



# NAVAL POSTGRADUATE SCHOOL

MONTEREY, CALIFORNIA

## THESIS

**THE DURAND LINE: SOUTH ASIA'S NEXT TROUBLE SPOT**

by

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June 2005

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| <b>REPORT DOCUMENTATION PAGE</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                 |                                                                | <i>Form Approved OMB No. 0704-0188</i>                     |  |
| Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188) Washington DC 20503.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                 |                                                                |                                                            |  |
| <b>1. AGENCY USE ONLY (Leave blank)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                 | <b>2. REPORT DATE</b><br>June 2005                             | <b>3. REPORT TYPE AND DATES COVERED</b><br>Master's Thesis |  |
| <b>4. TITLE AND SUBTITLE:</b> The Durand Line: South Asia's New Trouble Spot                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                 |                                                                | <b>5. FUNDING NUMBERS</b>                                  |  |
| <b>6. AUTHOR(S)</b> Tariq Mahmood                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                 |                                                                |                                                            |  |
| <b>7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES)</b><br>Naval Postgraduate School<br>Monterey, CA 93943-5000                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                 |                                                                | <b>8. PERFORMING ORGANIZATION REPORT NUMBER</b>            |  |
| <b>9. SPONSORING /MONITORING AGENCY NAME(S) AND ADDRESS(ES)</b><br>N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                 |                                                                | <b>10. SPONSORING/MONITORING AGENCY REPORT NUMBER</b>      |  |
| <b>11. SUPPLEMENTARY NOTES:</b> The views expressed in this thesis are those of the author and do not reflect the official policy or position of the Department of Defense, the U.S. Government, the Pakistan Army or the Government of Pakistan.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                 |                                                                |                                                            |  |
| <b>12a. DISTRIBUTION / AVAILABILITY STATEMENT</b><br>Approved for public release; distribution is unlimited                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                 |                                                                | <b>12b. DISTRIBUTION CODE</b><br>A                         |  |
| <b>13. ABSTRACT</b><br><br><p>The Durand Line, the western border between Pakistan and Afghanistan, was delineated in 1893 as the boundary between then British India and Afghanistan. The international community recognizes the Durand line as the Pak-Afghan border since the creation of Pakistan in 1947, but successive Afghan rulers have repudiated its legitimacy. This dispute has caused turbulence in relations between these countries and instigates greater problems with regard to the Pashtun nationalism. The Durand Line has remained porous due to the nature of tribal cultures and the socio-economic compulsions of the people living along the Durand line. The Durand Line was exploited to launch the Afghan Jihad against the Soviets in the 1980s. The GWOT in Afghanistan has once again brought misperceptions regarding alignment, and the porous nature of the Durand Line to the lime light.</p> <p>This thesis demonstrates that existing combat operations against Al-Qaeda and the Taliban and the exploitation of the Durand Line by the U.S.-led coalition forces, had a destabilizing effect on Pakistan, due to the autonomous nature of tribal areas and Pakistan's necessity to extend its authority in tribal areas while supporting the GWOT. This thesis recommends that a clear understanding of the Durand Line as an international border by all concerned states will enhance the coordination of operations at all tiers, and thereby prevent this border from becoming South Asia's next trouble spot.</p> |                                                                 |                                                                |                                                            |  |
| <b>14. SUBJECT TERMS:</b> Pakistan, Afghanistan, The Durand Line, Pashtunistan, Pak-Afghan Relations, Role of International and Regional players in South Asia, FATA, NWFP and Operations against Al-Qaeda and Taliban in Afghanistan and Pakistan, GWOT, India and Afghanistan.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                 |                                                                | <b>15. NUMBER OF PAGES</b><br>119                          |  |
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| <b>17. SECURITY CLASSIFICATION OF REPORT</b><br>Unclassified                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>18. SECURITY CLASSIFICATION OF THIS PAGE</b><br>Unclassified | <b>19. SECURITY CLASSIFICATION OF ABSTRACT</b><br>Unclassified | <b>20. LIMITATION OF ABSTRACT</b><br>UL                    |  |

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**THE DURAND LINE: SOUTH ASIA'S NEW TROUBLE SPOT**

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**MASTER OF ARTS IN NATIONAL SECURITY AFFAIRS**

from the

**NAVAL POSTGRADUATE SCHOOL  
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## **ABSTRACT**

The Durand Line, the western border between Pakistan and Afghanistan, was delineated in 1893 as the boundary between then British India and Afghanistan. The international community recognizes the Durand line as the Pak-Afghan border since the creation of Pakistan in 1947, but successive Afghan rulers have repudiated its legitimacy. This dispute has caused turbulence in relations between these countries and instigates greater problems with regard to the Pashtun nationalism. The Durand Line has remained porous due to the nature of tribal cultures and the socio-economic compulsions of the people living along the Durand line. The Durand Line was exploited to launch the Afghan Jihad against the Soviets in the 1980s. The GWOT in Afghanistan has once again brought misperceptions regarding alignment, and the porous nature of the Durand Line to the lime light.

This thesis demonstrates that existing combat operations against Al-Qaeda and the Taliban and the exploitation of the Durand Line by the U.S.-led coalition forces, had a destabilizing effect on Pakistan, due to the autonomous nature of tribal areas and Pakistan's necessity to extend its authority in tribal areas while supporting the GWOT. This thesis recommends that a clear understanding of the Durand Line as an international border by all concerned states will enhance the coordination of operations at all tiers, and thereby prevent this border from becoming South Asia's next trouble spot.

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## **ACKNOWLEDGMENTS**

I would like to thank my wife, Yasmin Chaudary, and my elder son G.C. Muhammad Aamer, for their all-out support in completion of this thesis. Without their support, ideas, and assistance, I could not have finished this work in a timely fashion. I would also like to thank my thesis advisor, Dr. Peter R. Lavoy for his guidance, encouragement, and direction in the completion of this thesis. I would like to give thanks to Brigadier General (Retired) Feroz Hassan Khan for his insights into Pakistan's perspectives. My gratitude also goes to Martin Chandler for editing of this study. Special thanks also go to my NPS professors, such as Dr. Jeff Knopf, Dr. Vali Nasr, Dr. Karen Guttieri, and Dr. Anshu Chatterjee, and research associate Christopher Clary and Professor Glynn Wood of MIIS, for assisting and guiding me in writing this thesis.

I would also like to thank a few western and Pakistani scholars for their work, which greatly assisted me in writing this thesis. Among them, I would like to pay special tribute to Dr. Azmat Hayat Khan, Dr. Noor-ul-Haq, Chaudhri Muhammad Ali, Dr. G. Rauf Roashan, Ahmed Rashid, Rahimullah Yusufzai, Ijaz Khan, Mujtaba Rizvi, S.M.M Qureshi, Dr. Khurshid Hasan, S.M.Burke, Dr Riffat Munir, Shirin Tahir-Kheli and Olaf Caroe, Sir Percy Sykes, Robert Jervis, J.C. Griffiths, Olivier Roy, Barnett R. Rubin, Ralph H. Magnus, Professor Ralph Braibanti, Dennis Kux, Paul Wolf, Owen Bennett Jones, Christophe Jaffrelot, and Aswini K. Ray.

I am, indeed, grateful to the Pakistan Army for making my dream of studying in the United States come true, especially at NPS. Finally, I would like to express my gratitude to all the faculty and staff of NPS for their splendid efforts to provide an outstanding academic environment.

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## I. INTRODUCTION

The Durand Line, which marks the western border between Pakistan and Afghanistan, was delineated in 1893 by the British, as the boundary between, what were then, British India and Afghanistan. Since 1947, the two issues of the legitimacy of the Durand Line and Pashtun nationalism have been of major concern in Pak-Afghan relations.<sup>1</sup> These controversies spoiled the relations between the two countries, such as whenever Afghanistan has used covert mechanism to excite sub-nationalism of Pashtunistan in Pakistan, as it did in 1948, 1949, 1955, 1961, and 1973. Such actions have also led to sporadic border clashes. In March 1955, mobs even attacked Pakistan's embassy in Kabul, ransacking the Pakistani consulates in Jalalabad and Kandahar. However, demands associated with Pashtunistan lost their meaning following the invasion of Afghanistan by the Soviet Union on December 25, 1979. At that time, the Durand Line became too porous in nature, leading to a massive influx of Afghan refugees into Pakistan.<sup>2</sup> Currently, a frequently asked question is, "Under presently existing circumstances (e.g., including combat operations being waged against Al-Qaeda and the Taliban, where Pakistan is in full support of U.S. objectives of the Global War on Terrorism [GWOT], with simultaneous efforts to establish Pakistan's writ of authority in un-administered and inaccessible tribal areas located along the Durand Line), could the Durand Line become one of south Asia's next trouble spots?"

This chapter will explain the theoretical framework of this thesis, after having given the purpose and significance of the issues related to the Durand Line. At the conclusion, it will also describe the organization of the ensuing chapters.

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<sup>1</sup> The words "Pashtunistan," "Pakhtoonistan," "Pukhtunistan," and "Pathanistan" are variants of the same word, adopted from the words "Pashtun," "Pakhtoon," "Pukhtun" and "Pathan." The hard sound is used in the north, whereas the soft one in the south. The word "Pathan" is the Indian variant adopted by the British.

<sup>2</sup> Aslam Saddiqi, *Pakistan Seeks Security* (Lahore, Pakistan: Green & Co, 1960), 27; and Dr. Noor-ul-Haq, "Pak-Afghan Relations," IPRI Fact File, <http://ipripak.org/factfiles/ff44.shtml> (August 19, 2004).

## **A. PURPOSE**

Since September 11, 2001, the GWOT has, once again, changed the political situation in Afghanistan. With the celebration of Pashtunistan Day in Afghanistan on August 31, 2003, and the wide circulation of maps showing Pashtunistan boundaries up to the Indus River in Pakistan, the Durand Line and Pashtunistan issues have come to the limelight.<sup>3</sup> Misperceptions regarding the alignment of countries caused by the porous nature of the Pak-Afghan border (i.e., the free movement of people across the Durand Line) have become major international issues. In July 2003, these factors resulted in clashes between Pakistan and Afghan security forces, a situation that escalated to where the Pakistani embassy in Kabul was ransacked on July 8, 2003.<sup>4</sup> The U.S.-led Coalition forces, duly supported by the local warlord militias and Afghan National Army (ANA), are conducting military operations along the Durand Line inside Afghanistan. Concurrently, operations have also been undertaken by the Pakistan Army along the Durand Line inside Pakistan, particularly in Federally Administered Tribal Areas (FATA). Figure 1 shows the alignment of the Durand Line. The Coalition force's desire to hotly pursue its perceived enemies, thereby exploiting any misperceptions regarding the Durand Line, may become the next trouble spot in south Asia, if not tackled appropriately.

The historical and cultural dimensions of Pakistani relations with Afghanistan have been, and will remain, critical in the evolving dynamics of the south Asian region. Afghanistan is important to Pakistan for several reasons, among them, the fact that they are geographically contiguous and have social, cultural, religious and ethnic links (together with other mutual interests). However, in spite of all these commonalties and shared interests, during the greater part of Pakistan's history, relations with Afghanistan have been tricky, being characterized by recurrent and mutual suspicion. These suspicions are sometimes manifested in the making of policies of interference, and even attempts by to

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<sup>3</sup> Dr. G. Rauf Roashan, "End of Imaginary Durand Line," *Afghanland.com*, <http://www.afghanland.com> (September 26, 2004).

<sup>4</sup> Dawn (Karachi), July 9, 2003, <http://www.dawn.com/2003/07/09/top1.htm> (September 19, 2004).

destabilize the other. “Frontiers,” says Lord Curzon, “are indeed the razor’s edge on which hang suspended the modern issues of war and peace, of life and death to nations.”<sup>5</sup>



**Figure 1.** The Durand Line: Western Frontier of Pakistan

The western frontier of Pakistan, in view of its location is, indeed, a ‘razor’s edge’ frontier on which hangs the future of southern Asia. Located at the confluence of great mountains and having a turbulent history, the region was once referred to as the ‘cockpit of Asia.’ Moreover, its geographical location at the junction of south and central Asia has placed the region at the cross-roads of global and regional politics.<sup>6</sup> Following the events of September 11, 2001, the political landscape of the region has transformed dramatically, with Pakistan and Afghanistan, once again, returning to the main stream of the international system, this time due to GWOT. Consequently, another period of intense instability has begun along the Durand Line. Pakistan, after abandoning its decade old

<sup>5</sup> Lord Curzon of Kedleston, *Frontier, the Romance Lecture*, Oxford, November 2, 1907 (Oxford: Clarendon Press, 1907), 7.

<sup>6</sup> Ahmed Rashid, *Taliban* (New Haven: Yale University Press, 2001), 7.

forward policy toward Afghanistan, has recently adopted a hands-off policy. This has been counter-productive to its own national security and Pakistan has, thus, joined the international community in the fight against Al-Qaeda and the Taliban.

As the Taliban began to disintegrate in November of 2001 due to American-led operations, the Al-Qaeda leadership, recognizing the gravity of their situation, began to flee Afghanistan. The U.S. military planning allowed large numbers of Al-Qaeda adherents to escape. According to many accounts, they escaped across Afghanistan's porous border with Pakistan, and sought refuge in the Northwest Frontier Province (NWFP), where they are having a destabilizing influence.<sup>7</sup> While the United States has received vital support from the government of Pervez Musharraf, but have not allowed American efforts to pursue former the Taliban and terrorists into the NWFP. The Pakistan government has assisted the United States in its hunt for Al-Qaeda members. However, either its inability or lack of resources prevented Pakistan from achieving enough progress to satisfy American objectives. Thus, U.S. authorities have made critical remarks, often expressing disappointment and impatience with Pakistan's performance. However, Pakistan authorities have bristled at the American criticism, saying they have a well thought-out operational strategy respecting their public opinion.<sup>8</sup> In the wake of the ongoing combat operations by U.S.-led coalition forces in Afghanistan in hunting the Taliban and Al-Qaeda who live astride the Durand Line, and by the Pakistani forces in Pakistan, distress and misconceptions relating to different aspects of the Durand Line are again sprouting.

In June 2003, inadequate demarcation of the Durand Line resulted in a border dispute, erupting in the Mohmand Agency Area and leading to the intermittent exchange of fire between Afghani and Pakistani troops. It also triggered anti-Pakistan protests in several Afghanistan cities, including a violent one in Kabul, culminating in the ransacking of Pakistan's embassy on July 8, 2003. Pakistanis tend to be obsessed with national sovereignty, and are often suspicious of Western motives. On the other hand,

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<sup>7</sup> NWFP is a province of Pakistan that is often described as lawless, tribal, and notoriously inhospitable to uninvited foreigners. Conversely, for those who are considered guests, or are seeking refuge the Pathans, NWFP considers it their responsibility to protect and assist them.

<sup>8</sup> Pamela Constable, "Pakistan's Uneasy Role in Terror War; Conciliatory Approach to Tribal and Foreign Fighters Leaves U.S. Officials Frustrated," Washington Post (Washington, D.C.), May 8, 2004, A.08. (August 8, 2004).

tribesmen tend to be especially protective of their autonomy and traditional ways of life. The tribal areas of Pakistan have a unique history, having a cultural heritage of their own. These areas are the home of a people who are brave, hardy, and deeply religious, and are often wary of outside influence. The tribal culture and customs have proven to be strongly resistant to change. Apart from the socio-political, religious, cultural and geographical sensitivity of tribal areas, they have been adversely affected as fall-out effects from the situation in adjoining Afghanistan. Because of this, however, the environments created by the GWOT are advantageous to national integration of Pakistan. This was manifest when President Musharraf asserted at a joint conference on June 24, 2003 at Camp David with President George W. Bush stating, “Pakistani forces had for the first time in over a century entered the tribal areas in search of al-Qaeda members.”<sup>9</sup>

The unprecedented presence of Pakistan security forces on the porous border has perturbed the drug warlords and traders, both in Afghanistan and Pakistan. These warlords are also key players in exploiting the war of words that has arisen around this issue, as the government of Pakistan is making an all-out effort to establish the authority of government in tribal areas along the Durand Line. Traditionally, the people of FATA have been involved in trade with Pakistan, as well as with Afghanistan and beyond, without any restriction on the movement of men or materials. Whereas, there formerly were only two official trade links between Pakistan with Afghanistan (Peshawar - Kabul and Quetta - Kandhar), there currently are over twenty unofficial trade places (often through shingle roads) and tracks on which trucks, mini buses and pick-ups frequently operate. Whereas, Afghanistan’s unofficial exports to Pakistan totaled \$941 million in 2000 (while official exports were only \$98 million), unofficial imports from Pakistan totaled \$82 million.<sup>10</sup> Unofficial trade across the border is a booming business, and significant in terms of generating incomes, providing employment and access to basic goods, including food. The resulting economic situation has had spill-over effects throughout the region, in terms like unofficial trade, the trade of narcotics, the flow of

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9 Rahimullah Yusufzai, “Pakistan’s Army in the Tribal Areas,” BBC NEWS World Edition (UK), June 25, 2003, [http://news.bbc.co.uk/1/hi/world/south\\_asia/3020552.stm](http://news.bbc.co.uk/1/hi/world/south_asia/3020552.stm) (February 25, 2005).

10 World Bank Watching Brief for Afghanistan, “Afghanistan’s International Trade Relations with Neighboring Countries,” February 2001, [http://lnweb18.worldbank.org/SAR/sa.nsf/Attachments/8/\\$File/intltrade.pdf](http://lnweb18.worldbank.org/SAR/sa.nsf/Attachments/8/$File/intltrade.pdf) (March 7, 2005).

financial resources, and the movement of people. The economic tensions as a result of the issue of the Durand Line may visibly entangle Pakistan and Afghanistan into conflict situations and, thus, merits serious attention. Pakistan needs to address this security problem, and needs to find a viable solution because the international community is committed to the reconstruction of Afghanistan.

The suspicions over the status of the Durand Line are also often over-blown, this due to waxing Indo-Afghan relations with the Northern Alliance in power corridors of Kabul. Indian efforts, in collaboration with the U.S., to provide a check for the resurgence of Islamic fundamentalism is often done by equating it with the Kashmiri freedom struggle, and by putting blames on the Inter Services Intelligence of Pakistan (ISI). For example, the ISI is blamed for the re-emergence of the Taliban, and the opening of Indian consulates close to the Durand Line, infuriating Pakistan. Indian efforts to counter almost everything Pakistan does in the region has always been a serious concern for Islamabad. However, Indian activities in Afghanistan along the Durand Line have disturbed them more than ever.

With the above in view, the purpose of this thesis is to assess the current situation with regard to the south Asia region's security problem. By putting it in its proper context, by evaluating its historical controversies and the involvement of external actor's, this thesis will endeavor to provide a backdrop for the ongoing military operations astride the Durand Line, with a view to suggesting future policy guidelines. These are given in the hope that it can help in avoiding it becoming south Asia's newest trouble spot.

## **B. THEORETICAL FRAMEWORK**

In seeking to understand the strained relations between Pakistan and Afghanistan, it is commonly noted that their historical background was created by a legacy of colonial rule in Asia. In fact, tensions and hostilities among many countries of the third world are a legacy of imperialism and colonialism. Among Pakistan's neighbors, Afghanistan is one of the most strategically important countries to Pakistan. However, the relationship between Pakistan and Afghanistan has not run on a smooth course. The *raison d'etre* that soured relations between Afghanistan and Pakistan lies in their historic divide over

Pashtun. Problems spawned from ethnic politics in Pakistan's NWFP (that borders Afghanistan) was the biggest threat to Pakistan's internal stability at the time of independence; a threat that is re-emerging in the shape of Pashtun nationalistic fervor over the notion of a Pashtunistan.<sup>11</sup> Although Pakistan considers that the Pashtunistan movement is all but dead, it is widely recognized that for any irritating circumstance, the chauvinist Afghan government might resurrect it, for no better reason than to help meet a domestic crisis. The possibility, even if remote, cannot be ruled out. The Durand Line, while still internationally recognized and nationally defended, has served as the Afghan Mujahidins main line of communication for the rapid transit of their arms and men during times of war. Its status became dubious, in practical terms, when the Afghans would cross and re-cross it at will be it by motorized vehicle, by foot or astride camels or pack ponies.

Afghanistan's main argument is that it signed the agreement on the Durand Line under duress. It demanded a right of self-determination for the Pashtuns living on the Pakistan side, who, it pleaded, were forcibly separated from their motherland. Afghanistan asserts itself as the legitimate protector of the Pashtuns living on the other side of the border. Whereas, Pakistan, being a successor state to British India, holds that it inherited the Durand Line, and the Pashtuns, to one of its sides, had already expressed their support in a referendum held in 1947. The international legitimacy of the Durand Line has been called into question occasionally by successive Afghanistan governments, demanding abolition of the Durand Line, and the return of Pashtun and Baloch areas annexed by the British in the 19<sup>th</sup> century. For Pakistan, the question of self-determination and abolition of the Durand Line does not arise and refutes Afghanistan's proclamation.

The theoretical framework of this study is based upon the notion that the relations of the contiguous states may at times revolve around the legacy of their past, and is being both perpetuated by their domestic compulsions and exploited by external actors. The study hypothesizes that the Durand Line is the main cause of making Pak-Afghan relations tenuous, and seeks to establish link between the domestic determinants and

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11 Feroz H. Khan, "Rough Neighbors: Afghanistan and Pakistan," Strategic Insight, January 10, 2003, <http://www.ccc.nps.navy.mil> (June 22, 2004).

foreign policies of Pakistan and Afghanistan, vis-à-vis each other. It can be argued, as it will be here, that Afghanistan, being a small and primitive country, is dependent on Pakistan for its land trade routes. Thus, it should not be so openly and consistently antagonistic towards Pakistan without the support of some external actor. This situation possibly provides India with an opportunity, as spoken by Chanakya Kautilya's when he preached that, "the enemy of your enemy is your friend," suggesting that whenever there is any political opportunity, outside actors exploit it to suit their objectives.<sup>12</sup>

When analyzed in terms of realist theory, Pakistan became both the direct and the indirect target of Indo-Soviet strategic alliances during 1955, 1961 and 1973, when Afghanistan used covert mechanism to excite sub-nationalism in Pakistan, leading to sporadic border clashes and attacks on the Pakistani embassy in Afghanistan. When the Soviet Union invaded Afghanistan in 1979, a complete complexion of the region changed. Then it was no longer just a regional affair between Pakistan and Afghanistan, but the entire region had become a battlefield of the Cold War. Both Pakistan and Afghanistan became turf for regional and global players, particularly the Soviet Union, the United States, Iran, India and Saudi Arabia. A complex web of covert engagement enveloped both countries during this period, as the issues of the Durand Line and Pashtunistan were relegated to the back-burner.

As Robert Jervis has articulated in his book (Perception and Misperception in International Politics) that "it is true that perceptions of other's intentions are a crucial element of policy-making and that such perception often incorrect, we need to explore how states perceive others and why and where often they go wrong."<sup>13</sup> Changing circumstances in Afghanistan have always had a ripple effect on Pakistan, particularly in areas of the NWFP. For example, any move across the Durand line in NWFP in an attempt to conduct 'hot pursuit' operations by the Coalition forces to eliminate terrorist safe havens has serious and often adverse, consequences on Pakistan. The status of tribal

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12 Chanakya Kautilya was the "Hindu Machiavelli," a statesman and philosopher from about 250-300 BC. who wrote a classic treatise on policy in which a "neighbor's neighbor was its natural enemy and, thus, one's friend." For details on Indian machinations see Dennis Kux, *The United States and Pakistan, 1947-2000: Disenchantment Allies* (Washington DC, 2000), 19-21.

13 Robert Jervis, "Deterrence, the Spiral Model, and Intentions of the Adversary," in *Perception and Misperception in International Politics* (Princeton, 1976), Ch.3.

areas, and their system of governance, is often perceived by the Coalition forces as a bundle of contradictions, duality, and duplicity. The tribal areas, having been subjected to a system of Frontier Crime Regulations (FCR), where people were kept in inhuman conditions, are highly critical of administration and the un-challenge ability of power enjoyed by the political agent.<sup>14</sup> Pakistan has to gradually integrate FATA with rest of the country through a reform package. The initiation of reforms, if they are not consistent, have the potential of creating more problems in the region. Political reforms must be matched with equally well-balanced economic opportunities, with the over-all result that social change is progressive in nature. The administrative and political system is now being widely challenged by tribesmen who do not want to remain at the mercy of the few illiterate “maliks” and powerful political agents. On the other hand, educated and democratically-minded people in tribal areas are in favor of such reforms, in order to ensure that tribal areas are integrated into the national mainstream. However, other elements, due to vested personal agendas and interests, want to hinder such development.

Pakistan's military, intelligence, and law-enforcement agencies are cooperating closely with the United States and other nations to identify, intercept, and eliminate terrorists. However, in light of historical ties between the tribes living astride the Durand Line, misperceptions can arise from a flawed evaluation of the prevailing situation. The porous nature of the Durand Line has always been exploited by the Pashtuns, on account of Pashtunwali code, and the area has easily been converted into a safe-heaven for criminals and terrorists.<sup>15</sup> Thus, any military strategy evolved by the Coalition forces in this way, i.e., by ignoring local customs and traditions, could lead to serious political consequences for Pakistan, where any move across the Durand Line by Coalition forces on the pretext of “hot pursuit” is a clear violation of frontiers of Pakistan.

The U.S.-led war on terror has enabled Pakistan to extend its authority to lawless tribal areas on the border with Afghanistan by deploying its troops in newly established

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<sup>14</sup> The Frontier Crimes Regulations (FCR) were promulgated in 1872 and revised in 1887 and 1901, introduced by the British to for special procedures for trial of cases by excluding the technicalities of ordinary law. It is a draconian law against the tribal people and gives excessively vast and arbitrary power to political agent and commissioner. Now commonly called as Black Law by the locals. For more details see, Talat Sattar, “A Draconian Law against the Tribal People,” Pakistan Link, (January 2005), at <http://www.pakistanlink.com/Opinion/2005/Jan05/14/11.htm> (April 12, 2005).

