan where the old Maliki system persists and political parties are not allowed to function. Recently, there has been mounting evidence of a desire among the local tribesmen for the tribal areas to be merged with the settled districts of Pakistan. If this happens, this will change the whole fabric of tribal society. Moreover, events in the neighbouring Afghanistan also have a direct impact on the tribal areas along the Durand Line. Peace in the region is closely linked with stability in Afghanistan. As mentioned earlier, unless the border issue is resolved, it will contribute to other issues that disturb the peace and stability in the region and have a direct impact upon the present war on terror in the region. Many questions remain unanswered: Is the US really sincere about resolving the border dispute between Pakistan and Afghanistan? Does the US have the capacity, will and tools to enforce and implement its decision with regard to both countries? Is Pakistan willing to accept US mediation on the border issue with Afghanistan, particularly given the current mistrust and unpredictable relations between the two countries? What impact will the border issue have on the region? What repercussions will the dispute have for the Pashtuns, the largest local ethnic group, who no longer want to be divided? It seems virtually impossible to reach a conclusive decision without consulting and taking into confidence the Pashtuns, who firmly believe in their tribal unity and are determined to preserve it at all costs.

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