

The Durand Line Agreement (1893): — Its Pros and Cons

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The English came to India for trading purposes but with the passage of time they made their position strong enough to play a prominent role in the politics, affairs and governance in India. They did not confine their activities to trade and both attaining and maintaining paramount position in India only but also tried to use their presence and power against the Russian advance towards India and the hot waters of the Persian Gulf and the Indian Ocean. The English had yet no common border with Afghanistan, but their endeavours for the protection of India and the British position in Asia against Russia, due to the Russian bugbear, resulted in "The Great Game" in Central Asia.

British and Russian interests in Afghanistan and Central Asia

On 15 November 1814 England and Persia signed the Treaty of Tehran. The terms of the treaty clearly show the British fears and apprehensions of the Russian advance towards India. Besides other points of the treaty in favour of Britain, the Persians would assist Britain in case of war. However, later on the endeavours for the possession of Herat made the English apprehensive of Persia's intentions and relations with Russia. To protect their own interests, Lord Auckland, the Governor General in India, tried in September 1836, to establish friendly relations with the Amir of Afghanistan. He sent Captain Alexander Burnes as envoy to Afghanistan. At the same time the Russians sent emissary not only to Afghanistan but also to Persia which created great stir in London. So a clear warning against the interference and advance in Afghanistan was passed on to Russia.¹

The Persian siege of Herat, in 1837, with the instigation of the Russian envoy made the situation more tense. British dispatched a naval force to the Persian Gulf and warned the Persians of the use of force. Alexander Burnes, who was in Kabul, urged the Afghan Amir to take action against the Persians in Herat and to establish his authority in western Afghanistan. Though, Dost Muhammad wished possession of Herat, he demanded, as a price for making common cause with the British, assurance of the restoration of the trans-Indus areas from the Sikhs as well. But Lord Auckland was not ready to appease the Afghan Amir at the cost of the Sikhs, who he considered strongest ally. The English refusal to meet the demands of Dost Muhammad and the Russian overtures and promises with him at last caused a tripartite alliance between Lord Auckland, Ranjit Singh and Shah Shuja, i.e. the English Governor General of India, the Sikh ruler and the deposed Amir of Afghanistan respectively, in 1838. The Persians retreated from Herat but Auckland decided to replace the hostile Dost Muhammad with the friendly Shah Shuja.² This caused the First Anglo-Afghan War (1838-42).

The English army was despatched, in a considerable number, to Afghanistan through the Bolan Pass and Qandhar. Ghazni. and Kabul were occupied in April, July and August 1839, respectively. Dost Muhammad had already left Afghanistan. Shah Shuja was re-enthroned; an army was stationed in Kabul to support Shah Shuja and a mission was established in his court. These arrangements, however, did not please the Afghans. A rebellion took place all-over Afghanistan, which brought a complete disaster of the English armed forces in Afghanistan. A flying column was sent to Afghanistan to avenge the disaster. Kabul was ransacked but the forces hastily withdrew due to the frequent attacks: without attaining their

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objectives. The first Anglo-Afghan War created a hatred for the British both among the Afghan masses and Dost Muhammad. Dost Muhammad came back, in January 1843, and again took charge of the affairs. He did not establish friendly relations with the British and neither accepted a British envoy in Kabul till the end nor cooperated with the English to relieve the pressure of the tribes on the Frontier.³

Dost Muhammad died in 1863 and his son Slier Ali succeeded to occupy the throne of Kabul in 1870. In the mean time the English had brought an end to the Sikh Kingdom of the Punjab, as a result of the Second Anglo-Sikh War (1848-49). They had directly occupied Punjab and had made it a province of the English domain in India. Being a part of the former Sikh Kingdom, the plain areas of the present-day North-West Frontier Province also came under the English sway with the annexation of the Punjab. Hence, the English became the immediate neighbours of the Kingdom of Afghanistan. And as a result of the War of Independence of 1857, the British Crown brought an end to the rule of the East India Company and directly got the control of the Indian possessions. The Russian 'bug bear' proved the key factor in the formulation of the English policy in respect of Central Asia, Afghanistan and the trans-Indus area. In this respect two schools of thought emerged in England. One advocated the "Close Border Policy" while the second was in favour of the "Forward Policy".