<sup>15</sup> Pashtunwali Code is a typical tribal virtue encompassing Milmastia (Hospitality), Nanawati (Protection/asylum) and Badal (Revenge). For details refer, Barnett R. Rubin, *The Fragmentation of Afghanistan* (New Haven: Yale University Press, 1995), 22-32.

outposts. The classic “carrot and stick” approach is being applied through tribal elders who take punitive action against those who resist the deployment of Pakistani troops, in order for these troops to gain access to the tribal areas by offering development projects, including schools, hospitals, roads and drinking water supply. A frequent catch-phrase of some Pakistanis is that the United States long treated them as allies out of convenience. However, now the United States must keep this commitment in order to help Pakistan to bring a sense of normalcy to tribal areas.

Counter-terrorism efforts in Pakistan and Afghanistan have not been limited to domestic actions. Through a series of tri-partite commission meetings, Afghanistan and Pakistan have already made significant progress in sharing information and coordinating their efforts to improve security along the border. Currently, such efforts are being carried out under the aegis of the United States, where the Durand Line issue must be resolved once and for all. Both Pakistan and Afghanistan have suffered tremendously from the events that have occurred in the region because of the misjudgments of one another, and exploitation by external actors. Because this has served as an indirect catalyst for international terrorism, and has been a source of great instability for both Pakistan and Afghanistan, such suffering must not be prolonged. To ensure the viability and secure the sovereignty of both Afghanistan and Pakistan, the Durand Line should not be allowed to turn into a trouble spot in south Asia.

### **C. ORGANIZATION**

The thesis is divided into five chapters. Following the introduction, Chapter II addresses the genesis of the Durand Line: i.e., why, when, and how the agreement was signed. The Durand Line complemented a cultural strategy of pacification, through which colonial powers aligned their own interests with those of their tribal allies. Cultivating a Pashtun identity that was a unitarily pure race, in contrast to mixed Tajiks, Baluchis, Hazaras, and others with whom they are mingled, colonial officials invented the reputation of the Pashtuns as a warrior caste who were entitled to subsidies, thereby resorting to divide and rule tactics. The tribal traditions and customs, coupled with an inhospitable terrain and the political will of tribal rulers, led to the ambiguities in the demarcation of the Durand Line in certain areas; a situation which became a source of

conflict and misinterpretation. The prevailing international norms and rules to establish the legality and validity of the agreement regarding the Pashtuns will be analyzed in the wake of Afghanistan's repudiations and Pakistan's stances.

Chapter III will analyze Pak-Afghan relations in the backdrop of the Pashtunistan movement, and how it has often been exploited by external actors to suit their own agendas. This chapter initially examines how the cry for Pashtunistan was originated by M. K. Gandhi, and taken up by his disciple, Abdul Ghafar Khan, and finally adopted by the rulers of Afghanistan. Then after explaining Kabul's claims and Pakistan's assertions, this thesis will review the turbulent Pak-Afghan relationship, as viewed from the backdrop of the Pashtunistan movement, in order to find out how it leads to problems of national integration in Pakistan and other neighboring countries, particularly Iran and China. Finally, the roles of external elements will be explored to discover how Pakistan became both a direct and an indirect target of the Indo-Soviet strategic alliances during 1955, 1961 and 1973. Pakistan exists today under increased Indo-American presence. Here, the interests of key players, particularly China, India, Iran, the Soviet Union, and the U.S., will also be scrutinized to find out their impact on the peace and stability of the region.

Chapter IV will provide an analysis of research into post-September 11, 2001 events, as well as the complex nature of the prevailing situation astride the Durand Line in Afghanistan and Pakistan; a situation which has resulted in military operations being waged against the Taliban and Al-Qaeda. This chapter first explains the characteristic of FATA and Pashtunwali Code as a key to understand the nature of tribal areas, local traditions, and customs. It explores the compulsions and domestic constraints of Pakistan for smooth conduct of military operations in FATA, in collaboration with Coalition forces. It is followed by a discussion of the misperceptions with regards to conduct of hot pursuit operations and free movement across the Durand Line by the U.S.-led Coalition forces. Then, it will examine the necessity of having a greater degree of coordination and simultaneity in the conduct of operations astride the Durand line in order to stop the illegal trade and the movement of people and material across the Durand Line.

Chapter V lays out broad conclusions and recommendations of the study, while also presenting the compulsions that are the source of a converging of interests for both Pakistan and Afghanistan. Such convergence could lead to friendly relations between the two states. Thus, it is recommended that policy guidelines which might prevent the Durand Line from becoming the next trouble spot in south Asia should be pursued.

## **II. THE GENESIS OF THE DURAND LINE**

### **A. INTRODUCTION**

The Durand Line is a 2,450 kilometer (1,519 mile) border between Afghanistan and Pakistan; from the spur of the Sarikol range in the north, to the Iranian border to the south-west. It is named after Sir Mortimer Durand, who, in 1893, as a representative of the British-Indian government, had negotiated and concluded an agreement in Kabul with the ruler of Afghanistan.<sup>16</sup> When Pakistan came into being in 1947, the Afghan government was quick to reject the Durand Line as the international border between the two countries because it divided the Pashtun tribes that inhabit the region on both sides of the Pak-Afghan border. Thus, Afghanistan laid claim to the larger Pashto-speaking areas that fall within Pakistan's North-West Frontier and Balochistan provinces. Pakistan refused to entertain the thought of ceding any territory, and, thus, firmly rejected the idea, insisting that the Durand Line must remain and be recognized as the international border between the two countries. Hence, the status of the Durand Line has remained a constant political friction throughout the history of Pak-Afghan relations. But life remained normal in tribal areas. The very porous nature of the border, enabled tribal Pashtuns move freely across and have often inter-married with their Afghan cousins. Trade and other business with the Afghans have continued without much hindrance for now over hundred years.

The question has arisen, then, why the Afghans are constantly trying to prove the invalidity of the Durand Line. In other words, "Why do they want to obliterate the Durand Line?" The argument made here is that the main cause of Afghanistan's hostility towards Pakistan is Afghanistan's policy of expansionism by questioning the validity of the international border with Pakistan.

Because Afghanistan is an independent country, it feels that it must have clearly defined boundaries. The question, then, is asked: "If Afghanistan's eastern border is not on the Durand Line, where is it?" Afghanistan is not willing to say that it is somewhere to

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<sup>16</sup> "Encyclopedia: Durand Line," Nationmaster.com, <http://www.nationmaster.com/encyclopedia/Durand-Line> (June 19, 2004).

the west of it, for that would result in ceding some of its territory. Nor is it willing to say that it is somewhere to the east of it, for that would mean annexing some of Pakistan's territory. Therefore, it appears that Afghanistan's object in discounting the validity of the Durand Line as the international frontier between it and Pakistan is to give legitimacy to varying Afghan claims and ambitions to its east.

Because the Durand Line was drawn by the British Empire, it clearly was made with their interests in mind, i.e., as being the key factor behind it. In fact, many of the tensions and hostilities among Third World countries are the legacy of imperialism and colonialism. The common legacy of having colonial rule at some point in their history provides a basis for understanding the strained relations between Pakistan and Afghanistan, as well as for some other Asian countries. This chapter examines the genesis and historical source of the controversies surrounding the Durand Line; an examination, which can aid in to understanding the legal justifications and background of different misperceptions being aired about the Durand Line.

This chapter initially explores the circumstances and background; i.e., why, when, and how the Durand Line agreement was signed. Then, after having examined the inadequacies of the Durand Line, it presents the legality and validity, under international conventions and rules, of the Durand Line. The last portion of this chapter, in light of Afghanistan's assertions and Pakistan's repudiation, analyzes the misinterpretations, which have been promulgated regarding the Durand Line.

## **B. BEGINNING OF THE INTERNATIONAL PROBLEM**

### **1. The Legitimacy of Afghanistan as a Nation State**

In the middle of eighteenth century, the military and political genius of Ahmad Shah Durrani (1747-73) created an Afghan state in the form of a tribal confederacy that was, for the first time, a distinct political entity in central Asia, and a clearly recognizable progenitor of present day Afghanistan.<sup>17</sup> His dynastic state includes area between Persia and the river Indus (see Figure 2).<sup>18</sup> According to Olivier Roy, the real founder of the

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<sup>17</sup> Ahmed Shah Abdalli (Durrani) was a Pashtun Chief who seized power in Kandahar in 1747 and carved a kingdom with certain elements of cohesion to form modern Afghanistan.

<sup>18</sup> J.C. Griffiths, *Afghanistan* (New York: Fredrick A. Praeger, 1967), ix.

modern state of Afghanistan is generally accepted to be Amir Abdur Rehman Khan (1880-1901), and the state was given stability by foreign imperialism.<sup>19</sup> At this time, the British were establishing themselves firmly, throughout substantial parts of India.<sup>20</sup>

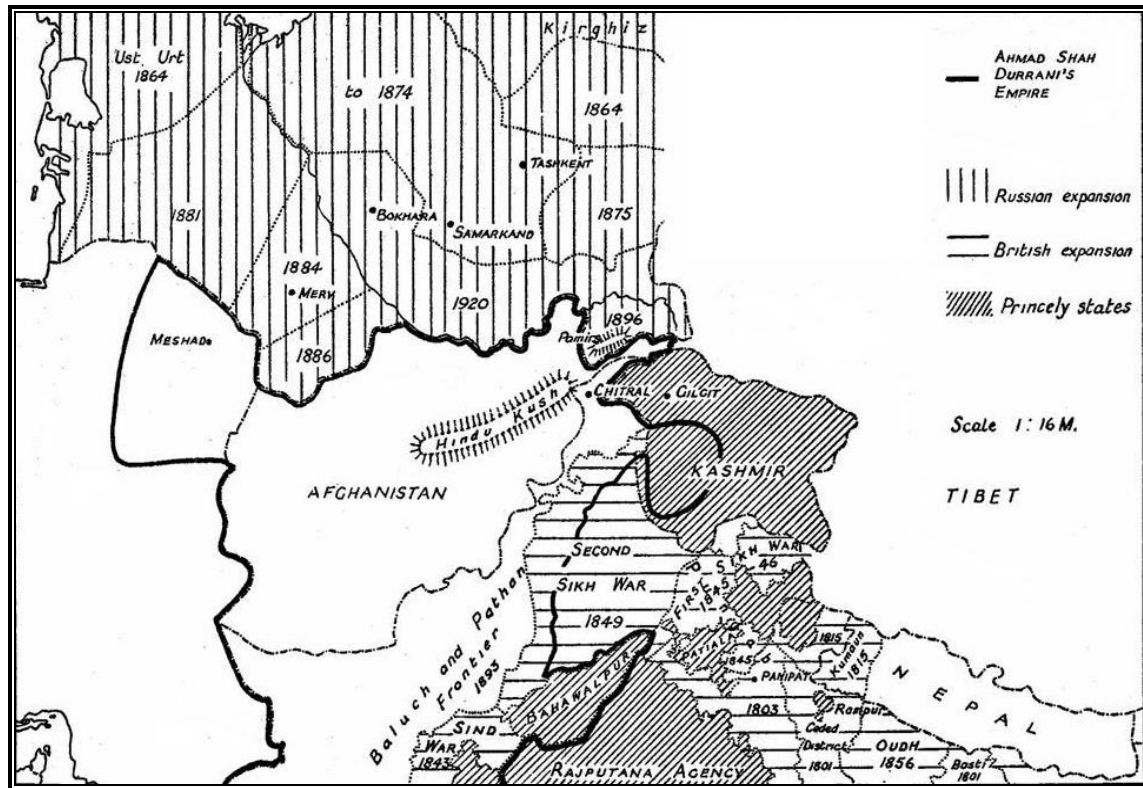


**Figure 2.** Map showing Ahmad Shah Durrani's Empire.

During the first quarter of the 19<sup>th</sup> century, while the British consolidated their power in India, Tsarist Russia expanded the territory under its control to the south by subjugating and annexing central Asian kingdoms and northern parts of Persia. Russia's steady advances created anxiety in Great Britain for the safety of its Indian empire.<sup>21</sup> The Russians' interests in central Asia kicked off in the 1830s, at which time it considered Afghanistan to be a part of central Asia. Tsarist Russia believed that it, alone, had a right to the region, and that only it could maintain peace in the area. The British interests in Afghanistan were based on two factors. First, they feared that advancement of Russian

<sup>19</sup> Amir is the title for leader in the resistance, some one who has civil and military power. It was replaced by "King" in 1929. J.C. Griffiths, *Afghanistan* (New York: Fredrick A. Praeger, 1967), 5.

<sup>20</sup> For details refer, Olivier Roy, *Islam and Resistance in Afghanistan* (Cambridge: University Press Cambridge, 2nd Edition 1990), 13-15.

<sup>21</sup> Senzil Nawid, "The State, the Clergy, and British Imperial Policy in Afghanistan during 19th Century and early 20th Century," *International Journal of Middle East Studies*, Vol. 29, No 4 (1997), 581-605.

interests in Afghanistan would ultimately result in their having a monopoly in India being challenged. Second, the British believed that access to Afghanistan would result in Russia looking for a warm water port in this region, an asset that would increase the economic and colonial prospects of Russia.<sup>22</sup> Afghanistan separated the two great empires of the time and, perceiving itself as being a buffer state, became a nation-state.

## **2. The “Great Game” and Carving of Northern Frontiers of Afghanistan**

The British and the Russians started showing interest in Afghanistan from the beginning of 19<sup>th</sup> Century. The “Great Game” started when Persia, with Russian help, attempted to take over Herat during Dost Mohammad’s rule (1835-63).<sup>23</sup> The British actively sought to keep Afghanistan as an inhospitable route to any advancing armies. The Afghan rulers, from Amir Abdur Rehman onward, considered the policy of keeping their country inaccessible as the best method of keeping powerful neighbors at arm’s length.<sup>24</sup> After the first Anglo-Afghan war, active negotiations were carried out between the Russian and the British governments from 1869 to 1873 regarding Afghanistan.<sup>25</sup> In 1873, the Russians accepted Afghanistan’s new northern frontiers as following the course of the Oxus River from the Pamir, and then south-west to the Iranian border so as to include Afghani territory- i.e., Balkh, Maimanah and Herat (see Figure 3).

Later, when the British occupied Quetta in 1876, certain Russians made advances into Afghanistan. They sent a diplomatic mission to seek a mutual assistance treaty with the Afghans against the British. This was accepted reluctantly by the Amir. The British also sent a mission to the Amir, having similar objectives. But this time the Amir did not give a response immediately. This led to second Anglo-Afghan War, which resulted in the Treaty of Gandamak on May 26, 1879.<sup>26</sup> By this treaty, for the first time Afghanistan was deprived of its traditional character of being a buffer state, its Amir becoming a

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22 Suba Chandran, “Chronicling the Afghanistan Tragedy-The Great Game,” Institute of Peace and Conflict Studies, Article No 612 (2001).

23 The game between two imperial powers; Tsarist Russia in the north and British in the south, was fought across desolate terrain from the Caucasus, over the passes of Pamir and Karakoram, in the blazing Kerman and Helmand deserts, and through the old caravan towns of old Silk Road – in so doing, both powers were scrambling to control access to the riches of Indian and the East. In the beginning, the frontiers of Russia and British India lay 2,000 miles apart; by the end, it had shrunk to twenty miles at some points in Afghanistan. For details refer, Peter Hop Kirk, *The Great Game* (New York: Kodansha America Inc, 1990).

24 Ijaz Khan, “Afghanistan: A Geopolitical Study,” *Central Asian Survey*, Vol 17, no.3 (1998): 489-502.

25 D.P. Singhal, *India and Afghanistan* (Melbourne: Wilkes & Co. Limited., 1963), 10.

virtually a feudal state of the British Crown.<sup>27</sup> However, the Gandamak plan failed to achieve peace in the region, and the policy of masterly inactivity was abandoned in favor of a forward policy; i.e., move forward into Afghan territory, gain control, and create a buffer state to protect India, all done under the logic of imperial necessity.<sup>28</sup>

Tensions between the British and the Russians continued in Europe, and also had an impact on central Asia. In 1885, events took place both inside the region and elsewhere that brought Russia and the British to the brink of war over Panjdeh, an oasis under Afghan occupation. The situation, however, improved as a result of negotiations between the Russian and the British governments, and by 1887, Afghanistan's northern boundary was laid firmly along the Oxus River. Afghanistan also agreed to create a land corridor between the British Indian territory in northeastern Afghanistan and Russia. This became known as the "Wakhan Corridor" (as shown in Figure 3).<sup>29</sup>

### **3. Necessity to Draw Southern Border of Afghanistan**

With the decision as to the northern boundaries of Afghanistan, Russia insisted that the British should draw a line and to form southern boundaries of Afghanistan beyond which British should not advance. The need to stabilize the British India border with Afghanistan also arose, as Afghanistan was internally weak due to political instability. The relations of Amir Abdur Rehman (1880-1901) with the British Government of India were also getting strained on three accounts: 1) the Amir's treating the British Envoy at Kabul as a prisoner, 2) the Amir's interfering in Indian areas beyond his dominion in Chitral, Bajaur, Swat, Kurram, and 3) his holding of the Tochi and Gomal passes. The Amir also objected to the construction of the Khojak tunnels and the establishment of a railway station and fort at Chaman by the British.

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26 Gandamak, is a village of Afghanistan, 35 miles from Jalalabad on the road to Kabul. A hill near Gandamak is also notable for the scene of the massacre of the last survivors of the British soldiers of General Elphinstones' army in 1842 on the retreat from Kabul. Detail account is available at <http://www.1911encyclopedia.org/G/GA/GANDAMAK.htm> (June 22, 2004).

27 D.P. Singhal, 45.

28 A policy of non interference by Britain in Afghanistan by making no attempt to remain there, rather falling back to India. By drawing a boundary all around Afghanistan, and elevating it into the position of a Buffer State between British India and Russia. India could not be defended along its existing frontiers. Hence, it was essential to push those frontiers to the Natural Barriers of the Hindu Kush (View of Indian Viceroy) or withdraw back to the Indus (View from London). For details refer. J.C. Griffiths, 17-36.

29 Ralph H. Magnus and Eden Naby, *Afghanistan: Mullah, Marx and Mujahid* (Colorado: West view Press, 1998), 205-212.



**Figure 3.** Northern and Western borders of Afghanistan and Wakhan Corridor.

### C. THE DURAND LINE AGREEMENT

To settle the southern boundary question, the Amir of Afghanistan asked the Government of British India to send a mission to Kabul and on October 2, 1893. Sir Mortimer Durand (the Foreign Secretary of India) was welcomed with a royal reception. After frank negotiations and discussions, an agreement was signed on November 12, 1893, which laid down a boundary for the alignment of the Durand Line (refer to Figure 4).<sup>30</sup> It defined the southern and eastern limits of the Amir's dominion, beyond which he willingly renounced any claim. The crux of the agreement as



<sup>30</sup> A "Royal Reception" is a great reception in which a salute of twenty guns was fired; the British anthem "God Save the Queen" played and fanfares of trumpets sounded at every corner. The visitors received a reception far greater than protocol would have warranted. For more details also see autobiography by Sir

expressed in Paragraphs one and two; that each party pledged, “not to exercise interference in the territories lying beyond this line” and each party professed to regard the agreement as a “full and satisfactory settlement of all the principal differences of opinion which have arisen between them in regard to the frontier.” The complete text of the agreement is given in APPENDIX A.<sup>31</sup>

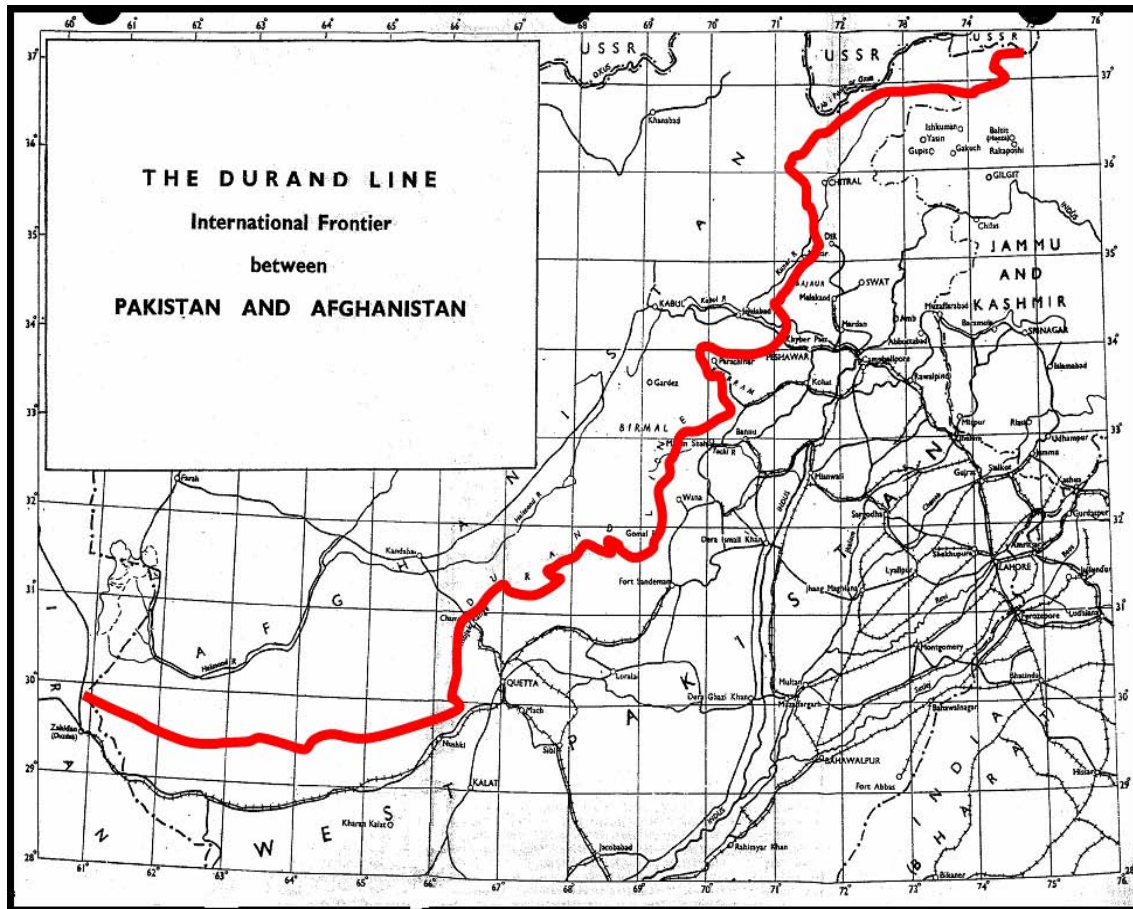


**Figure 4.** The Durand Line is shown with red color.

Amir Abdur Rehman was well satisfied with the outcome of his negotiations with Sir Mortimer Durand. After the signature of the documents, the Amir held a “darbar” on November 13, 1893, which was attended by his two eldest sons, four hundred leading chiefs, and high civil and military officers. To quote Sir Mortimer: “He (Amir) made a really first class speech beginning, ‘Confidence begets confidence, trusting his safety and

Percy Sykes, Sir Mortimer Durand (London: Cassell and Company, Ltd., 1956), 200-217. The map was reproduced from the booklet by Professor Ralph Braibanti, Durand Line, Duke University Library.

that, too, of his Mission to my care, I have protected him.’ He then urged his people to be true friends to us and to make their children the same. He said that we did them nothing but good, and had no designs on their country. After each period of his speech, there were shouts of ‘Approved! Approved!’ on this occasion he was a great orator.”<sup>32</sup>

This account is supported by the Amir himself, who wrote in his Memoirs, “Before the audience I made a speech to commence the proceedings, in which I gave an outline of all the understandings which had been agreed upon and the provisions which had been signed for the information of my nation and my people and all those who are present. I praised God for bringing about the friendly relations which now existed between the two governments and putting them on a closer footing than they had been before.”<sup>33</sup> From the biography of the Durand and Memories of Amir, and the examination of the agreement itself, it appears clear that the Durand Line agreement was, in fact, not signed under duress, and that there was popular public approval for the agreement. The negotiations were apparently conducted to the satisfaction of the parties concerned, concluding with the removal of a constant source of misunderstanding arising about the frontier matters.<sup>34</sup>

#### **D. INADEQUACIES OF DELINEATION**

The frontier, as described in the Durand Agreement, it was agreed, would be marked out jointly, by representatives from both governments. Since the Amir was anxious to complete the work of demarcation speedily, he suggested three different joint commissions to delimit the frontier. The first commission was to work on the boundary near the head of the Khyber Pass; the second on the Kurram Valley and country immediately south of it; and the third one on the frontier which marched within the Balochistan Agency territories.<sup>35</sup> However, this demarcation could not be completed in Mohmand and Waziristan areas as desired. Therefore, the boundary had to be demarcated with border pillars (BPs) where it did not follow natural features. Some BPs were

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31 It is reproduced from the copy of the text of the agreement obtained from the National Documentation Centre of the Cabinet Division of the Government of Pakistan, through courtesy of Lt Col Ghulam Sarwar Abbasi, who came to attend a seminar at the NPS Monterey, USA in April-May 2004.

32 Ibid, 217.

33 Professor Ralph Braibanti, 7.

34 Sir Percy Sykes, 223.

constructed around inaccessible areas, thus, the border became dilapidated over time. But the residue still exists at certain places on the ridge lines. The inadequacies in demarcation are the result of the following:

### **1. The Untimely Transfer of Sir Mortimer Durand**

Surprisingly, Sir Mortimer Durand, who was mainly responsible for arranging the delimitation, and who possessed a wealth of experience of Afghan affairs, was transferred to Persia in 1894 while the difficult phase of demarcation was to kick off.<sup>36</sup>

### **2. The Effects of Having No Survey and the Unavailability of Exact Maps**

The unavailability of a correct copy of the maps of the Durand Agreement also, at times, punctuated the prolonged nature of the diplomatic negotiations. The actual survey taken was disappointingly inadequate, because the Afghans obstinately refused to allow any work to take place, except that which was absolutely necessary for the delineation.<sup>37</sup> The difficulty of demarcation was reinforced due to the geographical watershed, which in but few sectors coincided with tribal boundaries. Specifically, this was a prominent problem in the case of the Mohmand tribe because of the Kunar and Kabul rivers.<sup>38</sup>

### **3. Tribal Resentment**

The major hurdle in the demarcation was the resentment of the tribes against the forward policy of British India, as the Pashtuns, the largest tribal grouping in the world, were divided on the border. The complex character of the Afghan people and the geographical surroundings further complicated the process. For some tribes (e.g., the Mohmands, Waziris, Afridis and Ahmadzais), the Durand Line was ridiculous, an insult and an absurdity; a thing so foreign to their nomadic, independent life-style of wandering in search of food, shelter, family, tribal friends or game that drawing it only served to set the border ablaze with controversy for the closing years of the century.<sup>39</sup> The demarcation along the frontier of Waziristan, and Mohmand could not be completed due to heavy armed resentment in these areas.

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<sup>35</sup> D.P.Singhal, 151-152.

<sup>36</sup> Sir Percy Sykes, 224-225.

<sup>37</sup> Kenneth Mason; H. L. Crosthwait, "Colonel Sir Thomas Hungerford Holdich, K.C.M.G.," *The Geographical General*, Vol. 75, No. 3 (1930): 209-217.

<sup>38</sup> Olaf Caroe, *The Pathans* (London: Macmillan & co ltd, 1965), 379-389.

#### **4. Political Expediency and Tribe Divide**

The delineation generally tried to follow tribal boundaries, e.g., by separating those tribes which go to market to Peshawar, Kohat, Bannu, Tank and Quetta from those with economic links with Khurassan, i.e., those having Kabul, Ghazni, and Kandahar as their market towns. Only in two cases, with the Mohmands and the Waziris, were tribes divided by the new border. Whereas, the Mohmands were always looking to Lalpura and Jalalabad for support, rather than Peshawar, these sections were left to the Amir of Afghanistan. With regard to the Waziris, though the great bulk of the tribe remained in India, a few Waziris living in Birmal were left on the Afghan side of the line.<sup>40</sup> Demarcation that is dictated by political expediency, rather than by scientific consideration, tended to culminate in an uprising of the resentful tribes' inhabiting disputed area. However, owing to conditions prevailing in the tribal territory, certain parts of the boundary line could not be visited, and much of it remained unmarked, particularly the Mohmand Agency area and area beyond Dorah pass, which has perpetuated ethnological and topographical errors.

#### **E. REAFFIRMATION OF THE AGREEMENT**

The agreement of 1893 was reaffirmed by each of the successive Afghan rulers who followed Amir Abdur Rehman. His son, Habibullah (1901-19), entered into another treaty in 1905 with the British government, in which he undertook to act upon the "agreement and compacts" concluded by his late father. The relevant extract reads: "His said Majesty does hereby agree to this that, in the principles and in the matters of subsidiary importance of the agreement which His Highness, my late father ...concluded and acted upon with the exalted British Government, I also have acted, am acting and will act upon the same agreements and compacts, and I will not contravene them in any dealing."<sup>41</sup>

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39 Stanley Wolpert, *Roots of Confrontation in South Asia* (New York: Oxford University Press, 1982), 66.

40 J.G. Griffiths, 143.

41 Mehrunnisa Ali, *Pak-Afghan Discord: A Historical Perspective Documents 1855-1979* (Karachi: Pakistan Study Centre, University of Karachi, 1990), 55-75. Also see Dr. Noor-ul-Haq, "Pak-Afghan Relations," Islamabad Policy Research Institute (IPRI), Fact File, no. 44 (2003), <http://ipripak.org/factfiles/ff44.shtml> (March 26, 2005).

King Amanullah (1919-29), who followed his father, Habibullah, to throne in 1919, concluded two treaties in 1919 and 1921 with the British Government. Both of them contain clear affirmation of the Afghan government's commitment to honor the "Indo-Afghan Frontier" negotiated by Amir Abdur Rehman Khan and reaffirmed by Amir Habibullah. Article V of the 1919 Treaty reads: "The Afghan Government accepts the Indo-Afghan frontier accepted by the late Amir." An extract from Article II of the 1921 Treaty reads: "The two High contracting parties mutually accept the Indo- Afghan frontier as accepted by the Afghan Government under Article V of the Treaty concluded...on August 8, 1919."<sup>42</sup>

King Amanullah was overthrown in 1929. He was succeeded by King Nadir Shah, father of King Zahir Shah (Last Afghan Monarch). The letters exchanged between the Afghan government and Great Britain unambiguously reaffirmed the 1921 Treaty, which, as pointed above, had accepted the Durand Line as the legal Indo-Afghan frontier.<sup>43</sup> These are incontrovertible historical facts, which tend to conclusively prove that the governments of Afghanistan have always recognized the Durand Line as the international frontier between what was British India and Afghanistan.<sup>44</sup>

## **F. THE VALIDITY OF THE DURAND LINE AGREEMENT**

### **1. International Rules**

The issue of the Durand Line became more sensitive after 1947, when the British Empire in India was split into two independent states: India and Pakistan. Pakistan succeeded to all the rights and obligations arising from Indian Independence (International Agreement) Order, 1947, passed under the Independence Act in 1947. According to established International Law, Article 62 of the Vienna Convention on the Law of Treaties, "it is accepted by all that whenever a new country or state is carved out of an existing colonial dominion; all the international agreements and undertakings that the previous ruler of the region had entered into would be transferred to the new

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<sup>42</sup> Ibid, 60-61.

<sup>43</sup> Ibid, 62-74.

<sup>44</sup> For details see, Olaf Caroe, 382, 463-466.

independent national government.”<sup>45</sup> According to this principle, the government of Pakistan automatically assumed responsibility for adhering to all international agreements that the British Indian government had entered into. Since the Durand Agreement was such an accord, it appears correct to conclude that, after independence in 1947, the government of Pakistan is rightly the party who succeeded the British Indian government and inherited its agreements.

## **2. Commonwealth Assertion**

The legality of the Durand Line as an internationally recognized frontier was also confirmed by the statement of Mr. Noel Baker, Secretary of State for the Commonwealth. According to a speech given in the British House of Commons on June 30, 1950, Baker said: “His Majesty’s Government in the United Kingdom have seen with regret the disagreements between the Governments of Pakistan and Afghanistan about the status of the territories on the North West Frontier. It is His Majesty’s Government 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.”<sup>46</sup>

## **3. SEATO Communiqué Confirmation**

The extract from the communiqué issued on March 8, 1956, at the conclusion of the SEATO Ministerial Council Meeting held at Karachi, also reaffirms the recognition of the Durand Line as the internationally recognized boundary (i.e., as per paragraph 8 of the communiqué): “The members of the Council severally declared that their governments recognized that the sovereignty of Pakistan extends up to the Durand Line, the international boundary between Pakistan and Afghanistan, and it was consequently affirmed that the Treaty area referred to in Articles IV and VIII of the Treaty includes the area up to that Line.”<sup>47</sup>

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<sup>45</sup> United Nations, “Vienna Convention on the Law of Treaties,” International Law Commission, <http://www.un.org/law/ilc/texts/treaties.htm> (April 2, 2004).

<sup>46</sup> Dr. Noor-ul-Haq, “Pak-Afghan Relations,” Islamabad Policy Research Institute (IPRI), Fact File, no.44 (2003), <http://ipripak.org/factfiles/ff44.shtml> (March 26, 2005).

<sup>47</sup> Ibid,19.

#### **4. Confirmation by the United States**

Not only does the international community accept the Durand Line, but the United States also recognizes the Durand Line as the international boundary between Pakistan and Afghanistan. It made this clear in a public statement in 1956 made by the White House, where the government of Afghanistan had been both informally and formally told of the U.S. position of accepting the Durand Line as the international frontier between Pakistan and Afghanistan. Furthermore, the Pashtunistan campaign has been accepted by the United States as a farcical stunt on the part of the Royal Family of Afghanistan to promote its own interests.<sup>48</sup>

#### **G. AFGHANISTAN'S CLAIMS**

##### **1. Denouncing the Treaty**

According to Olivier Roy, in a statement made in 1946, the Afghan government staged what virtually amounted to a complete “*volte-face*” when the British government announced its firm resolves to transfer its sovereignty over the sub-continent to its people. Afghanistan possibly thought it opportune for it to prefer, on ‘historical grounds,’ territorial claims on the British Indian Empire, contrary to the fact that “the frontiers defined were purely strategic and did not correspond to any ethnic or historical boundary.”<sup>49</sup> A formal representation was accordingly made to the government of undivided India, demanding the restoration of a large area of the sub-continent on the ground that, with the withdrawal of the British, the 1893 treaty would lapse automatically, thereby claiming that the boundary of Afghanistan in the east was that delimited by Ahmad Shah Durrani’s Empire (1747-73), as shown in Figure 2. The reaction of the government of British India was both instantaneous and firm, categorically rejecting the validity of the Afghan claim to the territory east of the Durand Line.<sup>50</sup> The most commonly given reason for Afghan claims is that the Durand Line agreement was signed by Amir under duress.

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<sup>48</sup> Declassified Documents Reference System, Background Information for President Ayub’s U.S. Visit July 1961, Pak-Afghan Relations., CK3100270550, Available through Dudley Knox Library at <http://galentgroup.com/servlet/DDRS?vrsn=1.0&view+etext&slb+KE&locID+naval> (May 5, 2004). Also see, Dennis Kux, 42-43.

<sup>49</sup> Olivier Roy, 17.

<sup>50</sup> Professor Ralph Braibanti, 10.

## 2. Greater Pashtunistan

A substantial challenge to the Durand Line followed the announcement of the partition plan for the Indo-Pakistan subcontinent on June 3, 1947. Afghanistan thought it convenient to take up the Pashtunistan issue, as it could fruitfully be exploited to denounce the treaty of 1893, and also could be used to assert claims to a new international frontier (perhaps reaching as far as even the Arabian Sea).<sup>51</sup> Consequently, Kabul laid claim to part of northern areas where the Pashtuns live, and even non-Pashtun area of Balochistan. Maps to this affect are regularly published by such proponents (refer Figure 5).<sup>52</sup>

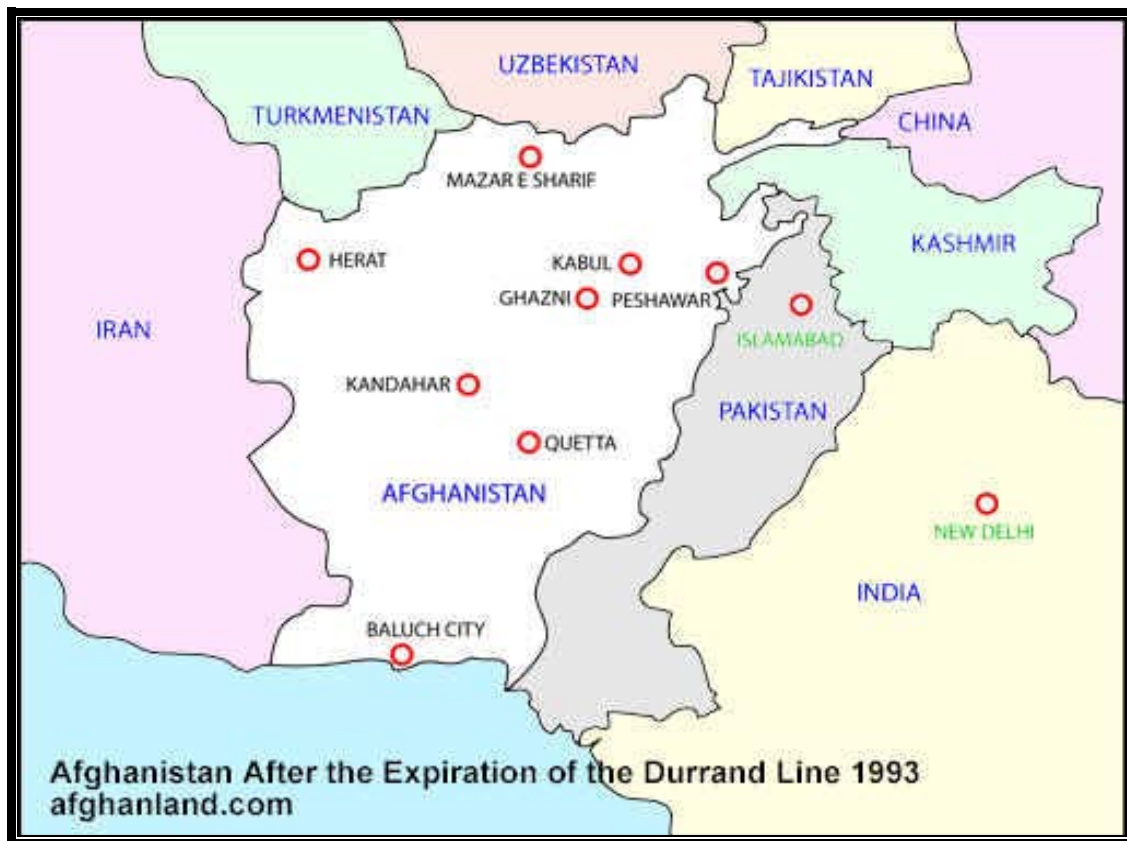


**Figure 5.** Map published by the proponents of Greater Pashtunistan

Kabul emanated the propaganda of Pashtun nationalism, basing its assertion on the misconception, arising from constant Indian propaganda, which Pakistan could not survive as a separate state. The Afghan rulers believed this to be true, and, thus, decided

<sup>51</sup> Mujtaba Rizvi, *Pakistan and Afghanistan* (Westview Press: 1994), 145.

to stake a claim to the territory before Pakistan disintegrated. In this way, the idea of an artificial state of Pashtunistan was made an issue by the Afghan rulers.<sup>53</sup> Pashtun nationalism is discussed in Chapter III.

### **3. Unilateral Cancellation of the Agreement**

After opposing Pakistan's membership in the UN, however, Afghanistan accepted the new state on October 20, 1947, and subliminally, also the boundary that made Pakistan a state.<sup>54</sup> However, in blatant disregard to the established global norms and international laws, the Afghan parliament, in June 1949, proceeded to announce the unilateral cancellation of all the treaties that former Afghan governments has signed with the British-India government, including the Durand Treaty, thereby proclaiming that the Afghan government does not recognize the Durand Line as a legal boundary between Afghanistan and Pakistan.<sup>55</sup> Though this proclamation was not acknowledged by the world, the Durand Line has been unilaterally challenged by successive Afghans as if it were a line drawn on water.<sup>56</sup>

### **4. Expiration of Agreement after Lapse of Hundred Years**

The controversy about the validity of the Durand Line is also being promulgated because it is argued that the agreement lapses after a hundred years of its signing. According to Afghan thinkers, the Durand Agreement had a life of hundred years, and, as such, lost its legal standing in 1993. Thus, they demand that areas of Pakistan be returned to Afghanistan, similar to how Hong Kong was returned to China.<sup>57</sup> Pakistan stood firm that neither the Durand agreement makes any mention of any time period, nor it is validated under any international law. The National Documentation Center of the Cabinet Division of Pakistan holds the original text of the Durand agreement, which was acquired from the Oriental and India Office Collections, (British Library), London. The examination of the documents both agreement as well as the translation of Amir Abdur

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52 Dr.G.Rauf Roashan, "End of Imaginary Durand Line,"Afghanland.com, <http://www.afghanland.com/history/durand.html> (May 26, 2004).

53 Muhammad Ayub Khan, *Friends Not Masters* (Karachi: Oxford University Press, 1967), 174-77.

54 An Ariana Media Publication, "Going Back to the Durand Line," Ariana Media, (2003), <http://www.e-ariana.com/ariana/eariana.nsf/0/6A61D11D3A17F19C87256D6700754428?OpenDocument> (May 19, 2004).

55 W.P.S.Sidhu, "Why the Durand Line is Important," *Indian Express* (Bombay), November 16, 1999, <http://www.expressindia.com/ie/daily/19991116/ie19059.html> (July 2004).

56 Feroz H. Khan, 2.

57 Dr.G.Rauf Roashan, 4.

Rehman's speech sets no time limits for the expiration of the agreement. In addition, none of the books, authentic articles, and miscellaneous sources consulted confirms any mention of any time limit for the validity of the Durand Line agreement. The Durand line agreement therefore has no expiration limit, and the interpretation of a hundred year expiration is neither legally nor politically tenable in this day and age.

## **5. Free Movement across the Durand Line**

Another element, also being promulgated by the Afghans, is that the agreement allows inhabitants living on both sides to move across the line freely. This is being buttressed by the Pashtunwali code. Different sub-tribes have different origins, but they are united by language, religion, and a code of behavior that emphasizes honor, dignity, relentlessly seeking vengeance when wronged, and warm, protective hospitality. Under the auspices of such like traditions, the people are exploiting it for unofficial trade and smuggling activities under the guise of authorized free movement. Tribal areas of Pakistan situated along the Durand Line, though enjoying a special status, nonetheless have no agreement about the existence of authorized free movement across the Durand Line.

## **H. MISPERCEPTIONS OF INTERNATIONAL PUBLICATIONS**

Interestingly, one of the maps found on the internet from the University of Texas Libraries archives (updated in 1988), highlights, yet another significant aspect of this controversy. It suggests that there are discrepancies, some glaring and some minor, on the Durand Line and the international border between Pakistan and Afghanistan.<sup>58</sup> This map indicates that the current boundary has been drawn east and south east of the Durand Agreement at various places. It highlights the difference between the Durand Line and the current international border between Afghanistan and Pakistan. The red line depicts the current international border; the one in black color indicates the demarcation as under the Durand Line (refer to Figure 6).

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<sup>58</sup> University of Texas Libraries, "Map Collection," Afghanistan-Pakistan Border, [http://www.lib.utexas.edu/maps/middle\\_east\\_and\\_asia/afghan\\_paki\\_border\\_rel88.jpg](http://www.lib.utexas.edu/maps/middle_east_and_asia/afghan_paki_border_rel88.jpg) (June 26, 2004).

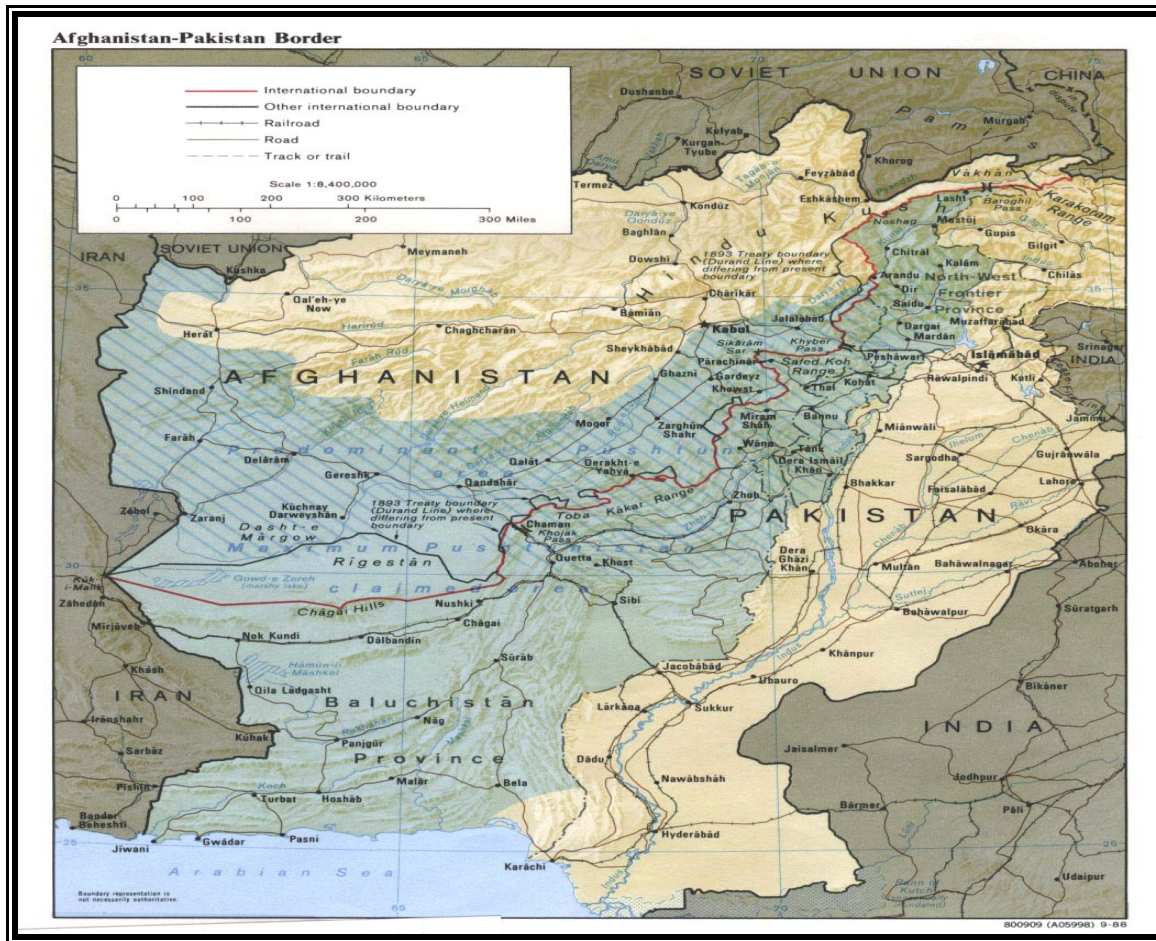


**Figure 6.** University of Texas map of Afghanistan-Pakistan Border.

If this map is authentic, it suggests that a significant amount of territory currently in Afghanistan should actually have been a part of Pakistan. Disparity created by such like publications is sufficient to support the notion that ulterior motives of certain external actors may be driving this controversy. Just as India, Afghanistan and the Russian troika, jointly, tried to exploit this issue in the past; the same intentions are suggested by the actions taken by the United States in 2001 while conducting OEF in Afghanistan. This will be discussed further in Chapter IV.

## **I. PAKISTAN'S STANCE**

The Durand Line is, unquestionably, the international boundary between Afghanistan and Pakistan. But aided and abetted by external actors, the Afghan government has shown hostility to Pakistan from the very start of its existence, although

Pakistan has made every endeavor to live on friendly terms.<sup>59</sup> According to the government of Pakistan, “there is no move to renegotiate the Durand Line; this question is closed, and there is a proper Pakistan-Afghanistan border and there is no agreement of free move across the border. It is recognized and it is verifiable through modern technical means. It is delineated on the maps and both sides know where the line between Pakistan and Afghanistan is.”<sup>60</sup> Pakistan’s stance is that the Durand Accord specified no time limits. As such, this accord is valid indefinitely, and the boundary, as demarcated under this accord, should be formally recognized as the international border between Afghanistan and Pakistan. This is the historic political and legal legitimacy and irredentist and anachronistic claims creates friction in relations.

## **J. CONCLUSION**

Most of the frontiers, or borders, in Asia have not been established by Asians, themselves, rather by imperial powers. Therefore, it may be inaccurate to insist on the inviolability of any frontier, including the Durand Line. The fixing of the Durand Line was the result of the Great Game, which brought the Khyber Pass and the highlands of Quetta within the British Indian sphere. British signed an agreement for their benefit by dividing the Pashtun tribes. However, it is worth noting that, long before the British or the Sikhs appeared on the scene, and before the creation of the Afghan state by Ahmad Shah Durrani, the western Afghans (mainly Durrani and Ghaljis and the Afridis, Orikzais, etc.) have pursued different alignments. Whereas, the western peoples had been subjects of Safavi Persia, and had in a measure become “Persianized,” the easterners, when they acknowledged any overlord, were said to be the subjects of the Mughal Empire of India. The Durand line, thus, did something to stabilize a distinction that had roots both historical and economically. Amir Abdur Rehman, also, went on record in his autobiography, as having wholeheartedly approved the settlement of the Durand Line, and the agreement was not signed under duress. Furthermore, it was reaffirmed by all Afghan rulers that were his successors.

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<sup>59</sup> Chaudhri Muhammad Ali, *The Emergence of Pakistan* (New York: Columbia University Press, 1967), 381.

<sup>60</sup> Mr. Masud Khan, the spokesman of Pakistan for Foreign Affairs, told reporters at a news briefing on July 25, 2003. Also see, *Dawn* (Karachi), 26 July 2003, <http://www.dawn.com/2003/07/26/top1.htm> (May 24, 2004).

The international community, including the United States, also recognizes the Durand Line as the international boundary between Pakistan and Afghanistan. Therefore, Afghanistan's claims seeking to invalidate the Durand Line are in contradiction of international rules and norms, where its arguments are confusing, and it has failed to establish that her claims are bona fide. On one hand, Afghanistan has unilaterally denounced the treaty. However, on the other hand, she also claims that the treaty expired after the lapse of hundred years. Thus, Afghanistan exploits the free movement of people across the Durand Line. Afghans are also constantly trying to prove the Durand Line's invalidity, in order to address problems associated with its being landlocked, giving it access to the Indian Ocean.

The inadequacies in demarcation of the Durand Line, particularly in Mohmand and Waziristan areas, have resulted in claims and counter claims on each other's territories. Thus, Afghanistan and Pakistan remain suspicious of each other's motives, leading to situations that have often escalated into the exchange of gun-fire on the Durand Line. Today, under ongoing U.S.-led operations against Al-Qaeda and the Taliban in Afghanistan, the problem is compounded due to the un-administered and inaccessible tribal areas of Pakistan along the Durand Line.

To ensure its viability and to secure the sovereignty of both Afghanistan and Pakistan, it should be demarcated wholly and officially in a manner acceptable to both parties, particularly in areas of Mohmand and Waziristan agencies. The Durand Line, as drawn on the map by a British emissary 111 years ago, should not be allowed by the leadership of both the countries to become a flashpoint. Today, both countries live in a modern, civilized world-this appears not to be the time for land occupation or intrusion. In fact, it is a time of coexistence, reconciliation, and negotiation.