Correspondence and overtures were made between the Russians and the English in respect of Central Asia. It was agreed in principle that a neutral zone be acknowledged in Central Asia, for which Afghanistan would be an ideal place. But instead the agreement of 1873 came out under which, states James W. Spain,

"The Oxus was accepted as the basis of the yet un-demarcated northern boundary of Afghanistan. The main results were: (1) establishment of the Oxus as the dividing line between Afghan and Russian territory. (2) Russia's formal exclusion of Afghanistan from its sphere of influence, and (3) acceptance by the British of eventual absorption by Russia of all of the khanates north of the Oxus, including areas once under the suzerainty of the Amir of Kabul. Neither the British nor the Russians consulted the Amir in making the arrangement."⁴

This situation, however, changed with the change of Government in England and the coming of the Conservatives in power in 1874. Lord Lytton became the new Governor General in India. The Forward Policy was pursued and the tension grew. Although the Afghan Amir, Slier Ali Khan, attended a Conference in Peshawar in 1876, he was inclined towards the Russians. He not only refused to discontinue communication with the Russians but also refused to receive an English Mission in Kabul. In such a situation Lytton ventured to send the Mission despite the Amir's refusal to welcome it. A Mission under Neville Chamberlain left for Afghanistan, but on 25 August 1878 it was not permitted by the Afghan soldiers at the Khyber Pass to enter Afghanistan.

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The Governor General Lord Lytton and the Secretary of State for India, Lord Cranbrook, thought it prudent to teach a lesson to Amir Sher Ali Khan for his insolence. The Afghan Amir was asked on 2 November 1878 for an apology for the treatment with the English Mission in the Khyber Pass and to accept a British Mission as well, otherwise he will be considered enemy. The ultimatum expired on 20 November and in spite of Sher Ali Khan's endeavors, a war was proclaimed against Afghanistan. Afghanistan was invaded through the Khyber Pass, Kurram valley and Bolan Pass. Sher Ali fled to the north and later died on 21 February 1879. His son Yaqub Khan entered into terms with the British and concluded the treaty of Gandamak. He accepted all the demands of the British and also ceded the territories of Kurram valley, Pashin, Sibi and the Khyber Pass to them. A British Mission was stationed in Kabul; Qandhar and Jalalabad were evacuated; and a handful of forces were left in Kabul.⁶

All seemed normal but the situation changed quickly. A rebellion took place and the Mission's members were killed on 3rd September (1879). The British forces were quickly remobilized. Afghanistan was re-occupied and Yaqub Khan was exiled to India. But soon tribal risings started and spread quickly. To come out of the quagmire the English thought of appointing such a person as Amir of Afghanistan who would be acceptable both to the English and the Afghans. At last Abdur Rahman, a nephew of the former Amir Sher Ali Khan, was proclaimed the new Amir on 22 July 1880. Abdur Rahman restored order in Afghanistan and established his authority with great success. The British did not achieve all the objectives and the Treaty of Gandamak was considered dead.⁷ But then too the Second Anglo-Afghan War left its effects and impacts at least in respect of the cession of the territories of Sibi, Chaman, Kurram valley and the Khyber area, due to which the Khyber, the Kurram and Bolan passes were now held by the British.

Afghanistan became a buffer state between Russia and British India but its boundaries were yet not clearly demarcated, which created anxiety at occasions. The Russians advanced, in Central Asia, towards Afghanistan and occupied Merv in 1884, in its North-Western corner. They now had kept their eyes on Punjdeh, which under the terms of the Treaty of 1873 was the territory of Afghanistan. The attempts of a peaceful settlement of the dispute brought no fruits and the Russian troops occupied Punjdeh on 30 March 1885. Amir Abdur Rahman, who was in Rawalpindi at the time, by suggesting that Russians may retain Punjdeh but the Zulfiqar Pass would remain in the Afghans hands, averted the would-be war for the possession of Punjdeh. The Russians accepted the suggestion and in July 1886 a Boundary Commission was set to demarcate the boundary between Russia and Afghanistan, in light of the protocol signed on 10 September 1885. The Commission completed its work in June 1888 and the final boundaries between Afghanistan and Russia were confirmed on 12 June 1888.