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### **III. PASHTUNISTAN AND PAK-AFGHAN RELATIONS**

#### **A. INTRODUCTION**

Pakistan and Afghanistan, although seeming to have much in common, have had a relationship characterized by rivalry, suspicion, and resentment for more than 50 years. The primary cause of this hostility is Afghanistan's claims on Pashtunistan; demands that were put forward immediately after the emergence of Pakistan as a nation. The argument advanced by Kabul that the Durand Line can not represent the international frontier and lapsed with transfer of power in 1947, has given rise to a claim that Pashtunistan, the land of the Pashtuns, lies on both sides of the Durand Line.<sup>61</sup> Afghanistan has occasionally repudiated the Durand Line and demanded the right of self-determination for the Pashtuns because it does not consider them part of Pakistan. Pakistan has refuted these assertions, insisting on the validity of the Durand Line, and considers the Afghan claim a violation of international law. The area demanded, as shown on Afghan maps, includes not only the territory inhabited by the Pashtuns between the Indus River and the Durand Line but also the whole of Balochistan in the south and Chitral, Gilgit and Baltistan in the north (see Figure 1). This claim is oblivious of the fact that Pashtuns do not inhabit the part of Balochistan south of Quetta and the northern most areas of Kashmir.<sup>62</sup>

Pashtunistan has long been the flash point for the two countries, and brought them to the brink of war on three occasions. Diplomatic relations were severed in 1955 and 1962, as Kabul advocated a Greater Pashtunistan, supported by left wing groups in Pakistan. Afghans were sympathetic to Pakistan during and after the Russian invasion and their feeling of unfriendliness for Pakistan utterly vanished due to domestic political and economic reasons. Afghanistan during the civil war of the 1990s maintained friendly ties with Pakistan. Since 2002, with the dramatically changed political situation, the Pashtunistan issues has once again come to the forefront with the celebration of Pashtunistan Day in Afghanistan and wide circulation of maps showing Pashtunistan

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<sup>61</sup> Olaf Caroe, 381.

<sup>62</sup> Olaf Caroe, "The Pathans at the Crossroads," *Eastern World*, Vol. 15, no. 12, (December 1961): 12.

boundaries up to the Indus River and well inside Pakistan (refer Figure 7).<sup>63</sup> The question arises; why is Afghanistan, a small and primitive country dependent on Pakistan for its trade routes, so openly and consistently demanding Pashtunistan?

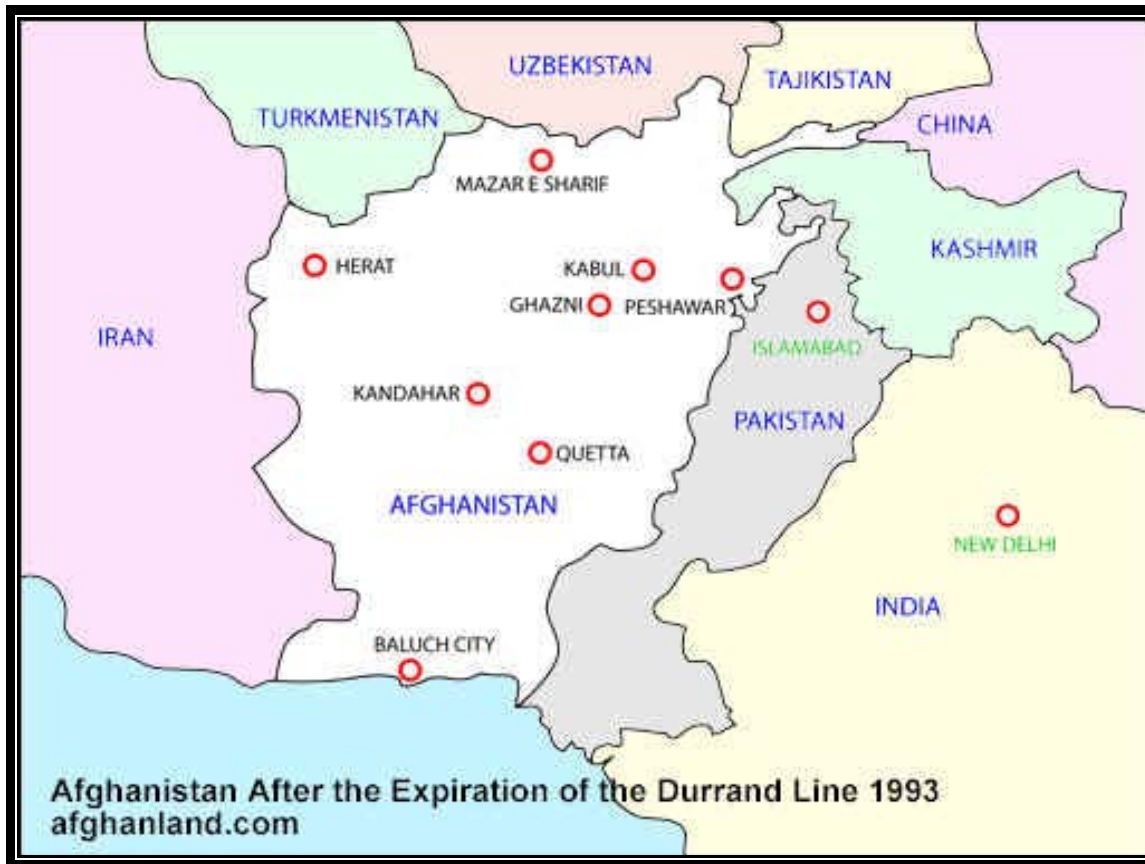


**Figure 7.** Map published by the proponents of Greater Pashtunistan.

The Afghan government had put forward the claim for Pashtunistan initially in 1947, based on the assumption that Pakistan would not long survive as an independent state. This notion was propagated by India. In anticipation of such an eventuality, Kabul wished to establish its claim to certain areas, which were desired for an outlet to the sea. Being a landlocked country, Afghanistan badly needs an opening to the Indian Ocean to reduce its dependence on land transit routes. Over decades having committed itself to this position, Afghan government finds it difficult to withdraw its claim, and has long played a double game of trying to achieve national cohesion at home by subordinating minority groups, while exploiting certain ethnic groups abroad for expansionist ends. The

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<sup>63</sup> Dr. G. Rauf Roashan, 3.

population of Afghanistan consists of different linguistic groups and the Pashto speaking group accounts for only one-third of the total population. The Pashtun ruling dynasty has pressed claims to Pashtunistan in order to strengthen its position.

According to Olaf Caroe, “the lure of Peshawar has also been a passion, deep in hearts of the ruling family of Afghanistan being direct descendents of Peshawar Sardars. The Afghan government transferred these desires into formal claim with the demission of British authority. Subsequently this claim transferred into different meanings of creation of a separate Pashtuns State, to be carved apparently out of Pakistan, in such case no overt demand of political amalgamation with Kabul. At the same time, Afghanistan government affirms that the Durand Line has lapsed with the demission of British power, and this being so, it is impossible to fix a western boundary for its assumed Pashtunistan. Kabul is completely silent on the inclusion of Pashto speaking areas of Afghanistan into this Pashtunistan.”<sup>64</sup>

This chapter makes the argument that; the Pashtunistan issue provides an opportunity for exploitation, particularly of Pakistan, by external elements, to suit their own objectives. India’s determination to outflank Pakistan politically and economically has led to a conscious effort to befriend Afghanistan, realizing that any disturbed political and security situation on western frontiers puts Pakistan between two hostile neighbors. Out of this strategic desire to envelop Pakistan, India has often manipulated events in Afghanistan, and has consistently supported Pashtun nationalism in different ways. The presence of many Hindus and Sikhs in Kabul, who are able to rely on their economic networks in India, has facilitated the achievement of New Delhi’s ambitions. The Soviets have also viewed Afghanistan as a potential sphere of influence. They worked to penetrate the Afghan market, especially in search of raw materials, hoping to loosen Afghanistan’s dependence on Pakistani trade routes, thereby undermining Pakistan’s partnership with the West in their to contain the Soviet Union. More broadly, India and the Soviet Union have given Afghans a way of balancing their relations with a militarily and economically stronger Pakistan.

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<sup>64</sup> Olaf Caroe, “The Pathans,” 435-436.

Pashtunistan, as viewed from Kabul, Peshawar, and Islamabad has assumed different meanings. The Pashtun politicians in Peshawar sought to use the Pashtunistan issue to gain leverage with the federal government in Islamabad, and the Afghan leaders see it as a means to mobilize popular feelings and political support. Still differently, Islamabad considers that no government in power in Kabul can afford to ignore Pakistan simply because Islamabad is, and will remain to be, Kabul's most important economic provider and neighbor. Thus, Pashtunistan also appeals to many Afghans as being a way of retaliating against Pakistan, which they view as economically exploitative and politically hegemonic.

This chapter initially examines how the cry for Pashtunistan was originated by M. K. Gandhi and taken up by his disciple, Abdul Ghafar Khan, and finally adopted by the rulers of Afghanistan. Then, after explaining Kabul's claims and Pakistan's assertions, it will review the turbulent Pak-Afghan relationship from a backdrop of a movement to recognize Pashtunistan. This chapter will then develop the notion that such a movement has led to problems of national integration in Pakistan, as well as in other neighboring countries, particularly Iran and China. Finally, it will explore the role of external elements in order to discover how Pakistan became a direct and an indirect target of Indo-Soviet strategic alliances during 1955, 1961 and 1973 and is now under increased Indo-American pressure. Afghanistan has excited sub-nationalism in Pakistan, leading to sporadic border clashes and attacks on the Pakistani embassy in Kabul in 2003.

## **B. BACKGROUND**

The Pashtunistan movement is a by-product of the Durand Line agreement, becoming a sensitive issue after the British left the subcontinent. Any discussion of Pashtunistan must, therefore, make reference to the political developments that led to the formation of Pakistan, as well as to the engagement and treaties regarding the frontier during the British period. The opening years of the 20<sup>th</sup> century saw the rise of nationalism in India. With the increased intensity of the struggle for independence, along with the heightened estrangement between the two major communities of Hindus and

Muslims, the result was the proclamation of the Two Nation Theory.<sup>65</sup> During this period, the Indian National Congress Party became almost entirely Hindu, whereas, the Muslim League emerged as the representative of Indian Muslims. Whereas Gandhi's endeavors to clothe Hindu ambitions in terms of love and unity could not win Muslim hearts, he did gain some Muslim followers.

In his rhetoric, Gandhi tended to focus on Abdul Ghafar Khan of the NWFP, fondly called Badshah (King) Khan. Badshah Khan organized the Red Shirt Party, also known as the Khudai Khidmatgar Party, which was officially linked to the Indian National Congress Party. Khan filled the stage as the most prominent nationalist Muslim. Khudai Khidmatgar remained the most influential party in the area until shortly before partition, when the Muslim League, which advocated establishment of a separate state for the Muslims, won an overwhelming majority.<sup>66</sup> In June 1947, once the provinces and princely states were given the choice between India and Pakistan, the Indian National Congress employed all the weapons in its armory to detach the NWFP from Pakistan. The first shot fired was the demand by the Indian National Congress Working Committee that the voters' choice in NWFP be widened to include independence.<sup>67</sup> However, this demand was rejected by Lord Mountbatten, as the original partition plan had earlier been revised at Nehru's insistence to exclude the option of independence for any province. Indian National Congress, therefore, conceived the idea of Pashtunistan or an independent NWFP. It might appear strange at first glance that the apostle of Indian unity, to whom the demand for an independent Pakistan appeared as a kind of vivisection of mother India, should advocate the establishment of still another independent state.

### **1. Futurist Move by Indian National Congress**

It was a visionary move to reduce the territories of Pakistan with a far-reaching strategy of reabsorbing the NWFP into the Indian Union. This was to be done at a later stage, after Pakistan had become contiguous with it, and had annexed the states of Jammu

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<sup>65</sup> The Two Nation Theory enunciates that the Hindu and Muslims of India belong to two different and distinct civilizations. It is arguably the foundation upon which the demand for the division of India was based to form Pakistan and Hindustan. For details see, Christophe Jaffrelot, *A History of Pakistan and its Origins* (London: Anthem Press, 2002), 12-13.

<sup>66</sup> Chaudhri Muhammad Ali, *The Emergence of Pakistan* (New York: Columbia University Press, 1967), 145.

<sup>67</sup> George L. Montagno, "The Pak-Afghan Détente," *Asian Survey*, Vol. 3, No. 12 (1963): 620.

and Kashmir. It was the aim of the Indian National Congress to detach the NWFP from Pakistan. For, as Lord Mountbatten, the last Viceroy of India reported to the British government in June, 1947: "Nehru quite openly admitted that the NWFP could not possibly stand by itself....Nehru spoke to about Khan Sahib wishing to join the Union of India at a subsequent stage."<sup>68</sup> In a straight contest of choice between Hindustan and Pakistan, the verdict of the people of NWFP, who were 92 percent Muslims, would be in favor of Pakistan. On June 21, 1947, in full appreciation of the outcome of the forthcoming referendum, the Congress Committee in the NWFP and the Red Shirt Party passed a resolution that said, "a free State of all Pashtun be established."<sup>69</sup> Despite the promulgation by the Indian Congress that they feared that the referendum would be attended by violence, thus calling for a boycott by the Red Shirts, the referendum was held peacefully in the NWFP from July 6 to 17, 1947, with 289,244 votes for Pakistan and 2,874 for India.<sup>70</sup>

## **2. Tribal Allegiance to Pakistan**

No referendum, however, was held in tribal territories. Therefore, as far as tribal areas were concerned, all arrangements between the tribes and the British government lapsed in August 1947. Under the Indian Independence Act, however, Sir George Cunningham, the Governor of the NWFP at that time, held what was called the "Jirga" (or meeting) in November and December 1947. At these meetings, the various tribes transferred their allegiance to Pakistan, with all major tribes along its frontiers with Afghanistan giving their solemn assurance that they wished to remain part of Pakistan, and to continue the same relations as they had with the British.<sup>71</sup> This was followed by written confirmation and agreements.

## **3. Afghanistan Claims Pashtunistan**

The Afghan government was, thereby, availed the opportunity to take a hand in the campaign being waged by Indian National Congress and Abdul Ghafar Kahn for Pashtunistan. When the Afghan government realized that Britain was going to withdraw

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<sup>68</sup> Chaudhri Muhammad Ali, 164.

<sup>69</sup> Ibid, 164-67.

<sup>70</sup> Ibid, 167.

<sup>71</sup> Dr. Khurshid Hasan, "Pakistan-Afghanistan Relations," Asian Survey, Vol. 2, No. 7 (1962): 16.

from India, it began to question the validity of the Durand Line. The Indian Congress emissaries approached the Afghan government, Afghanistan sending a note to Delhi and London on July 3, 1947 demanding that people of the NWFP and Balochistan in areas west of the River Indus (a land inhabited by Afghans) should be given the right to decide whether their future should lie with India, Afghanistan, or be independent. To this effect, Lord Listowell, the Secretary of State for India, stated categorically “Afghanistan has no right to interfere, as they are trying to interfere, in the rights of NWFP.”<sup>72</sup> Over a rejection of this claim, ultimately the Afghans proposed a separate Pashtun state, called Pashtunistan, and embarked on a course of troubled relations with Pakistan, a route often characterized by the manipulation of external elements.

### **C. AFGHANISTAN’S STANCE OF PASHTUNISTAN**

The claims of Afghanistan are based on the assumption that the Pashtuns are related to them from ethnic, linguistic, geographical, historical, as well as traditional points of view. In sponsoring Pashtunistan, the Afghan government, among other things, has continuously challenged the validity of the Durand Line, on the ground that the treaty marking the boundary was signed under duress, and that Pakistan cannot inherit a territory, which was seized by the British by way of force. The Afghan government also says that “the treaties are binding on governments not on their subjects and that Pakistan cannot inherit the rights of ‘extinguished person’ i.e., the British India.”<sup>73</sup> President Sardar Muhammad Daud Khan once remarked that the “British did a wrong thing many years ago and we have been fighting to rectify it. Until that is done the struggle will continue.”<sup>74</sup>

Afghanistan’s other argument is that the British took the decision of the referendum unilaterally. But a decision, in order to be valid, should be taken by all the concerned parties in mutual consultation with one another. Moreover, it was pleaded that the Pashtuns were given the limited choice to join either India or Pakistan, only, and not given the option to unite with their motherland, or the right to establish a small, independent state of their own. Consequently, more than half the population of the

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<sup>72</sup> S.M.M Qureshi, “Pashtunistan: The Frontier Dispute between Afghanistan and Pakistan,” *Pacific Affairs*, Vol. 39, no. 1/2 (1966): 99-114.

<sup>73</sup> *The British Survey*, London: British Society for International Undertakings, October, 1960.

frontier areas boycotted the referendum, and the people in tribal areas did not vote at all. This suggested that the Frontier Pashtuns were eager to gain independence or to unite with their motherland, and did not like the options they were given. Afghanistan argues that the referendum held under the British Viceroy was a fraud and a sham. Afghans have argued that historians and geographers of all ages past had looked upon the Indus as the true boundary between India and Afghanistan, a possibility ignored by the British.<sup>75</sup>

Afghanistan claims that the Pashtuns, who had never been either de-jure or de-facto British subjects, or whom the numerous British military operations had failed to subjugate, were handed over to Pakistan without any grounds. Speaking on Pashtunistan Day in August 1951, the Afghan Ambassador in New Delhi, Najib Ullah Khan, stated that “the Pashtuns are Afghans and it was quite natural that they should expect Afghanistan to support their cause. The government and people of Afghanistan pledged their support to Pashtuns. In doing so Afghanistan is fulfilling not only a natural duty but also helping the cause of justice and peace.”<sup>76</sup>

Another argument advocated by Afghanistan was that, when the British left India, the disputed territory was not constituted on state-like basis, or it was not assimilated with the rest of the British India. Some were administrative territories and some others were independent tribal areas--but none of these formed an integral part of any state. According to international law, the transformation of such an area into a political entity by the Pakistan authorities constituted an irregular means of annexation. Afghans also claim that the sub-continent was once occupied by Ahmed Shah Durrani (1747-73), and that the area up to the River Indus was included in the Afghan state.

The Afghans also justify their claim for the support of a sovereign Pashtun state, and its right of self-determination by basing their claim on the principles of the United Nations Charter. Radio Kabul, over the years, has repeatedly charged that “Pakistani Pashtuns are oppressed and denied the right of self determination and Afghans have

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74 The Times, April 30, 1974.

75 Dr. Azmat Hayat Khan, *The Durand Line its Geo-Strategic Importance* (Islamabad: Pan Graphic (Pvt) Ltd., 2000), 187.

76 “Dr. Najib Ullah Khan’s Statement on Pashtunistan Day,” *Afghanistan*, Vol. 8, No.3, (July-September 1953): 45.

certain responsibilities with regard to their Pashtun brothers because they are with us in blood and culture.”<sup>77</sup>

Claiming further support for their claims, the Afghan also speak from a security point of view. They argue that because Pashtunistan lies along the Afghan borders, its importance should be obvious for Afghanistan. They protest that it could not remain unaffected by the situation of unrest in the Pashtun area, as it would be affected politically, economically, administratively, and strategically. This is true especially in light of the fact that Afghanistan is a land locked country, and has to depend on her neighbors for communication with the outside world.<sup>78</sup>

Afghanistan's claims can be summarized by putting them into three main categories. Historically, it has argued that Afghanistan had previously controlled all the disputed area. It was usurped by the British from the Afghans under the threat of force. Legally, therefore, Afghanistan argues that the 1893 treaty had been obtained under duress, and that the tribal territory between Afghanistan and the administered territories of the British India, at least, were independent, and that Pakistan cannot inherit the rights of an extinguished person, namely, the British in India. Ethnically, Afghanistan claims that the Pashtuns in their country and in Pakistan form a single ethnic unit, and that they have been artificially divided by the Durand Line. Hence, the Afghans advocate the right to self-determination for the Pashtuns living on the Pakistan side, as they consider it Afghanistan's duty to protect the interests of all the Pashtuns.

#### **D. PAKISTAN'S POSITION**

As far as Pakistan is concerned, the continued demand of a Pashtunistan made by Afghanistan is designed to act against the territorial integrity of Pakistan. It does this by questioning borders that were delimited and demarcated through an international treaty, and which have been in existence and respected as such for over a century. Pakistan's argument is that the Durand Line treaty of 1893 is a valid international boundary agreement, as it was accepted by both the sides and reaffirmed repeatedly by successive

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<sup>77</sup> George L. Montagno, "The Pak-Afghan Détente," *Asian Survey*, Vol. 3, No. 12 (1963): 616-624.

<sup>78</sup> Dr. Azmat Hayat Khan, 191.

Afghan governments in 1905, 1919, 1921, and 1930.<sup>79</sup> The treaty terminated Afghanistan's sovereignty over the territory and the people east of the Durand Line. As a successor state to the British Empire, Pakistan inherited all the treaties and agreements entered into by previous governments, gaining full sovereignty over the territory and its people. Regarding self-determination, Pakistan argues that it had been foreclosed by the British supervised plebiscite held in July 1947 in the NWFP, in which overwhelming majority of Pashtuns favored union with Pakistan.<sup>80</sup> Even though, the Frontier Congress and Abdul Ghafar Khan had given call to boycott the referendum of 1947, it was held under the rule of Congress Ministry. According to a survey by the Frontier Congress, they had no chance of winning the referendum, and the Indian Congress, under the aegis of Gandhi, put up the smokescreen of Pashtunistan to help them save face. Pakistan confidently challenged Kabul to hold another referendum within its own borders to see if the Afghan Pashtuns wished to live under the Afghan or Pakistan flag. There are far more Pashto speaking people in Pakistan than Afghanistan.

Pakistan also rejects the Afghan argument that only a limited choice was given to the Pashtuns. It asserts that the voters, themselves, spurned any illusory offer, as they sought genuine freedom within the Muslim Federation of Pakistan. In contrast to the free expression by Pashtuns, the government of Afghanistan has never given any opportunity to the Pashto-speaking people in Afghanistan to say whether they would like remain in Afghanistan, or join their majority brethren in Pakistan. Moreover, if the frontiers of a new country are to be determined on a linguistic basis, as claimed by the Afghan government, Afghanistan will expose itself to the risk of being disintegrated. Over 25 million inhabitants of Afghanistan, consisting mainly of Pashto, Persian, Turkish, Tajik, and Uzbek speaking linguistic groups, might then be integrated with neighboring countries on the basis of linguistic ties. All the non-Pashto speaking groups, which form the majority in Afghanistan, would join other countries, while the Pashtuns would join Pakistan (since in an irredentist movement, it is generally the smaller population area which joins the bigger population area, and not vice versa).

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<sup>79</sup> Olaf Caroe, 435-436, and also see Professor Ralph Braibanti, 9-10.

<sup>80</sup> Pakistan's representative, Mr. Haneef Khan, stated in the General Assembly that 90 percent of the Pashtuns voted in favor of Pakistan, See UN Document., A/PV. 1690. October 10, 1968.

The Pashtuns living on the eastern side of the Durand Line have developed a different culture, tradition, and language, while integrating themselves economically and politically more with Peshawar than with Kabul. Hypothetically, there is a question as to whether or not an independent Pashtunistan would even be practicable. Its economic viability is also questionable, because it would be composed of areas that are barren and sparsely populated. Historically, the frontier provinces have always required support, financial and otherwise, from larger units, to help shield them from adversity.<sup>81</sup> The mere fact is that such a state cannot exist simply on the basis of race, language, and culture, if it is unable to support its own people.

Historically, Pashto-speaking tribes have never collectively formed a nation. The Pashtuns have never constituted a cohesive enough unit of any sort throughout their history. Far from maintaining any semblance of unity, there has been almost perpetual inter-tribal feuding. It is fallacious to assume that the Pashtuns are a naturally homogeneous whole. Their entire history is, rather, one of fierce and cruelly conducted inter-tribal disputes, over everything from grazing grounds to kingdoms. Even within family circles, rivalries and quarrels are often long and bitter, since Pashtuns seldom call anyone “lord,” while admitting inferiority to no body.<sup>82</sup>

#### **E. PASHTUN NATIONALISM WITHIN PAKISTAN**

Apart from Afghanistan, the claims of greater autonomy, or full independence, and for a Pashtun homeland have been constantly demanded by left wing Pashtuns in NWFP and Balochistan to include areas along the Durand Line (see Figure 8). These sentiments appeared before partition under the aegis of Abdul Ghafar Khan, and later on by his son, Wali Khan. Wali Khan pursued a pragmatic line, but was mostly ambiguous under the banner of the National Awami Party (NAP). The politics of Pakistan became centralized in Islamabad, always suspicious of Pashtun nationalism. Therefore, Pashtunistan nationalism could not be revived aggressively, and NAP later on demanded

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<sup>81</sup> Olaf, Caroe, 436.

<sup>82</sup> J.G. Griffiths, 59.

a change in the name from NWFP to Pakhtun-Khawa, remaining mostly conciliatory and unspectacular.<sup>83</sup>



**Figure 8.** Map of Pashtunistan from within Pakistan.<sup>84</sup>

At the end of the 1960s, there were 19 Pashtuns amongst the 48 highest ranking officers in Pakistan, including President Ayub Khan.<sup>85</sup> Later on in the 1980s, NAP toned down its radical nationalism claims, because it realized the changing environment caused by the war against the Soviets. Later, the influx of Afghans refugees forced NAP to change its stance, due to increasing competition in economic and trade activities, and because the NAP started pressing Islamabad to repatriate Afghan refugees. The relative prosperity of the Pashtuns, and their increased integration into the armed forces and among federal administrative elites, also weakened the Wali Khan's nationalist program.

<sup>83</sup> Owen Bennett Jones, "Nationalism," in *Pakistan: Eye of the Storm* (New Haven: Yale University Press, 2002), 109-145.

<sup>84</sup> Syed Saleem Shahzad, "Pashtunistan' issue back to haunt Pakistan," *Asia Times*, October 24, 2003, at <http://www.baloch2000.org/news/Archives/2003/oct03/pushtunistan.htm> (July 17, 2004).

<sup>85</sup> Christophe Jaffrelot, 30-33.

Hence, the Afghan logic of the suppression of Pashtuns in Pakistan died a natural death. However, in the late-1990s, during the Taliban regime in Afghanistan, the most important change regarding Pashtun Nationalism in Pakistan had been the fostering of Pashtun Nationalism, albeit of an Islamic character, and the tribal leaders of the NWFP started viewing themselves as Muslims and Pashtuns.<sup>86</sup> Consequently, Pashtun leaders of NWFP do not want to secede from Pakistan. Rather, they want autonomy with regard to language, identity, and political aspirations. However, as for their slogan that alleges a deprivation of economic and political rights, they tend to use it to manipulate the federal government of Pakistan. By doing so, they provide Kabul with ample opportunity to raise the Pashtunistan issue even more vigorously.

#### **F. REVIEW OF TURBULENT PAK-AFGHAN RELATIONS**

The Afghan demand for Pashtunistan has subjected relations between the two countries to serious strains from the very inception of Pakistan. It was officially activated on September 30, 1947 at the meeting of UN General Assembly, with the casting of a negative vote by Afghanistan to Pakistan's admission into the United Nations. Afghan delegate, Husayn Aziz, said: "We cannot recognize the North-West Frontier as part of Pakistan as long as the people of 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 a part of Pakistan."<sup>87</sup>

Since 1948, hostile acts by Afghanistan toward Pakistan territories have taken place from time to time. The first major incident took place in July 1948, when Faqir of Ipi, supported by Afghanistan, attacked the Dattakhel and Boya posts in North Waziristan and set them on fire. His Lashker (fighters) even surrounded Razmak, Dosalli and Thal areas inside Pakistan. But the Pakistani scouts and loyal tribesmen fought them back. Prince Abdul Karim of Kalat led another Lashker into Balochistan. He was beaten back

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<sup>86</sup> Ahmed Rashid, 183-195.

<sup>87</sup> U.N. Official Records of the Second Session of the General Assembly (Plenary Meeting of the General assembly), Verbatim Record, Vol. 1, 8th -109th Meeting, 13-16 September 1947 (New York, Lake Success), "Admission of Pakistan and Yemen to Membership in the UN," Report of the First Committee, Documents A/399, 314.

and was, himself, arrested at Harboii (Kalat).<sup>88</sup> These acts of sabotage almost brought Pakistan and Afghanistan to the brink of war.

In July 1949, the Afghan parliament made a sharp proclamation against Pakistan, and in favor of the Pashtuns' right of self-determination, and passed a resolution, rejecting, unilaterally, all treaties, conventions, and agreements concluded between the Afghan government and the British India government. Thus, it formally rejected the Durand Line. In addition, to reaffirm this abrogation, Pashtunistan Day was declared to be officially celebrated every year on August 31.<sup>89</sup> Afghanistan became more active as it moved two armored divisions and its air force along the Afghan-Pakistan border, presumably with a hope that it might give moral support to certain tribal interests on the Pakistan side of the Durand Line. The Afghan campaign reached its climax when, in 1950, Afghan King Zahir Shah made an anti-Pakistan speech at a celebration in Kabul. The Afghanistan flag was hoisted, as anti-Pakistan leaflets were dropped by the Afghan air force into tribal areas. Ultimately, on January 9, 1950, Liaquat Ali Khan, the Prime Minister of Pakistan, condemned Afghanistan for its hostilities in the parliament; "that for some incomprehensible reasons, this neighborly Muslim state (Afghanistan) had been following a policy of open hostility to Pakistani, ever since it opposed Pakistan's admission in UN...Pakistan could not be expected for ever to continue pleading for friendship and that not one inch of our land will be surrendered to anybody, come what may."<sup>90</sup>

Things took a serious turn for the worse in 1955, when Pakistan decided to amalgamate the NWFP into the newly formed province of West Pakistan. The Afghan government openly denounced the move, threatening Pakistan with undesirable consequences if it went ahead with the proposed merger of West Pakistan's provinces, Tribal Territories and Princely States, into one unit. On March 30, 1955, this led to an ugly incident, when Afghan demonstrators attacked and looted the Pakistani embassy in Kabul, and the Pakistan flag was torn down. The Pakistan consulates at Kandahar and

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<sup>88</sup> Haji Mirza Ali Khan resident of Tirah Valley (Tribal Area) is supporter of Pashtunistan, who is known as the Faqir of Ipi for his anti-British activities in the days before independence. For more details see, S.M.M.Qureshi, 104-106.

<sup>89</sup> Dilip Mukerjee, "Afghanistan under Daud: Relations with Neighboring States," *Asian Survey*, Vol. 15, No. 4 (1975): 306-307.

<sup>90</sup> S. M. Burke, *Pakistan's Foreign Policy: an Historical Analysis* (London: Oxford University Press, 1973), 26.

Jalalabad were also attacked.<sup>91</sup> These incidents had serious repercussions, and led a suspension of diplomatic relations between the two countries. It was only through third party mediation that normal trade and diplomatic relations were resumed on September 9, 1955.<sup>92</sup>

The relations between the countries registered some improvement in the following two years. The President of Pakistan, Iskandar Mirza, visited Kabul in 1956 and June 1957 Prime Minister H. S. Suhurawardy's paid a similar visit. The Afghan government reciprocated; Prince Daud, Prime Minister of Afghanistan, visited Pakistan in 1956, followed by a visit of the Afghan King, Zahir Shah, in February 1958. Numerous steps were taken to improve relations, including the commencement of air service, and the establishment of a direct radio link between Karachi and Kabul. In May 1958, a transit trade agreement was signed between the two countries to improve facilities for passage of Afghan goods.<sup>93</sup> However, this light relaxation of tensions brought by the exchange of visits did not affect the stand of two countries on the issue of Pashtunistan, in any way. The propaganda, which was somewhat toned down during this period, was revived, and even intensified, in September 1959 by the speeches of King Zahir and Prime Minister Daud. Both speeches supported the establishment of Pashtunistan, and air space violations of Pakistan by the Afghan plane. President Ayub had to give a warning that: "the former NWFP is an integral part of Pakistan and that the country's integrity will be defended at all costs."<sup>94</sup> Up to this time, the Pak-Afghan dispute had remained confined mostly to international bickering, inciting speeches on state controlled radios on both sides of the frontier that harassed each other's nationals, often leading to the withdrawal of diplomatic representatives.

But in 1960-61, the dispute got still hotter, when Afghan irregular and Army troops dressed up as tribesmen, penetrating the Pakistan side of the Durand Line in the Bajour area, about 70 miles north of Peshawar. This, in conjunction with constant

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91 Dr. Michael Rubin, "When Pashtun Came to Shove," *The Review*, Vol. 27, No. 4 (April 2002) at <http://www.aijac.org.au/review/2002/274/essay274.html> (March 23, 2005).

92 Aslam Saddiqi, *Pakistan Seeks Security* (Longmans, Lahore, Pakistan: Green & Co Ltd, 1960), 27.

93 Dr. Khurshid Hasan, 16.

94 Aswini K. Ray, 30.

harassment and discriminatory treatment of Pakistani diplomatic staff in Afghanistan, once again led to the closing down of Pakistani consulates in Afghanistan in August 1961. Pakistan also asked Afghanistan to do the same for its consulates trade agencies. The Afghan government retaliated against this by breaking the diplomatic relations and closing the Pak-Afghan border. This initiative of Afghanistan brought a halt to the in-transit trade. It was a calculated move, as it would adversely affect the American Aid Program and increase Afghan dependence on Russia. To forestall this eventuality, the United States, naturally, tried, through diplomatic channels, to bring about resumption of diplomatic relations between the two countries, as the American and German aid goods were lying in Pakistan.

Sardar Daud, the main exponent of Pashtunistan resigned in March 1963 and was succeeded by Dr. Mohammed Yousuf as Prime Minister of Afghanistan. The change improved the atmosphere and diplomatic relations were restored in May 1963 by mediation of Shah of Iran with Tehran Accord on May 30, 1963. King Zahir Shah paid a good-will visit to Pakistan in 1968. Islamabad's decision to disband One Unit and restore the former provinces of West Pakistan further helped in easing out the tension between two countries. Even during the wars of 1965 and 1971, Afghanistan's sympathy was definitely with Pakistan.<sup>95</sup> Overall, during the period of Zahir Shah, Pakistan and Afghanistan relations remained strained, but Pakistan never adopted a threatening posture.

The relations, again, took a down turn in July 1973, when Sardar Daud overthrew King Zahir Shah and became the President of Afghanistan. The Soviet Union was the first country to recognize Daud's government. By now, the Soviets had completely penetrated into Afghan Army, media, educational institutions, etc. It provided Afghanistan jet fighters, bombers, and substantial military equipment, and by 1978, Soviet military aid to Afghanistan totaled \$1.25 Billion. Furthermore, during this period

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<sup>95</sup> Dr Riffat Munir, "Pakistan's Relations with Afghanistan: Continuity and Change 2002," Also refer Mujtaba Rizvi, "Pakistan and Afghanistan", in *The Frontiers of Pakistan*, 143-165.

some 3,725 Afghan military personnel were trained in the Soviet Union and Soviet military advisors operated in Afghanistan.<sup>96</sup>

The Daud regime once again raised the issue of Pashtunistan and also for the first time moved the forces closer to Pakistan border, which resulted into reciprocal deployment from Pakistan.<sup>97</sup> At the same time resentment and resistance against communist influence was also increasing particularly from politico-religious entities. As a result of Daud's cracked down, Gulbadin Hikmatyar and Burhanuddin Rabbani both opposition leaders escaped to Pakistan and continued their resistance from there. Pakistan and Afghanistan were again at loggerheads, as Daud encouraged a nationalist insurgency in Balochistan, while Prime Minister of Pakistan Zulfikar Ali Bhutto used Rabbani and Hikmatyar to destabilize Daud's government. Several leaders from Balochistan fled to Afghanistan and set-up camps there to fight back.<sup>98</sup> Thus, during the period of the mid-70s, both the countries continued to support each other's dissident leaders on a *quid pro quo* basis.<sup>99</sup>

A significant foreign policy achievement in 1976 took place in Pakistan's relations with Afghanistan, when Daud realized that his policies towards Pakistan were causing more harm to his government than good. Moreover, Soviet influence in his internal affairs was also causes of concern for him. As a result, an exchange of visits between the two leaders took place in mid-1976. These visits not only helped in diffusing the tensions between the two countries, but also brought them closer to finding an amicable solution to the Pashtunistan issue. Bhutto agreed to release the NAP leaders, while Daud agreed to recognize the Durand Line as a boundary between Pakistan and Afghanistan. However, before such an agreement was signed, Bhutto was removed by General Zia-ul-Haq in a 1977 military coup d'état. A similar agreement was also reached between General Zia and Daud, but this time Daud's overthrow by the Soviet-backed communist forces, in April 1978, derailed the settlement process.<sup>100</sup> Things finally

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<sup>96</sup> Larry P. Goodson, 51.

<sup>97</sup> Feroz H. Khan, 2.

<sup>98</sup> Oliver Roy, 75.

<sup>99</sup> Feroz H. Khan, 3.

<sup>100</sup> H. Ralph Magus, *Afghan Alternatives: Issues, Options, and Policies* (New Jersey, Transaction Inc, 1985), cite Louis, Dupree, "Commentaries on Professor Weinbaum's Paper," 132.

culminated with the Soviet invasion of Afghanistan in December 1979. During and after the Russian war, Afghans were very sympathetic to Pakistan, and their feeling of alienation from Pakistan utterly vanished, for domestic political and economic reasons. In post-Russian Afghanistan, during the civil war, the Mujahidins and Taliban were specifically keeping friendly ties with Pakistan. In the early 1990s, although, the fragile government of Professor Rabbani was anti-Pakistan, it never raised the Pashtunistan issue from being seriously entangled in a domestic political game for its own survival.

During the late 1990s, one reason Pakistan welcomed the Taliban's religious movement was that it worked against secular Pashtun nationalism, which, because of the country's long standing rivalry with Afghanistan, was viewed as a great danger. Pakistan assumed that the Taliban would recognize the Durand Line. However, the Taliban refused to recognize the Durand Line, not dropping Afghanistan's claim to parts of Pakistan. As per Ahmed Rashid, the Taliban fostered Pashtun nationalism, albeit of an Islamic nature, and began to affect Pakistani Pashtuns. The triumph of the Taliban has virtually eliminated the border between Pakistan and Afghanistan. On both sides, Pashtun tribes were slipping towards fundamentalism, and becoming increasingly involved in drug trafficking. Ultimately, Pakistan became a victim of its own vision at the hands of the Taliban, as the areas that were astride the Durand Line, including the FATA in Pakistan, became a virtual Jihad highway, having links to Al-Qaeda with the revival of radical Islam.<sup>101</sup>

Since August 2003, Afghanistan has, again, revived the celebration of Pashtunistan Day, which is being promoted amidst misperceptions regarding the validity of the Durand Line. This has been done with a backdrop of recent clashes between Pakistan and Afghan troops (a topic that will be discussed at length in the ensuing chapter).

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101 Ahmed Rashid, 183-195.

## **G. THE PASHTUNISTAN MOVEMENT AND EXTERNAL ELEMENTS**

### **1. China**

Their geographic proximity, and social, cultural, and ethnic links, together with mutual economic interests, have always made Pak-Afghan relations important in the ambit of China's priorities. Beijing's historical alliance with Islamabad and antipathy toward India, as well as its competition with Russia for a dominant position on the Asian continent, affect its policies in the region. China has expressed concern over the Pashtunistan demands made by the Kabul regime, as it directly affects the Karakoram Highway, the symbol of Pak-China friendship. Beijing has also condemned any such nationalist and separatist movements, due to apprehensions of it spreading to China's neighboring Xinjiang province.

During the 1970s, the Soviet influence in Kabul, and later their invasion of Afghanistan, has been perceived by Beijing as the purposeful encircling of China by the Soviet Union.<sup>102</sup> Thus, support to Pakistan's western border security has been a major feature of Beijing's policy. The necessity of fostering a peaceful coexistence between Pakistan and Afghanistan has even been more significant for China with the building of the deep-sea hub port of Gwadar in Pakistan. China also has keen interests in Central Asia's energy resources and, thus, supports a moderate government at Kabul, because it is believed to be least likely to foment any sort of extremism and disturbance in neighboring countries. Now, China's strategic concerns in the area are mirrored by the security of its lines of communication, which tends to counter Afghanistan's rhetoric on Pashtunistan.

### **2. Iran**

A territorial collapse of Pakistan, or domestic instability that threatened to draw in Afghanistan and other external actors, has always tended to be contrary to Iran's interests. It has always been perceived that the nationalistic developments of Pashtunistan could spill over to neighboring Iran, destabilizing its Baluchis population, thereby activating the anti-Iran elements in the form of the establishment of a Greater Balochistan. Such an entity would be characterized by Iranian Baluchis are culturally,

ethnically (Sunnis), and as well as politically (liberal) totally different from the majority of (Shiite) Iran.<sup>103</sup> Iran does not want any violence in Pakistani Balochistan, a likely occurrence with the establishment of Pashtunistan. The Greater Balochistan movement encompasses areas in Pakistan and Iran, along with Afghanistan, as the ethnic Baluchis are living in all three countries (refer Figure 9). To protect its interests, Tehran has always urged Pak-Afghan rapprochement on Pashtunistan, and Iran helped to bring it about with events in 1963 and 1975/76.<sup>104</sup> Iran always expressed a desire to play the role of elder brother in the region, and wants to keep the neighboring countries engaged through negotiations in Tehran. Thus, improved Iranian-Afghanistan relations tend to have a positive affect on Pak-Afghan relations with regards to Pashtunistan.

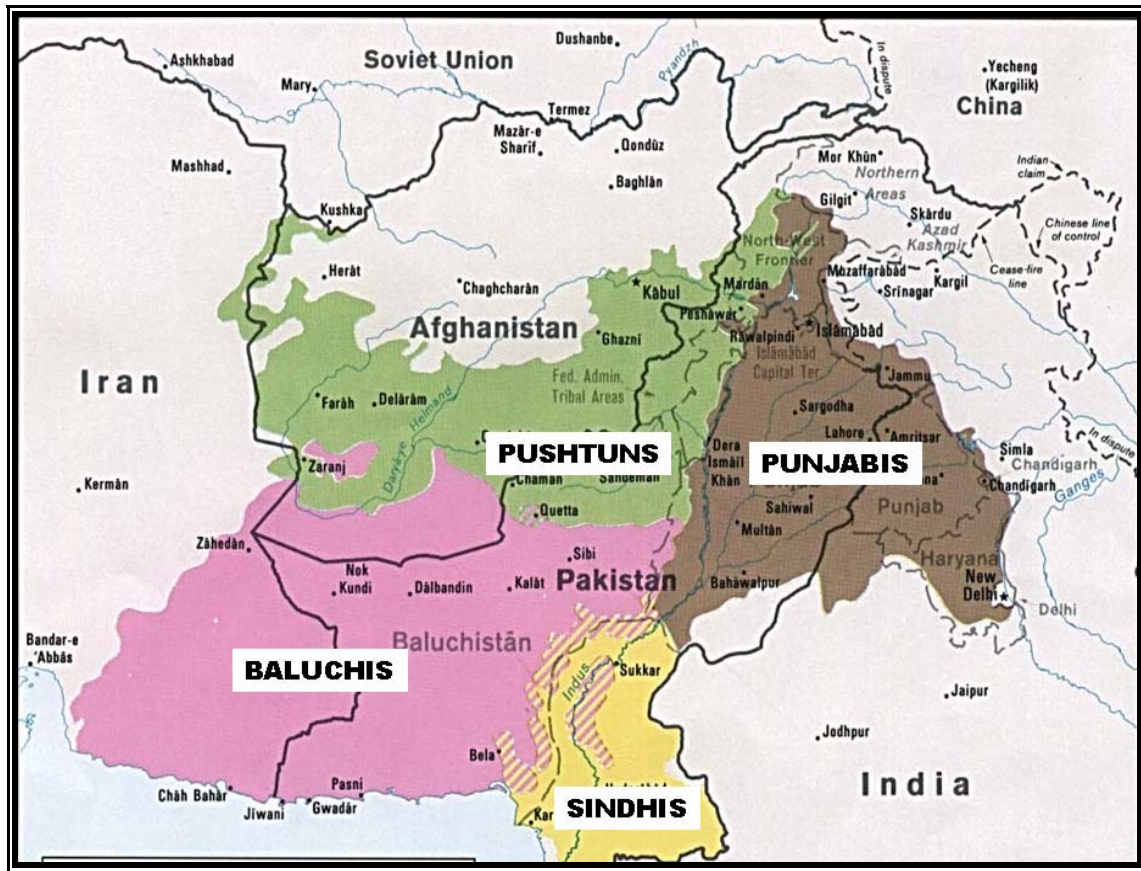


**Figure 9.** Baluchis part of Iran, Pakistan, and Afghanistan.<sup>105</sup>

102 Gerald Segal, "China and Afghanistan," *Asian Survey*, Vol. 21, No. 11 (1981): 1158-1174.

103 Syed Saleem Shahzad, "Pashtunistan Issue Back to Haunt Pakistan," *Asia Times*, 24 October 2003, <http://www.atimes.com> (18 Jun 2004).

104 Shirin Tahir-Kheli, "Iran and Pakistan: Cooperation in an area of Conflict," *Asian Survey*, Vol. 17, No. 5 (1977): 479-483.

105 "Major Ethnic Groups in and near Pakistan," *Defense and National Interest*, at [http://www.d-n-i.net/images/maps/ethnic\\_groups\\_in\\_and\\_near\\_pakistan.htm](http://www.d-n-i.net/images/maps/ethnic_groups_in_and_near_pakistan.htm) (July 17, 2004).

Since January 2003, an Indo-Iran-Afghan economic nexus has been growing, with building up of trade routes to Central Asia, from Chabhar Port via Zahidan to Delaram-Herat in Afghanistan, then up to Turkmenistan. All the roads and related infrastructure are being built by India and Iran and Afghanistan, providing free passage for Indian goods in transit to and from Central Asia. With such developments, Iran would not like to see any nationalistic movements in areas bordering Pakistan and Afghanistan, from where this trade route is developing.

### **3. India**

The cry of Pashtunistan was kindled by India, and kept alive while the pro-India regime lasted in Afghanistan.<sup>106</sup> India-Afghanistan relations have always been a classical case of *Kautilya's theory*, i.e., that the enemy's enemy is a friend. India found Afghanistan to be in a strategically important position to serve her own designs. In India's great designs, in the event of being in a war with Pakistan, Afghanistan would allow them to open a second front. Additionally, if they had such an understanding with Afghanistan, Pakistan would not be able to use Afghan tribesmen against India. The Indians think that they would, thus, be able to corner Pakistan, and embarrass them in a pincer-like movement.<sup>107</sup>

India has been consistent in its support of the Pashtunistan issue, as it could potentially destabilize Pakistan, which has always been berated by western scholars. Louis Dupree describes Indian involvement by saying, "I was among those who were in Pakistan and Afghanistan almost immediately after partition in 1947, and I looked into what was happening in Kabul. There was a group of Indians there controlling Kabul Radio, and they are the ones who even invented the term Pashtunistan."<sup>108</sup> Later, the Indian government, not only allowed a Pashtunistan Jirga to be held in Delhi, but also made All India Radio (AIR) available to Sardar Najibullah Khan, President of Afghanistan, for the making of anti-Pakistani speeches in 1951.<sup>109</sup> AIR has regularly

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106 H. Ralph Magus, 131.

107 Mohammad Ayub Khan, 175.

108 Stephen Ian, *Pakistan: Old Country, New Nation* (London: Penguin Publisher, 1964), 265.

109 Kamal Matinuddin, *The Taliban Phenomenon: Afghanistan 1994 – 1997* (Karachi: Oxford University Press, 1999), 3.

alleged that Pakistan has suppressed the Pashtunistan freedom movement, while broadcasting over the Kabul Radio network.<sup>110</sup>

In 1967, the United Pashtunistan Front (UPF) was formed in New Delhi, under the Chairmanship of Mehr Chand Khanna, former Minister of Works, Housing and Rehabilitation in the government of India. The political purpose of the Front was made clear in a resolution passed on July 16, 1967, which endorsed the demand for Pashtunistan as a homeland for the Pathans. India, it said, “owed a debt of gratitude to the people of the Frontier who had been among the leaders in the battle for freedom, which for the Pathans had only resulted in their being ‘thrown to the wolves’ in Pakistan.”<sup>111</sup> The Indian Foreign Minister Swaran Singh also told the Indian Parliament that “we are fully aware of the fundamental freedoms and natural aspirations of the brave Pashtuns have been consistently denied to them, and their struggle has got our greatest sympathy and we will certainly support the efforts that Khan Abdul Ghafar Khan might undertake in that direction.”<sup>112</sup>

During the Soviet invasion of Afghanistan, and later in the 1990s period of civil war, and also later during the Taliban regime, Indian propaganda was dormant. However, its efforts have been revived more vigorously since 2002, with an ever-increasing belligerence in all fields, including military, intelligence, humanitarian, and economic. Thus, by fostering greater economic ties with the pro-Indian Northern Alliance, dominant in the Kabul government, New Delhi has dramatically increased its involvement in Afghanistan, and is seeking to marginalize Pakistan.<sup>113</sup> On July 8, 2003, a clear sign of this was given in the ransacking of the Pakistani embassy in Kabul under the pro-Indian Afghan government. India has re-opened its consulates in war-ravaged Afghanistan, along the Pak-Afghan border, in Jalalabad and Kandahar, seeking trade routes and the rehabilitation of Afghanistan. However, Indian covert activities along the Durand Line in

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110 Paul Wolf, “Pakistan: Partition and Military Succession,” Pashtunistan-Documents from the U.S. National Archives (Afghanistan-Pakistan Relations-Declassified AIRGRAM of the U.S. Embassies to the Department of State from 1952 to 1973, <http://www.icdc.com/~paulwolf/pakistan/pashtunistan.htm> (March 23, 2005).

111 Ibid, 8.

112 Owen Bennett Jones, 139.

113 Aly Zaman, “India’s Increased Involvement in Afghanistan and Central Asia: Implications for Pakistan,” Islamabad Policy Research Institute (IPRI) Journal, Vol. 3, NO.2 (Summer 2003), <http://www.ipripak.org/journal/summer2003/indiaincreased.shtml> (July 19, 2004).

Pashtun dominant areas, under the guise of intelligence gathering and sharing information with the Coalition Forces, have been persuasive argument for instigating anti-Pakistan sentiments among Afghans, particularly the Pashtuns. Such developments are of critical importance, where Pakistan finds itself in an extremely precarious position.

#### **4. The Soviet Union**

Meanwhile, the Soviets had been doing everything in their power to perpetuate Pashtunistan. Historically, Moscow has always been interested in bringing Afghanistan within its sphere of influence. The British presence in India acted as a deterrent to the realization of this ambition, but the departure of the British gave it the opportunity to further its historic aims. Under the guise of economic penetration, they have been, in fact, actively seeking Afghanistan's alignment with the Soviet bloc. When Pakistan joined the U.S. sponsored anti-communist pacts, SEATO and CENTO, in 1954 and 1955, the Afghan Prime Minister, Sardar Daud, described the U.S. military aid to Pakistan as a grave danger to security and peace in Afghanistan. In reaction to this, in December 1955, the Soviet Union declared its support of the Afghan policy in regard to Pashtunistan, facilitating Soviet economic penetration into Afghanistan.<sup>114</sup> Such Soviet support enabled Kabul to adopt a more uncompromising attitude towards Pakistan. It was very perturbing for Pakistan, that because of its adherence to a Western-sponsored alliance (CENTO and SEATO), Moscow was extending support to Afghanistan and challenging the validity of the Durand Line.<sup>115</sup>

After withdrawal from Afghanistan, and with the independence of the Central Asian Republics (CAR), Russian interests in Afghanistan have been limited to preventing unstable conditions there to endanger CAR's ability to develop transit facilities to the Arabian Sea. Now, Moscow is also using the Afghan situation as justification for its military presence in Tajikistan. Russia has been a catalyst in helping to forge the Northern Alliance, providing them with substantial material, financial and military support, intending to off-set the efforts of any Pakistan-friendly government in Kabul. To keep a hold in Kabul, the minority NA wants to marginalize the majority Pashtuns, and,

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<sup>114</sup> Larry P. Goodson, *Afghanistan's Endless War: State Failure, Regional Politics and the Rise of Taliban* (Washington DC: University of Washington Press, 2001), 49.

with the support of Moscow and India in rejuvenating the Pashtunistan movement, embroil Pashtuns in a conflict with Pakistan.

## **5. The United States**

Pakistan's border with Afghanistan was formally recognized by the United States in 1956. The United States has always supported Pakistan on the issues of the Durand Line and Pashtunistan. According to the U.S. State Department, "The Pashtunistan campaign is as farcical stunt on the part of the Royal Family to promote its own interests."<sup>116</sup> As per Afghan-Pakistan relations, a report on November 16, 1955 disseminated by the White House said, "the Afghan government is strongly - even irrationally - committed to its Pashtunistan policy, which seeks as a minimum 'self determination' or 'autonomy' for the Pashtuns in north-western Pakistan. Although the Afghans officially deny any interest in extending Afghanistan's borders, the campaign undoubtedly has irredentist overtones."<sup>117</sup>

At present, Washington is directly involved in Afghanistan, and Pakistan is, once again, a front line state in helping in the GWOT. Under the circumstances, the control of the Afghan government is in the hands of NA. Hunting operations aimed against the Taliban (made up mainly of ethnic Pashtuns) along the Durand Line have led to many Pashtuns of Afghanistan feeling alienated and misrepresented by the regime in Kabul. The domestic political pressures on Pakistan and Afghanistan may be pushing both countries, contrary to their own interests and desires, toward a confrontation over terrain and loyalties of the Pashtun people, currently having to live under the strong presence of the U.S.-led Coalition Forces. It has the potential of giving a boost to Pashtun nationalism, which has a direct affect upon Pakistan, particularly the FATA stationed along the Durand Line. The conduct of operations, and efforts currently being used by Islamabad and Washington, are designed to control the situation, and will be examined in next chapter.

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115 Aswini K. Ray, 129.

116 Declassified Documents Reference System, Background Information for President Ayub's U.S. Visit July 1961, Pak-Afghan Relations, CK3100270550, Available through Dudley Knox Library at <http://galentgroup.com/servlet/DDRS?vrsn=1.0&view+etext&slb+KE&locID+naval> (May 5, 2004).

117 Declassified Documents Reference System, Operations Coordinating Board Report on the Internal Security Situation in Afghanistan; Afghan-Pakistan Relations," 16 November 1955, para 36. CK3100109924, Available through Dudley Knox Library at <http://galentgroup.com/servlet/DDRS?vrsn=1.0&view+etext&slb+KE&locID+naval> (May 14, 2004).

## H. CONCLUSION

The examination of all possible arguments being made by Afghanistan reveals that Kabul's claims are devoid of meaning. Thus, political and societal amalgamation, should it ever come, would take on a different shape, as majority Pashtuns of Peshawar would absorb the minority in Kabul. The extent of Pashtunistan, as shown on Afghan maps, embraces, not only the territory inhabited by Pathans between the Indus and the Durand Line, but also the whole of Balochistan south of Quetta, and not one of the territories in the north is Pashtun, at all. There is a distinct difference between Baluchis and Pashtuns. The inclusion of Balochistan is strange, since its population consists of Baluchis, Brahuis, Jats, as well as some other peoples, none of who are regarded as Pashtuns. Kabul has made no mention of including any Pashto-speaking areas of Afghanistan in a future Pashtunistan. As per Olaf Caroe, "this silence would indicate that the Afghan plea has probably been one prompted by a veiled irredentism."<sup>118</sup> Moreover, the people in NWFP refer to themselves as Yusufzai, Mohmand, Afridi, but not as Pashtuns. Furthermore, the Pashtuns have never been able to work together, and there is nothing but a vague emotional attachment to the Pashto language and culture in which to unite tribes, many of whom have been feuding with one another for centuries.

The Pashtunistan issue is more a product of Afghanistan's internal political dynamics than of being derived from any sound and rationale principle. The Pashtunistan dispute with Pakistan may be the only major political issue on which the Afghans are in general agreement. If they are not able to take any concrete action on it, at least it can be exploited to divert attention from domestic grievances. The Afghan government has been successful in using it to divert the attention of its people away from their domestic backwardness and oppression. Also, it has been used by ruling dynasties in Afghanistan for domestic compulsions, with an irrational expression of emotion, so as to strengthen the position of the Pashto minority of Afghanistan (when compared with other main Persian and Turkic linguistic groups). If the frontiers have to be re-determined on a linguistic and ethnic basis, as the Afghans claim, the same principles would lead to the disintegration of Afghanistan, itself, with its many ethnic groupings.

There is no consistency in the Afghan claims regarding Pashtunistan, which have ranged from a mere expression of concern for the welfare of the Pashtuns, to irredentist claims for reunification of all Pashtuns under the Afghan flag. The Afghan extremists make claims even for Balochistan, an area largely inhabited by non-Pashtun tribes. Primarily, the ethnic realities of Pashtunistan have been set aside by Afghanistan in order to gain an access to the Arabian Sea. Afghanistan's concerns for Pashtunistan are self-contradictory, and are apparently not genuine, but rather are a cover to disguise its real intentions. Afghans are not very clear regarding their demands on Pashtunistan because, apparently, Pashtunistan has had different meanings at different times.<sup>119</sup> President Ayub Khan had best described it in the following words:

“They (Afghan) had defined Pashtunistan in variety of ways, as a separate independent state, as an autonomous area, as a unit within Pakistan to be called Pashtunistan, and sometimes only as a demand for a reference to be made to the Pathans to indicate whether they were happy with Pakistan...the Afghan rulers obviously wanted to create a right of interference in the internal affairs of Pakistan before starting for on other ventures.”<sup>120</sup>

Perhaps, Afghanistan has motives of self-aggrandizement in its advocacy of Pashtunistan, a position suggested by another consideration, also. Namely, that it has never defined the boundaries of Pashtunistan, suggesting that it might be little more than a figment of their imagination. To quote Ian Stephens, a former editor of the Statesman (India): “To define it is not easy. It meant some thing different, between 1946 and 1948, on the lips of Khan Abdul Ghafar Khan, from what it does used by Afghan government times to time. But the Afghan meaning has itself varied.”<sup>121</sup> If Afghanistan is sincere in its desire to advocate Pashtunistan, only for the benefits of the Pakistani Pashtuns, it should contend that the territory between the Durand Line and the river Indus should be given over to the Pashtuns. Thus, it should actually insist on the validity of the Durand Line.

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118 Olaf Caroe, 436.

119 Mukerjee, Dilip, 302.

120 Mohammad Ayub Khan, 176.

121 Professor Ralph Braibanti, 15.

The Pashtunistan demand lost a lot of its meaning after the invasion of Afghanistan by the Soviet Union in 1979. Even the ties of religion and Islamization have been unsuccessful in helping to resolve the problem. However, presently the issue does not capture the imagination of Pakistani Pashtuns, due to their absorption in the Pakistani state, and the sad plight of Afghans and Afghanistan. However, the issue has the potential to strain Pak-Afghan relations under ongoing operations against Al-Qaeda and the Taliban.

Pashtunistan has remained a perpetual source of conflict between Pakistan and Afghanistan, and resulted in to a severance of diplomatic relations and military operations on the border, mainly due to the involvement of external elements. Whereas, New Delhi and Moscow have always contributed to fueling this issue, China and Iran have always supported a stable and peaceful Afghanistan, believing that it is, not only vital for Pakistan's growing economic, commercial, and cultural links with Central Asia, but that Afghanistan, itself, would be a major beneficiary of inter-regional cooperation. However, at present, the Indian covert activities along the Durand Line in Pashtun dominant areas, under the guise of intelligence gathering and sharing information with the Coalition Forces have acted persuasively in instigating anti-Pakistan sentiments amongst Afghans, particularly among the Pashtuns. Such developments are of critical importance, where Pakistan finds itself in an extremely precarious position.

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## **IV. FATA AND OPERATIONS ASTRIDE THE DURAND LINE**

### **A. INTRODUCTION**

Since September 11, 2001, the GWOT has changed the political and security situation in areas astride the Durand Line. As the Taliban began to disintegrate in November of 2001, because of the American-led operations, the Al-Qaeda leadership, who recognized the desperateness of their situation, began to flee Afghanistan. Careless U.S. military planning allowed large number of Al-Qaeda adherents to escape. According to many accounts, they escaped across Afghanistan's porous border with Pakistan, seeking refuge in the NWFP, where they had a destabilizing influence on Pakistan. Now, the U.S.-led Coalition forces, duly supported by the local warlord militias and Afghan National Army (ANA), are conducting military operations along the Durand Line inside Afghanistan. Concurrently, operations have also been undertaken by the Pakistan Army along the Durand Line in FATA.

The U.S. authorities have made critical remarks of Pakistan, often expressing disappointment and impatience with Pakistan's performance. However, Pakistani authorities have bristled at the American criticism, saying they have a well thought out operational strategy that respects their public's opinion.<sup>122</sup> The Pakistan government has assisted the United States in their hunt for Al-Qaeda and members of the Taliban. But the questions arise, "what is preventing them from achieving enough progress to satisfy American objectives?" and "why has Pakistan restricted American efforts to pursue former Taliban and Al-Qaeda terrorists into NWFP on the pretext of free movement across the Durand Line?"

Pakistan's military, intelligence, and law-enforcement agencies are cooperating closely with the United States and other nations to identify, interdict, and eliminate terrorists. However, in light of historical ties between the tribes living astride the Durand Line, misperceptions can arise from a flawed evaluation of the prevailing situation. The

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122 Pamela Constable, "Pakistan's Uneasy Role in Terror War; Conciliatory Approach to Tribal and Foreign Fighters Leaves U.S. Officials Frustrated," The Washington Post, May 8, 2004, p. A.08. (August 8, 2004).

porous nature of the Durand Line has always been exploited by the Pashtuns because of Pashtunwali Code, and the area has often been converted into a safe heaven for criminals. Any military strategy, thus, evolved by the Coalition forces that ignored local customs and traditions would lead to serious political consequences for Pakistan. Any move by Pakistani troops across the Durand Line, based on the pretext of hot pursuit, is a clear violation of international frontiers.

This study argues that Pakistanis are obsessed with national sovereignty, on the one hand, and are suspicious of Western motives. On the other hand, tribesmen are especially protective of their autonomy and traditional way of life. The tribal areas of Pakistan have a unique history and cultural heritage of their own. They are comprised of people who are brave, hardy, and deeply religious, and are often wary of outside influence. Thus, most tribal cultures and customs have strongly resisted change. Apart from the socio political, religious, cultural, and geographical sensitivity of tribal areas, the ripple effects of the situation in adjoining Afghanistan has adversely affected the process of change in the tribal areas of Pakistan.

The status of tribal areas, and the system of governance in the region, has been perceived as a bundle of contradictions, duality, and duplicity. Because tribal people are often subjected to a system imposed by the Frontier Crime Regulations (FCR), and are kept in inhuman conditions, they tend to be highly critical of administrative authorities. The administrative and political systems are now being widely challenged by the tribesmen, who do not want to remain at the mercy of a few illiterate maliks and powerful political agents. Moreover, the U.S.-led war on terrorism has enabled Pakistan to extend its authority to “No Go” Areas (i.e., lawless tribal areas) along the border with Afghanistan, by deploying its troops in newly established outposts. This thesis argues here that there is clear difference between the priorities of Pakistan and the interests of U.S. entities in the area. The constant catch-phrase of Pakistanis is that the United States long treated them as allies of convenience. However, now the United States must keep its commitments to help Pakistan in the integration of tribal areas to normalcy, so as to avoid it becoming, once again, a hide out for criminals.

Pakistan, gradually, is integrating FATA with the rest of the country. The initiation of reforms has the potential to create problems in the region if it is not persistent. Educated and democratic-minded people in the tribal areas are in favor of such reforms (that ensures the integration of tribal areas in the national mainstream). However, there are elements hindering development, due to the vested motives of outside players. Thus, the classic carrot and stick approach is being applied by Pakistan, in order to gain access into tribal areas, by offering tribal elders opportunities for development projects, including schools, hospitals, roads, and water supply, and taking punitive action against those who resist deployment of their army.

The unprecedented presence of Pakistan security forces on this porous border has perturbed the drug warlords and traders involved in unofficial trade in both Afghanistan and Pakistan. Such individuals are also key elements in exploiting the war of words, as the government of Pakistan is making efforts to establish the writ of government in areas along the Durand Line. Cross border, unofficial trade has been a booming business and significant, in terms of generating incomes, providing employment and access to basic goods including food. Since 2001, the increase in poppy cultivation in Afghanistan is also affecting efforts to bring normalcy to the area.<sup>123</sup> The economic situation has had spill-over effects throughout the region, inciting unofficial trade, narcotics, financial flows, and the movement of people. The economic intensions are visible, when the issue of the Durand Line entangles Pakistan and Afghanistan in a conflict.

This chapter first explains the characteristic of FATA and the Pashtunwali Code, in order to aid in understanding the nature of tribal areas, local traditions, and customs. It will explore the compulsions and domestic constraints of Pakistan in its effort to ensure smooth conduct of military operations in FATA, where there is a collaboration with Coalition forces. It is followed by a discussion on misperceptions with regard to conduct of hot pursuit operations and free movement across the Durand Line by the U.S.-led Coalition forces. Then examined will be the necessity of greater degrees of coordination

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<sup>123</sup> Robyn Dixon, "Opium Production Spreading in Afghanistan," Los Angeles Times, October 5, 2003, <http://opioids.com/afghanistan/opium-economy.html> (March 27, 2005).

and simultaneity in conduct of operations astride the Durand line to stop the illegal trade and movement of men and material across the Durand Line.

## **B. FEDERALLY ADMINISTERED TRIBAL AREAS (FATA)**

FATA is the name given to tribal areas that are mainly along the Durand Line in the NWFP. Administratively, FATA is further divided into seven political agencies namely; Bajaur, Mohmand, Khyber, Orakzai, Kurram, North, and South Waziristan (see Figure 10). It was the brain-child of Lord Curzon (The Viceroy of India), projected in the nineteenth century under the forward policy. This policy required the establishment of a buffer zone to protect the settled areas of British NWFP and Punjab from foreign aggression of the Czarist Russia.



**Figure 10.** Map Showing Seven Agencies of the FATA

The policy of “divide and rule” went well for the administration of the tribal areas under British rule,<sup>124</sup> where the negative characteristics of Pashtun culture were fully

<sup>124</sup> Shaid Javed Burki, *Pakistan: A Nation in the Making* (Boulder: West view Press, 1986), 70. Also, see, Nayar Zaman Mommand, *The Tribal Question*, *The Frontier Post*, July 9, 1996.

exploited for the achievement of ulterior motives. Jagirs, subsidies and honorific titles were bestowed upon one brother against the other for the purposes of exploitation. The institution of Khans, Maliks, and Arbabs were created for bestowing upon all those who could meet the requirements of aliens. The almost classless Pashtun society was divided into “haves” and “have nots,” and the common man became poor, inferior, and relegated to a sub-human status.<sup>125</sup> “In effect, the British had adopted a policy of alliance or mutual conciliation with the martial Pashtun tribes that preserved their arms and autonomy.”<sup>126</sup>

### **1. Status of the Tribal Areas**

Upon the inception of Pakistan in August 1947, the tribal elders unanimously decided to pay allegiance to the central government of Pakistan, on the condition of being allowed to maintain their autonomy. Since then, territorially, they are part of the state of Pakistan, but administratively, they are autonomous through the political agent who coordinates with the federal authority. However, internal and administrative affairs are the responsibility of the central government. Neither the provincial parliament, nor the governor or the National Assembly, has any authority in the FATA without the president’s consent.<sup>127</sup> The law of the land has not been enforced, and, so far, these areas function under the FCR, which is the legacy of the British period.<sup>128</sup>

Now, over 55 years since Pakistan obtained independence, these areas remain outside of the normal developmental works of the state. However, the abhorrence of the tribal people to the intrusion of the government into their way of life is an even more significant reason for lack of development. Tribal people have tended to zealously guard their independent character against all odds. The difficult terrain is one more tangible reason that the authorities have kept away from the tribal belt. Equally important are the lack of enough resources for the government to extend support to the tribal areas, and the buffer status of the tribal areas against aggression from across the border. But at present,

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125 S. Iftikahr Hussain, *Some Major Pashtun Tribes along the Pak-Afghan Border* (Islamabad: Pan Graphic (Pvt) Ltd., 2000), 1-19.

126 Ikramul Haq, “Pak-Afghan Drug Trade in Historical Perspective,” *Asian Survey*, No. 36 (1996): 947.

127 For details see, Pakistan Constitution, Chapter 3, Article 247, Section 2, at <http://www.pakistani.org/pakistan/constitution/part12ch3.html> (Mar 26, 2005).

128 The Frontier Crimes Regulations (FCR) were promulgated in 1872 and revised in 1887 and 1901, introduced by the British to for special procedures for trial of cases by excluding the technicalities of ordinary law. It is a draconian law against the tribal people and gives excessively vast and arbitrary power to political agent and commissioner. Now commonly called as Black Law by the locals. For more details see, Talat Sattar, “A Draconian Law against the Tribal People,” *Pakistan Link*, (January 2005), at <http://www.pakistanlink.com/Opinion/2005/Jan05/14/11.htm> (April 12, 2005).

there is a necessity to dismantle the sanctuaries of terrorism, by bringing tribal areas under the direct control of the federal authority. Also, regular development works should be introduced, and the rule of law must be established in these so called “No Go” Areas.

## **2. Pashtunwali Code vis-à-vis the Politics of FATA**

Frontier tribes have evolved a culture of their own, which is both ancient and traditional. Tribal law, called the Pashtunwali Code (their constitution), has shaped and regulated the lives of the tribal people for a long time. The Pashtunwali Code is a typical tribal apparatus, encompassing Milmastia (Hospitality), Nanawati (Protection/Asylum), and Badal (Revenge).<sup>129</sup> Their politics are also a reflection of tribal culture, which does not allow them to accept any change without reservation; rather, they usually resist change. Their politico-cultural structures are simplistic, but cater to their socio-political needs. Tribal Jirga, and the institution of Maliks, form the core of their political life. In fact, according to the Pakistan government’s official FATA website, “around 30 percent of the total area of the FATA was inaccessible politically and around 50 percent was inaccessible physically.”<sup>130</sup>

Straddling the rugged border areas for centuries, the Pashtuns of FATA are very shrewd in the art of give and take, which tends to be very explicit in their traditions of hospitality and revenge. They are a mix of stark contrasts, and often very pragmatic in their outlook. At certain times, they can be generous and hospitable, but on another occasion, so vengeful that almost no power could wrest the culprit from their grip. They are sharp enough to integrate many of their cultural traits into their politics. The culture of hospitality and shelter has very strategically been used against the authorities to achieve the needed advantages.

The Pashtunwali Code has mostly been used for the purposes of turning a profit. For example, they might provide sanctuary to the renegade, car lifters and other fugitives from law, in exchange for money. The influx of the militant’s money was just one more means by which they gained influence.<sup>131</sup> After independence, these political dynamics

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129 Barnett R. Rubin, 22-32. Also see Akbar Ahmed, *Tradition, and Changes on the Northwest Frontier* (London: 1982).

130 “Inaccessible Areas,” Government of Pakistan, Federally Administered Tribal Area, at <http://www.fata.gov.pk/inaccessible.htm> (April 10, 2005).

131 Eliza Griswold, “In the Hiding Zone,” *The New Yorker*, (July 26, 2004): 34-41.

have essentially been left unchallenged by Pakistan. Tribal areas are a paradise for criminals on the basis of the Pashtunwali Code. However, under the prevailing circumstances, the shelter they often provided to the so-called “guests,” have backfired against them, instead incurring the wrath of the authorities against such tribal elements. Their circumstances are extreme, and their life-style tends to be a reflection of that. However, their politics, also, have strong trappings of pragmatism, which needs to be exploited carefully to ensure smooth implementation of economic and political reforms in FATA.

### **3. Tribal Peoples as Intelligent Actors**

The tribal chieftains of FATA are political actors who have a tradition of behaving intelligently throughout history. They did not make deals with the British simply because they were the stronger force. They reached agreements because it served their interests, and will continue to do so in the future. This characterization, where tribal chieftains appear as political actors, should not be perceived as disparaging the warrior ethos of the Pashtuns of the western frontier. Rather, it should be seen as an example of their ingenuity and survivability. They have retained their freedom, in large part, because they recognize when it is in their best interest to negotiate, and when it is in their best interest to fight. It is easier to refer to the Pashtun as warrior, because it relieves them of responsibility. The claim is made that the region is ruled by traditional arrangements, and that to upset these arrangements could be catastrophic. The political arrangements may well be traditional, but they are also arrangements where the central government is a player, and has tools with which to influence the tribes.

### **4. FATA – The Pandora Box of Problems**

The Pakistan government official website lists a rather honest assessment of the problems of the FATA in the following way: “(the) absence of administration, lack of infrastructure and social services, as well as the extreme lack of economic opportunities [sic] (particularly irrigation and agriculture) made these areas as safe haven for illicit activities like trade in arms, drugs, smuggling, dacoits and so on.”<sup>132</sup> The circumstances that exist in FATA are often the results of low literacy rates, as well as partly the result of

proud people who have resisted domination from outsiders for hundreds of years, and partly the result of a central government that had neither the appropriate financial resources, nor the desire, to challenge the existing political arrangements. However, many of the problems the government attributes to the FATA are not necessarily a result of the autonomy of the tribal chiefs; rather, they are a result of the consequences of modern international events that distorted the political economy of the NWFP, and particularly the tribal areas, such as the Islamic Revolution in Iran, the Soviet invasion of Afghanistan, and the CIA-Pakistani response to that invasion.

The CIA aid to Afghan Mujahidin in the 1980s and its covert operations expanded opium production in Afghanistan and FATA areas of Pakistan. During the Afghan-Soviet war, a number of Mujahidin leaders understood that large sums of revenue that could be made smuggling opium across the Pakistani border. It has been proven, beyond doubt, that long-term development programs in these areas can help reduce cultivation and supply of opium. Tragically, the United States reduced its aid in the late 1990s to anti-drug programs in Pakistan, especially for economically uplifting projects in poppy cultivation areas, which, alone, could dissuade the farmers from poppy cultivation.<sup>133</sup>

Even though the Pashtun tribesmen had been heavily armed since the time of the British presence, the Afghan War changed the region from a quaint backwater into a major hub for drug trafficking and weapons smuggling. The efforts to arm the Mujahidins in their war against the Soviets were channeled through Peshawar, a region managed by the Inter-Service Intelligence (ISI). According to a RAND article, possibly 70% of the weapons intended for the Mujahidins never made it to them.<sup>134</sup> When the Musharraf government was to initiate its National Arms Control Policy in May 2001, it exempted the FATA from the campaign. The Dawn newspaper, quoted a senior Pakistani government official when he reasoned, “The issue was raised at a meeting and it was

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132 “Inaccessible Areas,” Government of Pakistan, FATA.

133 Ikramul Haq, Pak-Afghan Drug Trade in Historical Perspective, *Asian Survey*, Vol. 36, No. 10 (1996): 945-963.

134 Peter Chalk, “Light Arms Trading in SE Asia,” RAND Op-Eds, at <http://www.rand.org/hot/op-eds/030101JIR.html> (Mar 17, 2005).

pointed out that any operation to recover these arms could entail serious law and order situation.”<sup>135</sup>

## **5. The Jihadi Culture of FATA and Affinity with Taliban**

As Qazi Hussain Ahmed, Chief of Jamaat-e-Islami, said, “The Afghan war was the mother of all Jihads.”<sup>136</sup> Areas along the Durand Line, particularly FATA, were used as a springboard for training and launching of Jihadis from all over the world in order to fight the Soviets. However, the Soviet withdrawal from Afghanistan in 1989 failed to signal the end of the Jihad, and the Jihadis were left without proper leadership. Loaded with an intensity of confidence after defeating the Soviets, they moved to other parts of the world, with the majority settling in Afghanistan and FATA. Later in the 1990s, the thousands of Madrasa-trained students filled the ranks of the Taliban leadership and military. Therefore, there exists a general relationship and religious affinity between the Taliban and residents of FATA. Thus, most people in the area are fanatically pro-Taliban, and anti-American. In 2001, the majority of tribal organizations in FATA declared that they would not allow any anti-Taliban elements, either military, or civilian, to enter their areas. Some tribes blocked a part of the historic Silk Route used by traders, carrying goods between Pakistan and China, in protest against President Musharraf’s pro-American policies.<sup>137</sup> The Pakistani elections of October 2002 produced a huge rise in the representation of Islamist parties, particularly in the NWFP. Now, the Jihadis are posing a serious threat to the internal security of Pakistan, and are presenting a big dilemma for the government of Pakistan. The Pakistani government is being urged to take any stern action, while the majority religious party, the Muttahida Majlisi-Amal (MMA), is ruling NWFP, which also has strong opposition at the center in Islamabad.

Mohmand and South Waziristan agencies came to international attention in January 2003 following clashes between the U.S., Afghan, and Pakistani Armed forces (details of which will be discussed in following sections). No regular government has been able to control the feuding Waziris, as they tend to believe in the primacy of small

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135 M. Ismail Khan, “FATA Goes out of Arms Recovery Campaign,” Dawn: the Internet Edition, April 21, 2001, at <http://www.dawn.com/2001/04/21/top11.htm> (March 5, 2005).

136 Zaigham Khan, “Inside the Mind of the Holy Warrior,” *The Herald*, (July 1999): 42.

137 “Jane’s Sentinel Security Assessments,” January 2004, at <http://www4.janes.com> (February 13, 2004).

arms, and received modern, American-made weapons from the CIA during operations against the Soviets in the 1980s. The unconditional support rendered to the United States by the Pakistani government, despite the strong opposition of Jihadi organizations (and their parent political parties) is a clear indicator of the government's pledge to curb the Jihadi groups.<sup>138</sup> The evil of religious intolerance and fanaticism has been the outcome of decades of interaction between international, regional, and internal stimuli. The mind-set of tribal people cannot be changed overnight, and warrants application of short, medium, and long-term policy packages.

## **6. Unofficial Trade and Drugs Flow Across the Durand Line**

The people of FATA have traditionally been involved in trade with Pakistan, as well as in Afghanistan, and beyond, without any restriction on the movement of men and materials. The smuggling of narcotics, all types of weapons, and other things was regarded as legal and normal transactions. There used to be only two official trade links between Pakistan and Afghanistan, namely via Torkham (Khyber Pass, Peshawar-Kabul) and Weish (Bolan Pass, Quetta-Kandahar). However, now there are over 20, including unofficial places of trade, through shingle roads and tracks on which trucks, mini-buses and pick-ups operate frequently. Afghanistan's unofficial exports to Pakistan totaled \$941 million in 2000, while official exports were only \$98 million, whereas unofficial imports from Pakistan totaled \$82 million.<sup>139</sup> FATA is generally devoid of any industries and factories for local employment. The cross border unofficial trade is booming and significant, in terms of generating incomes, providing employment and providing access to basic goods, including food. The economic situation has regional spill-over effects, through unofficial trade, the sale of narcotics, the flow of other finances, and the movement of people.

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<sup>138</sup> The majority of religious scholars Musharraf said are very enlightened people. But the extremist carrying out the protests (against the U.S. bombing in Afghanistan) think that they are the sole custodians of Islam. They looked at Taliban as if they were the renaissance of Islam and at those were against the Taliban as, God forbid not Muslims. But those people have no respect for human rights and Pakistani people were let down by these so-called religious scholars. Musharraf then went on to announce the banning of militant organizations. From now on, he said, no organization would be able to carry out terrorism on the pretext of Kashmir. See Musharraf's speech highlights January 12, 2002 at [http://news.bbc.co.uk/hi/english/world/southasia/newsid\\_1757000/1757251](http://news.bbc.co.uk/hi/english/world/southasia/newsid_1757000/1757251) (March 2005).

<sup>139</sup> "Afghanistan's International Trade Relations with Neighboring Countries," World Bank Watching Brief-2001, at [http://lnweb18.worldbank.org/SAR/sa.nsf/Attachments/8/\\$File/intltrade.pdf](http://lnweb18.worldbank.org/SAR/sa.nsf/Attachments/8/$File/intltrade.pdf) (March 7, 2005).

Poppy cultivation in Afghanistan, which was almost brought to a halt by the Taliban in 2001, has seen a record increase from 2002 to 2005. According to the Afghanistan Opium Survey of 2004, put out by the UN Office on Drugs and Crime, there has been a clear acceleration of opium cultivation, as compared to previous years, as well as to unaffected or marginally affected areas. The number of provinces where opium poppy cultivated has steadily increased, from 18 provinces in the 1990s, to 23 in 2000, and 28 provinces in 2003. Moreover, in 2004 and 2005, all 32 provinces have combined to make Afghanistan the world's largest area under poppy cultivation.<sup>140</sup>

The production of a bumper crop of poppies is highly affecting Pakistan's bids to control drug-trafficking with its scanty resources. Most of the drugs produced in Afghanistan find their way into Pakistan across the Durand Line, and are then often smuggled to European countries via Iran and the Persian Gulf.<sup>141</sup> It directly effects the security situation in FATA, where the economic intensions of people who live along the Durand Line are visible, leading to efforts to seal the Durand Line, and, thus, entangling Pakistan and Afghanistan in frequent conflicts.

### **C. OPERATION ENDURING FREEDOM (OEF) IN AFGHANISTAN**

Immediately after 9/11, the American military response against terrorists' attacks was given the name of "OEF" in Afghanistan.<sup>142</sup> Islamabad was prompt in declaring its unequivocal support to Washington in its war against terrorism. Why did Washington align itself with Pakistan in 2001? Because the initial phase of the GWOT was focused on Afghanistan and Pakistan--it had both the facilities (i.e., bases) and the intelligence necessary to pursue such a phase effectively. On October 7, 2001, the initial phase of OEF began, with a massive mix of air strikes, dropping daisy-cutters and tomahawk cruise missiles on Kabul, Jalalabad, and Kandahar. The intense air campaign succeeded in destroying all major fixed targets and operational facilities, as well as Al-Qaeda camps and its headquarters, but the Taliban forces were only scattered, rather than being eradicated. Having wiped out large targets and much infrastructure the U.S. military

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140 United Nations, "2004 World Drug Report," UN Office on Drugs and Crimes, at [http://www.unodc.org/unodc/en/world\\_drug\\_report.html](http://www.unodc.org/unodc/en/world_drug_report.html) (April 12, 2005).

141 "Pakistan Bearing Brunt of Poppy Cultivation in Afghanistan," Dawn, March 23, 2005, at <http://www.dawn.com/2005/03/23/nat13.htm> (April 12, 005).

142 "Operation Enduring Freedom-Afghanistan," Global Security, at <http://www.globalsecurity.org/military/ops/enduring-freedom.htm> (August 27, 2004).

commanders turned their focus to striking Al-Qaeda and Taliban operatives in the fields. Using local Afghan opposition elements to identify Taliban elements, small teams of Special Operations Forces were able to target pinpoint positions, using GPS and calling air strikes onto precise coordinates.

By November 9, 2001, in the wake of a large number of casualties, Taliban forces started withdrawing from every major city of northern Afghanistan. Forces loyal to Uzbek warlord, Abdul Rashid Dostum, and Tajik Qasim Fahim, captured the Taliban stronghold of Mazar-i-Sharif, and the northern provinces of Jowzjan, Faryab and Samanangan.<sup>143</sup> On November 11, 2001, the Taliban vacated their defenses north of Kabul, finally opening a route for the NA to occupy the capital. By this time, the U.S. and United Front (UF) forces of NA had captured almost half of Afghanistan. With the fall of Bamiyan in central Afghanistan, the Taliban lost the only road that linked their forces in Kabul with those in the north. Ultimately, Kabul fell to UF forces, sending shockwaves through the Taliban regime.<sup>144</sup>

On November 14, 2001, Jalalabad fell to forces loyal to Haji Abdul Qadir, blocking a major area of refuge for fleeing Taliban forces.<sup>145</sup> By November 19, 2001, the U.S. and UF forces had consolidated their hold on the city of Kabul, and captured the city of Kunduz, trapping thousands of Taliban and Al-Qaeda fighters in the northern provinces of Kunduz and Baghlan. On November 25, 2001, an uprising in the fortress of Qala-i-Jhangi outside of Mazar-i-Sharif produced the first U.S. casualty of the war, CIA agent, Mike Spann. Within the next three days, forces loyal to Dostum had suppressed the revolt, killing an estimated 600 foreign Taliban fighters. The deaths were due to aerial bombing, and the mismanagement of prisoners became a serious issue for the local populace, adding to the resentment against American operations.<sup>146</sup>

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143 "Afghan Opposition Capture Key City," BBC NEWS, November 10, 2001, at [http://news.bbc.co.uk/1/hi/world/south\\_asia/1646384.stm](http://news.bbc.co.uk/1/hi/world/south_asia/1646384.stm) (July 17, 2004).

144 "Alliance Invites Afghan Factions to Kabul for Talks," CNN World, November 13, 2001, at <http://www.cnn.com/2001/WORLD/asiapcf/central/11/13/ret.kabul.withdrawal/index.html> (July 17, 2004).

145 "Aid Workers Freed from Afghanistan," CNN World, November 14, 2001, at <http://www.cnn.com/2001/US/11/14/gen.war.against.terror/index.html> (July 15, 2004).

146 Carl Conetta, "Operation Enduring Freedom: Why a Higher Rate of Civilian Casualties?," PDA Briefing Report, No. 11, January 18, 2002, at <http://www.comw.org/pda/0201oef.html> (July 19, 2004).

Up to this point, during the entire operations, not even a single, prominent Taliban/Al-Qaeda leader was apprehended. A large number of Taliban troops either vanished to their southern stronghold of Kandahar, or submerged into the local populace within their own respective tribes. Most had shaven off their beards, removed their turbans, and mixed with the local masses. However, the foreign Mujahidins were exception to the above, as they had only two options: either leave Afghanistan, or fight and die. After the fall of the Taliban, the largest resistance pocket of Arab/Foreign Mujahidins was identified in the Tora Bora area of the White Mountains of Afghanistan, along the Durand Line.

On November 27, 2001, UN-backed talks between four delegates from each of Afghanistan's major ethnic groups (i.e., the NA, Rome, Peshawar, and Cyprus Groups) began in Bonn, Germany, in order to lay the foundation for an interim government.<sup>147</sup> At the same time, in Afghanistan, a thousand U.S. Marines landed outside of Kandahar, reducing heightened ethnic tensions in the south that had resulted from continued fears of an ethnic minority storming into traditional Pashtun areas. By November 28, 2001, the U.S. had begun its assault on the Taliban capital of Kandahar, with an intensive bombing campaign, supplemented by UF commanders of local troops. On December 7, 2001, Kandahar was captured, while the U.S. and local forces had begun their initiative in the Tora Bora region along the Durand Line to eliminate suspected al Qaeda bases.<sup>148</sup>

#### **D. OPERATIONS ASTRIDE THE DURAND LINE**

In response, to rumors that Osama bin Laden had taken refuge in the White Mountains of Tora Bora, the U.S. forces began an assault on December 1, 2001 with a massive bombing campaign, utilizing B-52 bombers. Under the cover of intense bombing, an estimated 2,500 Afghan fighters, accompanied by 40 U.S. Special Forces, began the ground assault on the Tora Bora region on December 5, 2001, and on December 11, 2001, Al-Qaeda forces had brokered a cease-fire to negotiate surrender. However, the U.S. Special Forces, infuriated at the halt of operations that produced little

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<sup>147</sup> "Bonn Inter-Afghanistan Conference Reaches Agreement on Interim Government," PRAVDA News and Analysis, at <http://english.pravda.ru/war/2001/11/29/22433.html> (July 17, 2004).

<sup>148</sup> "Celebrations, Confusion as Kandahar Falls," CNN World, December 7, 2001, at <http://www.cnn.com/2001/WORLD/asiapcf/central/12/07/ret.kandahar.surrender/index.html> (July 17, 2004).

to no results, resumed the bombing campaign on December 13, 2001. Local Afghan village elders claimed that the U.S. bombs had killed an estimated 150 Afghan civilians, enraging local villagers, potentially driving them to side with the fleeing Taliban and Al-Qaeda forces, thus facilitating their escape from the area. By December 17, 2001, the operations at Tora Bora had ended with an empty victory for the U.S. and Afghan forces. While the operation at Tora Bora had succeeded in driving many of the remnants of the Taliban and Al-Qaeda from Afghanistan, the operation had allowed these forces to take refuge in the uncontrolled tribal regions across the Durand Line in FATA of the NWFP.

So far, air power remained the most predominant factor in the U.S. operations against Taliban/Al-Qaeda. It lacked the required number of ground troops to establish blocking positions to trap the fleeing Taliban. However, there was also a reluctance to risk the scanty ground troops against vigorously attacking Taliban defenses during the opening days of the operation, resulting in the escape of Taliban/Al-Qaeda without their suffering any harm. Americans had also failed to operate, at this time, according to the logic of tribal warfare (e.g., pressure, split or topple), rather it had sought their complete destruction and annihilation. Under such circumstances of operations, Pakistan needs to stop the fleeing Taliban by sealing the porous Durand Line in inhospitable and treacherous terrain. In December 2001, the first operation ever was undertaken by Pakistan Army in Terah Valley of Khyber Agency and portions of the Kurram Agency bordering area opposite Tora Bora of Afghanistan.

During the week following the fall of Tora Bora, Hamid Karzai, was sworn in as the first official president of the new Transitional Afghan Administration.<sup>149</sup> Despite the promise of stability and multi-ethnic unity, political tensions continued to mount, as the ethnic Pashtun majority's dissatisfaction grew, with the great preponderance of cabinet positions going to the NA. Later on, after the meeting of Loya Jirga, differences between various warlords increased over the question of how to share in the new Afghan government. This issue also contributed significantly to the annoyance of the Pashtun majority of the U.S. The re-grouping of anti-Coalition Forces elements led to guerrilla

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149 "Afghanistan Crisis Situation Report," Relief Web, December 27, 2001, at <http://www.reliefweb.int/w/rwb.nsf> (July 27, 2004).

activities against the U.S./Coalition forces. Rocket attacks, bomb blasts, mine explosions, and indiscriminate firing became routine.

At this moment, the situation across the Durand Line provided an opportunity for India to envelop Pakistan. Thus, New Delhi master-minded such an attack on its parliament on December 13, 2001, by squarely accusing Pakistan responsible of the attack. This, ultimately, led to the mobilization of forces by both sides. The ominous threat on their eastern border put Pakistan in a very difficult situation if they wanted to continue sealing off operations across the Durand Line. However, Pakistan still maintained a sizeable portion of its strategic forces on the western border. The eye-ball to eye-ball situation along the eastern borders, which continued for a long period; definitely affected Pakistan's efforts along the Durand Line, as it was the *sin-qua-non* for Pakistan to accord priority to eastern front.

### **1. Manipulation of the Durand Line Alignment**

Pak-Army and Frontier Corps (FC) troops moved in to the Shawal area of North and South Waziristan agencies in June 2002. By the end of July 2002, the increased guerilla attacks led to a change of strategy for the OEF, i.e., a clear shift towards more conventional combat tactical ground operations of hunting the Al-Qaeda elements. A few of the objectives were to flush out or apprehend Al Qaeda remnants, deny safe heaven, destroy tunnel/cave complexes, and block routes used to cross the border towards Pakistan. The emphasis of operations was focused more on areas along the Durand Line. At this point, there had been a desire by the U.S. forces to manipulate the misperception regarding free movement, making the alignment of the Durand Line correspond more with the map (see Figure 11). The Coalition forces presence was as shown, and they wanted Pakistan forces to move forward in accordance with the Black Line, shown as the Durand Line on the map. Pakistan denied the accuracy of this map, and rejected any moves across the recognized international border (as marked by the Red Line) and restricted its operations only to Pakistan, while also reiterating that no move of Coalition forces across the international border would be allowed. The exact alignment of the Durand Line is according to the Red Line, which is shown as international border.

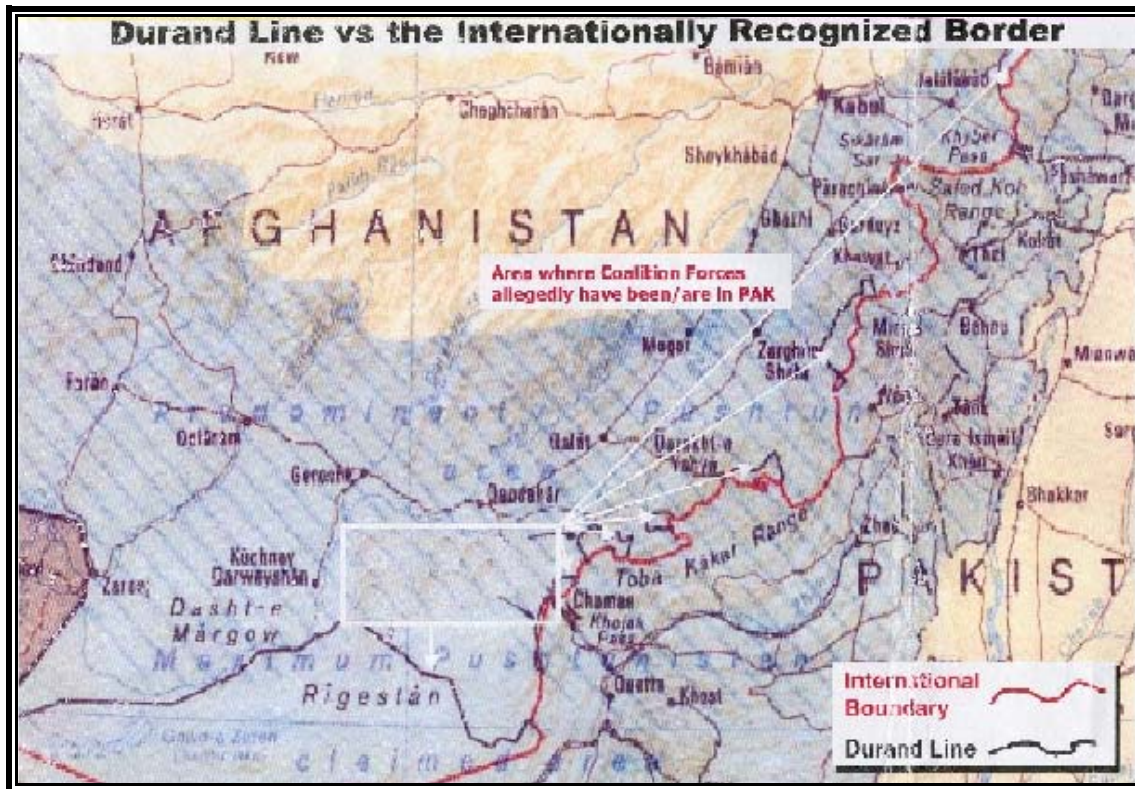


**Figure 11.** The map shows the presence of Coalition Forces with a wrong alignment of the Durand Line and International Border.

## 2. Hot Pursuit Policy

With this change in strategy, the important operations conducted by the Coalition forces were in South and Eastern Provinces of Afghanistan, such as Anaconda, Valiant Shield, Mountain Loin, Snipe, Dragon Fury, Haven Denial, Warrior Sweep, Mountain Viper, Mountain Resolve, and Mountain Sweep.<sup>150</sup> In a climate of high tensions surrounding the Durand Line, the first shootout erupted between the U.S. and Pakistani troops, at Angur Ada in South Waziristan, on crossing of the international border by the U.S. soldiers. This prompted the U.S. forces to call in F-16 warplanes. The clash ended with the deaths of a few soldiers from both the U.S. and Pakistan. Both sides sought to play down the clash, and stressed their willingness to cooperate and prevent the recurrence of such incidents.<sup>151</sup> However, the hot pursuit policy statement by Major Steve

<sup>150</sup> For more details see, "Operation Enduring Freedom-Afghanistan," Global Security, at <http://www.globalsecurity.org/military/ops/enduring-freedom.htm> (August 27, 2004).

<sup>151</sup> Marc Kaufman, "U.S. Reports Clash With Pakistani Border Unit," Washington Post, January 1, 2003; Page A01, at <http://www.washingtonpost.com/ac2/wp-dyn/A60833-2002dec31.htm> (April 2, 2005).

Clutter (the U.S. military spokesman at Bagram Base) said, “the U.S. reserves the right to pursue fleeing Taliban and Al Qaeda fighters from Afghanistan into Pakistan without Pakistan's permission. It is a long-standing policy, that if we are pursuing enemy forces, we're not just going to tiptoe and stop right at the border, he said.”<sup>152</sup> Both the shooting incident and the policy announcement set off protests in Pakistan, where the government of Pakistan denied that the U.S. had either the right, or Pakistan's consent, to enter its territory. It was later on denied by the U.S. that they pursued a policy of crossing the Durand Line.

### **3. Operation Unified Resolve**

The operation, Unified Resolve, was conducted in June 2003, which was a coordinated operation involving the Pakistan Army, which was to secure the porous and un-demarcated border in Mohmand agency, and the Coalition forces, which were deployed across the border in Nangarhar and Kunar provinces of Afghanistan. This was for the first time that Pakistan had ever moved troops into this un-administered area. Here, there was a conflict of interest for both forces; for Pakistan, the priority was first to extend its writ to lawless tribal areas while, simultaneously, sealing the border by deploying its troops in newly established outposts. The U.S. expressed priority, on the other hand, was to seal off the border. After a few days, the Coalitions forces started moving out of the area. Meanwhile, the Afghan authorities accused Pakistan of occupying more than 40 kilometers of their territory, and, thus, sent fighters to reclaim the land, in the presence of the Coalition forces. It resulted in a heavy exchange of fire, and triggered anti-Pakistan protests in Kabul, Kandahar, Lagman, Mazar-i-Sharif, Urozgan, and other cities. On July 8, 2003, the NA instigated protests in Kabul, ending in the ransacking of the Pakistani Embassy, and threatening to escalate into a wider conflict.<sup>153</sup>

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152 Scott Baldauf, “US 'Hot Pursuit' Roils Pakistanis,” *Christian Science Monitor*, Jan 6, 2003, pg. 06 at <http://proquest.umi.com/pqdweb?RQT=309&VInst=PROD&VName=PQD&VType=PQD&Fmt=3&did=000000274254491&clientId=11969> (August 8, 2004).

153 Rahimullah Yusufzai, “Borderline Story,” *The News International*, July 20, 2003 at <http://www.jang.com.pk/thenews/jul2003-weekly/nos-20-07-2003/enc.htm#1> (March 16, 2005). Also see April Witt, “Pakistani Forces Intensify Fighting along Contested Border,” *Washington Post*, July 20, 2003, Page A15, at <http://www.washingtonpost.com/ac2/wp-dyn/A17116-2003jul19> (April 2, 2005).

The misperception that the incursion into Afghanistan involved crossing the Durand Line was skillfully manipulated by the Coalition forces to make it appear to be an escalating situation, thus necessitating the engagement of Afghan and Pakistani forces to stop any movement across Mohmand area, effectively militarizing the border. On the other hand, the Pakistan government used this opportunity to extend its authority in No Go Areas. Later, the U.S. mediation was successful in cooling down tempers in Kabul and Islamabad with the formation of Pak-Afghan-American Tripartite Commission, composed of senior military and diplomatic representatives. The Commission first met on June 17, 2003 to carry out ground verifications and submit its findings to address mutual concerns. Since then, regular meetings of the Tripartite Commission are held to discuss developments concerning security along the border regions between Afghanistan and Pakistan, including practical measures to counter cross-border infiltration and terrorist activity.<sup>154</sup>

#### **4. Critical Remarks and Impatience**

Pakistani troops are conducting operations in the tribal regions, irregardless of all the odds against them. However, in doing so they have suffered heavy casualties and had to counter many critical remarks, including expressions of disappointment and impatience with Pakistan's performance, remarks that have been perturbing. The U.S. ambassador in Kabul, Zalmay Khalilzad, made similar such remarks on May 8, 2004.<sup>155</sup> However, every one admits of no hard evidence of Bin Ladin's whereabouts, even though conspiracy theories surface every now and then, leading to confusion. The commander of the U.S. forces in Afghanistan, Lieutenant-General David Barno, also expressed concern over Pakistan's strategy and said "Pakistan must eliminate a significant number of militants along the border. There are foreign fighters in those tribal areas who will have to be killed or captured."<sup>156</sup> Irrespective of all the critics, Pakistan continues to be one of the United States' most important partners in the global coalition against terrorism. President George W. Bush rewarded Pakistan on June 16, 2004 by calling Pakistan their

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<sup>154</sup> "Tripartite Commission Concludes Seventh Meeting," Press Release, April 17, 2004, Ministry of Foreign Affairs of Afghanistan, at <http://www.afghanistan-mfa.net/pressrelease/PRKBApril172004.html> (23 March 2005).

<sup>155</sup> For details see, Pamela Constable, "Pakistan's Uneasy Role in Terror War; Conciliatory Approach to Tribal and Foreign Fighters Leaves U.S. Officials Frustrated," *The Washington Post*, May 8, 2004, p. A.08.

“Major non-NATO Ally” status, tightening military cooperation as both countries jointly battle terrorism.<sup>157</sup> However, as for the concerns with impatience, on December 24, 2004, the President of Pakistan, Pervez Musharraf, said that the United States shares major responsibility, because the U.S.-led coalition does not have enough troops in Afghanistan; a situation which had left “voids.” Thus, he suggested the United States and its allies needed to expedite the training and expansion of the new Afghan army as the only viable alternative.<sup>158</sup>

## **5. South Waziristan and Wana Operations**

South Waziristan, the largest of the seven tribal agencies in FATA in terms of area, has always been difficult to govern. South Waziristan is largely mountainous, making it ideal for guerrilla warfare. The tribesmen, who are born fighters and learn to fire a gun at an early age (in keeping with local tradition), acquired more sophisticated fighting skills during the long years of the Afghan war. Those skills have now enabled the militant tribesmen to put up a fierce resistance to the Pakistan Army and Frontier Corps troops, execute ambushes, plant landmines, and fire rockets despite being outnumbered and outgunned.<sup>159</sup> Unlike the U.S. and its allies, who were obsessed with capturing bin Laden and Dr. Al-Zawahiri, and looked at the military operation in South Waziristan in the context of their capture or escape, the priorities were very different for the Pakistani government. They were counting their dead and hoping that the fallout of the situation in South Waziristan would not become un-controllable. In the Wana Operation, 163 militants had been arrested, out of which 73 foreigners belonged to Chechnya, Afghanistan, Uzbekistan, and Tajikistan, at were at the cost of numerous casualties and domestic Political reactions.<sup>160</sup>

At present, while Pakistan has 665 checkpoints along its side of the 600 kilometers stretch of the Durand Line, the coalition forces and Afghan National Army,

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156 “US ‘Concerns’ at Pakistan Strategy,” BBC NEWS, May 3, 2004, at [http://news.bbc.co.uk/go/pr/fr/-/2/hi/south\\_asia/3679699.stm](http://news.bbc.co.uk/go/pr/fr/-/2/hi/south_asia/3679699.stm) (April 10, 2005).

157 U.S. names Pakistan major non-NATO ally,” BBC NEWS, June 17, 2004, at [http://news.bbc.co.uk/2/hi/south\\_asia/3814013.stm](http://news.bbc.co.uk/2/hi/south_asia/3814013.stm) (April 17, 2005).

158 For details see, Robin Wright and Peter Baker, “Musharraf: Bin Laden’s Location is Unknown; Pakistan Presses U.S. on Rebuilding Afghan Army,” The Washington Post, December 5, 2004, p.A.01.

159 Rahimullah Yusufzai, Pakistan’s Wild West Frontier,” The Rediff Special, April 7, 2004 at <http://www.rediff.com/news/2004/apr/07spec.htm> (April 10, 2005).

combined, have only 69 posts along the Afghan side. In an unparalleled military operation to support the U.S. pursuit of Al-Qaeda members, Pakistan has deployed 75,000 troops along the Durand Line that is, again, in stark contrast to the 25,000 troops on the turbulent Afghan side. However, military strategists maintain that with 249 unfrequented routes along the Durand Line, it is not possible to seal the entire border, even with this troop strength.<sup>161</sup>

## **E. CONCLUSION**

What has happened in the treacherous tribal areas is not, at all, in Pakistan's best interests. The venom which has been forced into the tribal Pashtun's soul is counter-productive for Pakistan in the long-run, and could not be overcome overnight, through a military solution; rather it has to be tackled from many dimensions, while the international community must stay committed to the reconstruction and rehabilitation of Afghanistan. The above discussion suggests that Pakistan is acting, once again, as a front line state and taking actions in FATA at substantial risks and under compulsions, which can be summarized as follows:

- Cultural and religious sensitivities.
- Constitutional restraint of operations in the FATA.
- Domestic sensitivity to allow operations within Pakistan territory by foreign soldiers.
- Shortage of manpower, technical equipment, and funds.
- Adverse effects on already fragile economy.
- Threats of war from India.

There is a difference between what the tribal elders say and how the people feel. People want the Pak-army there; they want education; they want help; they want roads. The bottom line with Pakistan is that they do not want to take things to the point where there is an armed rebellion (though there is that potential), because these people are armed to the teeth. Therefore, the government of Pakistan is not really wanting to challenge them. The Pakistani government is also facing an enemy that is far different,

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160 A Q Anjum, "The Wana Operations," *The News International*, at <http://www.jang.com.pk/thenews/apr2004-daily/05-04-2004/oped/o6.htm> (March 24, 2005).

161 Qudssia Akhlaque, "Tripartite Body Meets on 22nd," *Dawn*, February 11, 2005, at <http://www.dawn.com/2005/02/11/top7.htm> (April 10, 2005).

and far more ethereal than the one it expected. These factors have created Pakistan's political uncertainty, thereby contributing to its problem socially integrating people from tribal areas.

Pakistani public opinion views with concern any possibility of compromising the sovereignty of the state, even to a minimal degree, such as by allowing foreign troops to be stationed on Pakistani soil, or allowing foreign intelligence agencies to operate within the country, or the signing of non-transparent agreements for cooperation on the war on terrorism. All these issues have caused uneasiness among the people. There is no doubt that the nation has been in support of President Musharraf's decision to join the anti-terrorism coalition in order to safeguard national interests. Nevertheless, the conditions and limits of collaboration need to be redefined, especially in view of the exploitative nature of the security situation on the Pak-Afghan border.

Pakistan is a crucial frontline state in today's fight against international terrorism. Remnants of Afghanistan's dismembered Taliban regime, for example, were known to be hiding along the Afghan-Pakistani border. The army's attempt to oust them, however, met with stiff resistance in the border town of Waziristan. Moreover, although so far they appear to have missed their targets, al-Qaeda operatives have tried to kill Pakistani officials throughout the country. There have been assassination attempts on President Pervez Musharraf, and other key persons. The Pak-Army has killed 300 militants in Waziristan, more than 100 of them foreigners, and suffered over 170 casualties.<sup>162</sup> Human rights activists have alleged that the army's brutal tactics have fomented a rebellion in South Waziristan.

The U.S. must understand that having hostile governments on both its eastern and western borders does not suit Pakistan's strategic interests. The United States and Pakistan should continue to coordinate operations in a kind of *hammer-and-anvil* approach, in order to prevent al Qaeda fighters from going undetected by moving back-and-forth across the border. The U.S., having great influence on both Kabul and

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<sup>162</sup> M. M. Ali, "Pakistan Faces More Challenges at Home, As Afghanistan Prepares for Elections," *The Washington Report on Middle East Affairs*, October 2004. Vol. 23, Iss. 8, p. 27.

Islamabad, should pursue a resolution to the border dispute, rather than continue exploiting misperceptions regarding the Durand Line.

Many things complicate the situation, making the progress of operations slow. The U.S. interests, particularly with regard to its war on terrorism, would be best served if Afghanistan and Pakistan cooperate, while hunting down Al-Qaeda and Taliban fighters. The continuing turmoil in Afghanistan, caused by things besides the Taliban, such as, Pashtun nationalist forces and unprecedented growth of opium poppies, have a ripple effect on the future course of Pakistan's efforts in FATA. Pakistan needs to make periodic assessments of the developments that are taking place, and adjust its responses accordingly, in order to preserve its long-term national interests. Pakistan has to create more pragmatic policies to enhance confidence building in Afghanistan in order to overcome these many obstacles.

## **V. FINDINGS AND RECOMMENDATIONS**

### **A. INTRODUCTION**

The issues of the legitimacy of the Durand Line and Greater Pashtunistan have always been of concern in turbulent Pak-Afghan relations. The GWOT has changed the political situation in the region, and the misperceptions regarding the alignment of countries caused by the porous nature of the Pak-Afghan border (i.e., the free movement of people across the Durand Line) have become major international issues. Pakistan is making simultaneous efforts to establish writ in un-administered and inaccessible tribal areas located along the Durand Line. This thesis argues that under existing circumstances of combat operations against Al-Qaeda and the Taliban, where Pakistan is in full support of U.S. objectives of the GWOT the exploitation of misperceptions regarding the Durand Line can make it south Asia's newest trouble spot. By evaluating its historical controversies and the involvement of external actors, the thesis endeavored to provide a backdrop for the ongoing military operations astride the Durand Line. This concluding chapter lays out broad findings and recommends guide lines for policy-makers, which can prevent the Durand Line from becoming a trouble spot.

### **B. MAJOR FINDINGS**

The fixing of the Durand Line was the result of the "Great Game," which brought the Khyber Pass and the highlands of Quetta within the British-Indian sphere. British signed an agreement for their benefit by dividing the Pashtun tribes. However, it is worth noting that, long before the British or the Sikhs appeared on the scene, and before the creation of the Afghan state by Ahmad Shah Durrani, the western Afghans (mainly Durrani and Ghaljis and the Afridis, Orikzais, etc.) had pursued different alignments. Whereas, the western peoples had been subjects of Safavi Persia, and had, to a measure, become Persianized, the easterners, when they acknowledged any overlord, were said to be the subjects of the Mughal Empire of India. The Durand line, thus, did something to stabilize a distinction that had roots both historical and economic root. Amir Abdur Rehman, also, went on record in his autobiography, as having wholeheartedly approved

of the settlement of the Durand Line, and the agreement was not signed under duress. Furthermore, it was reaffirmed by successor Afghan rulers.

The international community, including the United States, also recognizes the Durand Line as the international boundary between Pakistan and Afghanistan. Therefore, Afghanistan's claims seeking to invalidate the Durand Line are in contradiction of international rules and norms, where its arguments are confusing, and it has failed to establish that her claims are bona fide. On one hand, Afghanistan has unilaterally denounced the treaty. However, on the other hand, it also claims that the treaty expired after the lapse of hundred years. Afghans are constantly trying to prove the Durand Line's invalidity, in order to address problems associated with its being landlocked, giving it access to the Indian Ocean. The Durand Line is, unquestionably, the international boundary between Afghanistan and Pakistan. Nevertheless, aided and abetted by external actors, the Afghan government shows hostility to Pakistan.

The inadequacies in demarcation of the Durand Line, particularly in Mohmand and Waziristan areas, have resulted in claims and counter claims on each other's territories. Thus, Afghanistan and Pakistan remain suspicious of each other's motives, leading to situations that have often escalated into the exchange of gun-fire on the Durand Line. Today, under ongoing U.S.-led operations against Al-Qaeda and the Taliban in Afghanistan, the problem is compounded due to the un-administered and inaccessible tribal areas of Pakistan along the Durand Line.

There is also no consistency in the Afghan claims related to Pashtunistan, which have ranged from merely expressing concern for the welfare of the Pashtuns, to an irredentist claim for reunification of all Pashtuns under the Afghan flag. The Afghan extremist make claims that even Balochistan, an area largely inhabited by non-Pashtun tribes, should be considered a Pashtun territory. Mainly, the ethnic basis of Pashtunistan has been set aside by Afghanistan in order to gain an access to the Arabian Sea. Afghanistan's concerns for Pashtunistan, therefore, are self-contradictory and are not genuine, but a cover to disguise its real intentions. Afghans are not very clear with regard to their demands for Pashtunistan. That is because Pashtunistan has had different meanings at different times. Kabul's claims are devoid of meaning; political unity and

societal amalgamation, should it ever come, would take on a different shape, as majority Pashtuns of Peshawar would absorb the minority in Kabul. Moreover, if the frontiers have to be re-determined on a linguistic and ethnic basis, as the Afghans claim, the same principle would lead to the disintegration of Afghanistan, itself with its many ethnic groupings.

An independent Pashtunistan State is an economic impossibility, and is more dangerous for Afghanistan than for Pakistan. The areas dominated by Pashtun tribes are land locked and economically dependent on Pakistan. Even Afghanistan cannot sustain itself without the help of Pakistan. However, presently the issue does not capture the imagination of Pakistani Pashtuns any more, due to their absorption into the Pakistani state, and the sad plight of Afghans and Afghanistan. Rather, it is just a stunt to blackmail Pakistan, or to put pressure on her, and thus to gain economic and political mileage, making a proxy for external elements.

Pashtunistan has remained a perpetual source of conflict between Pakistan and Afghanistan, and resulted in the severance of diplomatic relations and military operations on the border, mainly due to the involvement of external elements. New Delhi and Moscow have always contributed to fueling the issue. China and Iran have always renounced the Pashtun nationalism, and support the notion that a stable and peaceful Afghanistan, is not only vital for Pakistan's growing economic, commercial, and cultural links with Central Asia, but Afghanistan, itself, will be major beneficiary of inter-regional cooperation. However, at present, the Indian covert activities along the Durand Line in Pashtun dominant areas, under the guise of intelligence gathering and sharing information with Coalition Forces, are persuasive enough to instigate anti-Pakistan sentiments amongst Afghans, particularly the Pashtuns. Such developments are of critical importance, causing Pakistan to find itself in an extremely precarious position. Under these circumstances, the Pashtunistan issue has the potential to strain Pak-Afghan relations.

Sensitivities regarding alignment and free movement across the Durand Line have also resulted in exchanges of fire, and in casualties of both U.S. and Pakistani troops. Furthermore, misperceptions in regard to incursions into Afghanistan across the Durand

Line by the Pakistani forces were skillfully manipulated by the Coalition forces to militarize the border to help stop any move across of insurgents in Mohmand area by escalating the situation to engage Afghan and Pakistani forces. On the other hand, Pakistan used this opportunity to expand the authority of its government in these No Go Areas. The fact is, that pursuing a policy that set Pakistan and Afghanistan on the road to confrontation, also threatens to tear down the already-stretched fabric of Pakistani society; a society, which does not support the U.S. interests with regards to its war on terrorism, would be best served if Afghanistan and Pakistan cooperate while hunting down miscreants. However, later on, the U.S. mediation succeeded in cooling down tempers in Kabul and Islamabad, with the formation of the Pak-Afghan-American Tripartite Commission, composed of senior military and diplomatic representatives. Nevertheless, so far, no substantial progress has been achieved, primarily due to a lack of political powers by the Tripartite Commission to deal with the sensitive issue.

Pakistani troops are conducting operations in the tribal regions, irrespective of all the odds against them, and have suffered heavy casualties as a result. But the critical remarks of others, especially those expressing disappointment and impatience with Pakistan's performance, have been perturbing for Musharraf's Government. The shooting incidents, and the casual policy announcement of hot pursuit operations, have set-off protests in Pakistan and have helped to create a domestic political crisis. Pakistani public opinion views with concern any possibility of compromising state sovereignty, to even a minimal degree, such as by allowing foreign troops to be operating on Pakistani soil and foreign intelligence agencies to function within the country, or the signing of non-transparent agreements for cooperation on the war on terrorism. All these issues have caused uneasiness among the people. There is no doubt that the nation backed President Musharraf's decision to join the anti-terrorism coalition, in order to safeguard national interests. Nevertheless, the conditions and limits of collaboration need to be carefully handled, especially in view of the exploitative nature of the security situation on the Pak-Afghan border.

FATA is generally devoid of any industries and factories for the employment of locals. The cross border unofficial trade is booming, and significant in terms of

generating incomes, providing employment and access to basic goods, including food. The economic situation has had spill-over effects throughout the region by such things as, unofficial trade, the sale of narcotics, the flow of money, and the movement of people. A spike in Afghanistan's post-Taliban opium production has raised a new concern that Pakistan's western neighbor may become an unstable 'Narco State,' with potentially dire results for Pakistan's security situation. The bumper crop of poppies is highly affecting Pakistan's bids to control drug-trafficking, with its scanty resources. Most of the drugs produced in Afghanistan eventually find their way into Pakistan across the Durand Line, and then are smuggled into European countries via Iran and the Persian Gulf. It directly effects the security situation in FATA, where the economic intensions of people living astride the Durand Line make visible efforts to seal the Durand Line, but still entangle Pakistan and Afghanistan in frequent conflicts.

What has happened in the treacherous tribal areas is not at all in Pakistan's best interests. The venom which has been forced into the tribal Pashtuns' soul is counter-productive for Pakistan in the long-run, and could not be overcome overnight through a military solution. Rather, it is likely best to tackle the problems from many dimensions, while the international community must remain committed to the reconstruction and rehabilitation of Afghanistan. Pakistan is acting, once again, as a front line state, and taking actions in FATA at substantial risks and under compulsions, which can be summarized as follow:

- Political, cultural, and religious sensitivities.
- Monetary benefits of smuggling economy to people of FATA.
- Constitutional restraint of operations in the FATA.
- Domestic sensitivity to allow operations within Pakistan territory by foreign soldiers.
- Shortage of manpower, technical equipment, and funds.
- Adverse effects on already fragile economy of state.
- Threats of war from India (remained ominous in 2001-2002).

- Trepidation of again being allies of convenience for the U.S.

The bottom line for Pakistan is that they don't want to have an armed rebellion in the tribal areas. Pakistan does not want to take things to a point where there is an armed rebellion, and there can be, because these people are armed to the teeth. Therefore, the government of Pakistan is not likely to challenge them. The Pakistani government is also facing an enemy that is far different and far more ethereal than the one it expected. These factors have created Pakistan's political uncertainty, thereby contributing to its problems with regard to societal integration, which merits due understanding by the international community, particularly those showing impatience with the progress of operations in FATA.

The cost-benefit analysis of military operations in FATA by the Pakistan Army reflects only a short-term gain on easing U.S. pressure, at the expense of the lives of dozens of soldiers and civilians. The change in tribal areas will come about slowly, by winning the hearts and mind of the people, through the investment of time, money, and effort; also through social and economic development and political interaction. Whereas, there are signs that change is at hand, it will not continue without sustained investment and will remain unfinished.

At present, while Pakistan has 665 checkpoints along its side of the Pak-Afghan border, the U.S.-led coalition forces and ANA, put together, have only 69 posts along the Afghan side. In an unparalleled military operation to support the U.S. pursuit of Al-Qaeda members, Pakistan has deployed over 75,000 troops along the Durand Line--that is, again, in stark contrast to the approximately 25,000 troops on the turbulent Afghan side (including the U.S.-led coalition forces, NATO led ISAF, and newly trained ANA). However, military strategists maintain that, with around 250 unfrequented routes along the Pak-Afghan border, it is not possible to seal the entire border by Pakistan, acting unilaterally, even with this troop strength.

### **C. RECOMMENDATIONS SPECIFIC TO THE GOVERNMENT OF PAKISTAN**

- To ensure the Durand Land's viability and to secure the sovereignty of both Afghanistan and Pakistan, it must be demarcated wholly, and officially, in a

manner acceptable to both parties, particularly in areas of Mohmand and Waziristan agencies.

- Pakistan must make effective use of renewed alliance with the international community to bolster its standing and stability, by periodically assessing the developments taking place astride the Durand Line, and adjust its responses accordingly, to preserve its long-term national interests.
- Pakistan must stop making use of the words ‘the Durand Line,’ rather as a policy, it should use Pak-Afghan border both in its media and all sorts of correspondences.
- Pakistan still faces an immense economic burden of feeding and housing the two million Afghan refugees remaining in Pakistan. Pakistan must press the international community to help complete the repatriation of Afghan refugees.
- Pakistan must not treat the Afghans as refugees any more in putting a check on their activities and movements, rather as foreign national.
- Pakistan and Afghanistan must establish more controlled crossing points to facilitate the movement of people to and from Afghanistan. The U.S. shall assist building a suitable administrative infrastructure at the crossing points on both sides, to facilitate the movement of people, making it more convenient and organized.
- Pakistan must create pragmatic policies of enhancing confidence building measures with Afghanistan, in overcoming the multiple obstacles, and to reduce the constant mistrust. The establishment of ‘Pak-Afghan Friendship Bus Service’ between Peshawar - Kabul, Miran Shah - Khost, and Quetta - Kandahar and the opening of rail links between Landi Kotal - Jalalabad and Chaman - Kandahar will be a few steps in the right direction.
- Pakistan should review the Afghan Trade Agreement by extending more concessions on construction industry materials, like cement, and electric supplies needed for the rebuilding of Afghanistan. However, Pakistan must bring the

Transit Trade under strict control, thus, ending Afghan drugs trafficking through Pakistan.

- Pakistan must refrain from expressing the notion that no government in power in Kabul can afford to ignore Pakistan, simply because Islamabad is, and will remain, Kabul's most important economic provider and neighbor. Pakistan must rebuild its relationship with the non-Pashtuns (also with ethnic minorities of Uzbeks, Tajiks, Hazaras, and Turkmen, who form the Northern Alliance). However, Pakistan should keep encouraging the international community to balance the structure of the government in Kabul by incorporating moderate Pashtuns who feel alienated.
- Pakistan must push for a measure of equality, and a matching of efforts to secure the border from inside Afghanistan. Pakistan must underscore the need for Afghanistan to do more, and encourage the U.S. government to extend more security assistance for the counter-terrorism operations along the rugged tribal belt bordering Afghanistan.

#### **D. FATA SPECIFIC RECOMMENDATIONS**

- Pakistan's government initiated unprecedented and multifaceted, pacification measures. The unparalleled development works eased the sufferings of the, so far, most underprivileged people of tribal areas. The development projects being initiated now, must have consistency with long-term aims to: 1) provide communication and productive infrastructure (roads, drinking water, irrigation.), 2) increase incremental household incomes through improved agriculture and natural resource-based productivity, 3) encourage participatory, community development through transparent selection and funding of community-level socio-economic infrastructure, delivery of financial services, and non-farm employment opportunities, including capacity building, and 4) institutional strengthening for community organizations and service delivery agencies.
- Pakistan's government efforts in FATA must remain steady to: 1) reduce the incidence of poverty in FATA through sustainable and appropriate development

activities, 2) improve livelihoods among the rural population by increasing incomes and employment opportunities through a mix of economic and social interventions, 3) arrest resource and environmental degradation, and 4) facilitate the mainstreaming of FATA into the country's economic and political system.

- The ambiguities inherent in the current arrangements of administration must be resolved at a priority level.
- A new judicial system must be established by aborting the FCR. The special development package given by the U.S. should be utilized to bring FATA on a par with the rest of the country.
- The local raw material needs to have industrial backup to become a saleable commodity. The valuable human resource, in the shape of a hardworking and dedicated people, awaits proper mobilization, training, and education.
- With a great pool of resources, the tribal areas have all the potential to become a major hub of development if provided the required opportunities. Considered ideal for the growth of best quality fruits and vegetables, even slight attention to the agricultural sector can yield magical results, while, at the same time, the mineral wealth of its mountains still awaits meaningful exploration.

#### **E. THE UNITED STATES AND THE INTERNATIONAL COMMUNITY**

- The U.S., having a great influence now on both Kabul and Islamabad, should pursue to resolve and complete the border demarcations with application of a modern-type survey, rather than merely exploiting the misperceptions surrounding the Durand Line.
- The U.S. and Pakistan forces should continue to coordinate operations in a kind of hammer-and-anvil approach, to prevent Al-Qaeda fighters from escaping back-and-forth across the border. Although there is a greater degree of coordination at strategic level, the cooperation, both at operational and tactical levels must be enhanced through regular and frequent border meetings and sharing of intelligence to avoid untoward incidents in the future.

- The U.S.-led coalition forces, along with NATO-led ISAF and ANA, must genuinely establish posts on the Afghanistan side of the Pak-Afghan frontier to seal the border.
- NATO, in particular, has made Afghanistan a test of the Alliance's ability to adapt to current security challenges, as well as those in the future. NATO must pass this test. Currently, the United States and the international community envision enough support so that the central government can build a truly national army for Afghanistan, and extend essential infrastructure and minimum public services to major towns and regions.
- The war on terror waged in the tribal areas along its western borders has not been without its share of controversies, charges, and counter-charges. This is non-negotiable, given the difficult nature of the military operation and the enigmatic relationship of the partners involved, in fighting terror in the region. To avoid evoking a strong public reaction and embarrassment to the government of Pakistan, palpably indiscrete statements must be avoided.
- The United States must make the difficult, long-term commitment to the future of Pakistan. Sustaining the current scale of aid to Pakistan, the United States should support Pakistan's government in its struggle against extremists, with a comprehensive effort, that extends from military aid to support for better education, and development of FATA.
- For too long, Afghanistan's fate has been involved in a bitter contest between Indian and Pakistan. The growing influence of India in Kabul is fueling the continued brinkmanship between Pakistan and Indian on Afghanistan's periphery. The U.S. must understand that it does not suit Pakistan's strategic interests to have hostile governments on both its eastern and western borders.
- Instead of the stability promised four years ago, Afghanistan continues to stumble along, barely one level above that of a failed state. The "Marshall Plan" for Afghanistan, which Washington alluded to on numerous occasions in the aftermath of the fall of the Taliban, never materialized. Deprived of their peace

dividend, the Afghan populace has become increasingly discontent. With donor fatigue growing, and international attention, thus, shifting elsewhere, the window of opportunity for rebuilding Afghanistan must not be closed by the United States.

- Now the United States and the international community must make a long-term commitment to a secure and stable Afghanistan, in order to give the government a reasonable opportunity to improve the life of the Afghan people. Afghanistan must not become a sanctuary for international crime and terrorism again. The United States should help the Afghan government extend its authority over the country, as it always has a ripple effect on Pakistan.
- The opium production has become Afghanistan's leading economic activity, locking it into a vicious cycle with drug warlords. The warlords and private militias, who were once regarded as the west's staunchest allies in Afghanistan, are now a greater threat to the country's security. The U.S. and the international community must evaluate their role, and firmly support the government of Afghanistan in restoring the rule of law, and in the containment of rampant crime and poppy cultivation in Afghanistan, as well as fight against the illicit trade of narcotics on all fronts.

## **F. CONCLUSION**

The leadership of both Afghanistan and Pakistan must not allow the Durand Line to become a flashpoint. Today, both countries live in a modern, civilized world. Thus, this appears not to be the time for land occupation or intrusion. In fact, it is a time of coexistence, reconciliation, and negotiation. The futures of Pakistan and Afghanistan are linked where the U.S. interests, particularly with regard to its war on terrorism, would be best served if Afghanistan and Pakistan cooperate while hunting down Al-Qaeda and Taliban fighters. The continuing turmoil in Afghanistan, where, besides the problems with the Taliban, Pashtun nationalist forces and unprecedented growth of the poppy trade, all have a rippling impact on the future course of efforts by Pakistan, particularly in FATA. The instability of Afghanistan, therefore, has put a great strain on Pakistan's economy, society, and security.

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**APPENDIX A. TEXT OF THE DURAND AGREEMENT THE  
DEMARCATIION OF THE INDO-AFGHAN FRONTIER  
NOVEMBER 12, 1893**

*Agreement between His Highness AMIR ABDUR RAHMAN KHAN G.C.S.I.,  
Amir of Afghanistan and its Dependencies, on the one part, and SIR HENRY  
MORTIMER DURAND, K.C.I.E., C.S.I., Foreign Secretary to the Government of  
India, representing the Government of India, on the other part.*

Whereas, certain questions have arisen regarding the frontier of Afghanistan on the side of India, and whereas, both His Highness the Amir and the Government of India are desirous of settling these questions by a friendly understanding, and of fixing the limit of their respective spheres of influence, so that for the future there may be no difference of opinion on the subject between the allied governments, it is hereby agreed as follows:

1. The eastern and southern frontier of His Highness's dominions, from Wakhan to the Persian border, shall follow the line shown in the map attached to this agreement.

2. The Government of India will at no time exercise interference in the territories lying beyond this line on the side of Afghanistan, and His Highness Amir will at no time exercise interference in territories lying beyond this line on the side of India.

3. The British Government thus agrees to His Highness the Amir retaining Asmar and the valley above it, as far as Chanak. His Highness agrees on the other hand that he will at no time exercise interference in Swat, Bajaur or Chitral, including the Arnawai or Bashgad valley. The British Government also agrees to leave to His Highness the Birmal tract as shown in the detailed map already given to His Highness, who relinquishes his claim to the rest of the Waziri country and Dawar. His Highness also relinquishes his claim to Chageh.

4. The frontier line will hereafter be laid down in detail and demarcated, wherever this may be practicable and desirable, by Joint British and Afghan Commissioners, whose object will be to arrive by mutual understanding at a boundary which shall adhere with the greatest possible exactness to the line shown in the map

attached to this agreement, having due regard to the existing land rights of villages adjoining the frontier.

5. With reference to the question of Chaman, the Amir withdraws his objection to the new British Cantonment and concedes to the British Government the rights purchased by him in the Sirkai Tilerai water. At this part of the frontier, the line will be drawn as follows:-

From the crest of the Khwaja Amran range near Psha Kotal, which remains in British territory, the line will run in such a direction as to leave Murgha Chaman and Sharobo spring to Afghanistan, and to pass half way between New Chaman Fort and the Afghan outpost known locally as Lashkar Dand. The line will then pass half way between the railway station and the hill known as Mian Baldak, and, turning southwards, will rejoin the Khwaja Amran range, leaving the Gwasha Post in the British territory, and the road to Shorawak to the west and south of Gwasha Post in Afghanistan. The British Government will not exercise any interference within half a mile of the road.

6. The above articles of agreement are regarded by the Government of India and His Highness the Amir of Afghanistan as a full and satisfactory settlement of all the principal differences of opinion which have arisen between them in regard to the frontier; and both the Government of India and His Highness the Amir undertake that any differences of detail, such as those which will have to be considered hereafter by the officers appointed to demarcate the boundary line, shall be settled in a friendly spirit, so as to remove for the future as far as possible all causes of doubt and misunderstanding between the two Governments.

7. Being fully satisfied of His Highness's good-will to the British Government, and wishing to see Afghanistan independent and strong, the Government of India will raise no objection to the purchase and import by His Highness of munitions of war, and they will themselves grant him some help in this respect. Further, in order to mark their sense of the friendly spirit in which His Highness the Amir has entered into these negotiations, the Government of India undertake to increase by the sum of six lakhs of rupees a year the subsidy of twelve lakhs now granted to His Highness.

KABUL, the 12<sup>th</sup> November, 1893

(Sd.) H. M. DURAND.  
(Sd.) AMIR ABDUR RAHMAN KHAN.

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