Negotiations for the Agreement

Afghanistan's boundary with Russia was thus defined and demarcated but its boundary with British India was still undefined and un-demarcated. There were areas upon which both the sides had either their claims or kept their coveted eyes or wanted to be under their control or sphere of influence. Amir Abdur Rahman was not unmindful of the dangers from Russia on the north but at the same time he also had his apprehensions about the intentions of the British on his southern and eastern sides. So he was much tactful in his dealing with the

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British as well. That was why the Viceroy, Lord Dufferin, told him in a letter, 20 July 1887, that he "will merely observe that on many occasions Your Highness has shown a jealousy of our officers, a distrust of our intentions and an unwillingness to comply with our suggestions which was hardly consistent either with the kindness we have shown you or the friendship you profess towards us."⁹

One viewpoint is that Amir Abdur Rahman wanted to settle his eastern and southern boundaries with British India as well. Hence, he asked for sending a British Mission to Kabul, in October 1888, for the said purpose but the Mission did not come. He again suggested a Mission, in 1893, to visit Kabul for the settlement of the boundary. The Government of India agreed and formed a Mission headed by Sir Motimer Durand, the then Foreign Secretary.¹⁰

Amir Abdur Rahman himself states, in this respect, that "having settled my boundaries with all my other neighbours, I thought it necessary to set out the boundaries between my country and India, so that the boundary line should be definitely marked out around my dominions, as a strong wall for protection." Hence he asked the Viceroy of India, Lord Dufferin and later Ripon, to send a mission to Kabul to discuss certain matters with him. He also thought "it better to exploit" the "question of the boundary with such a Mission." The proposed Mission, however, did not go to Afghanistan for the time being due to other developments."

In 1890 Amir Abdur Rahman sent a letter to Salisbury, the Secretary of State for India, who in response asked the Amir to settle the misunderstandings, then existed between the Governments of Afghanistan and India, with the officials of the Government of India. At this time Lord Lansdowne, the Viceroy of India, again wrote a letter to the Amir, telling him that "he had appointed Lord Roberts to be the head of the Mission." But due to his preoccupation in the Hazara war and his apprehensions about the would-be troubles and results of a Mission to his country under Lord Robert, who had fought against the Afghans in Afghanistan during the Second Afghan War, Amir Abdur Rahman "thought it an unwise and unsuitable time for the Mission to assemble, and accordingly postponed it."¹²

The English did not like the Amir's delaying tactics. According to the Amir's own statement "the Viceroy was so insistent on this matter that he addressed a letter to me, which was practically an ultimatum, to the effect that 'the Indian Government cannot wait for your indefinite promises of uncertain date, and therefore after such-and-such a time, will draw its own conclusions.'" The Viceroy's ultimatum made Abdur Rahman apprehensive. Hence, he took prompt steps to cool down the situation and "the matter should not become serious and irremediable."¹³ The Amir narrates that:

"I immediately posted a letter to the Viceroy on this subject, saying that 'Mr Pyne [one of the Englishmen in the Amir's service] is going to see your Excellency, taking with him my letter, to make all the necessary arrangements about the Mission. This message was intended to satisfy the authorities in India, and to prevent their taking any serious steps in the matter. After posting this letter I gave Mr Pyne one, letter for the Viceroy and another addressed to Sir Mortimer Durand, the then Foreign Secretary; and bade him, Mr Pyne, go to India, with instructions to travel slowly and if possible to postpone or delay the Mission for a

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few days, so that Lord Roberts, whose time for leaving India was very near, should leave for England. I requested the Viceroy to send me a map, having marked out the boundary lines as they proposed to decide them approximately, to show me which parts of Yaghistan (the land of the unruly) they proposed to take under their influence and sphere. I succeeded in this plan; Lord Roberts left India after writing a letter to me . . . and I at once invited the Mission to Kabul."¹⁴ It is, it seems, for the Secretary of State for India's asking the Amir to settle the disputed issues with the Government of India, the Amir's delaying tactics and the ultimatum of the Viceroy that the second viewpoint develops about the Durand Line Agreement that Amir Abdur Rahman consented due to duress and pressure. Hence, James W. Spain states that "in 1893, Amir Abd-ur-Rahman of Kabul reluctantly agreed to delimitation of his eastern boundary."¹⁵ The *Imperial Gazetteer of India, North-West Frontier Province*, states the same in the words that "in 1893 the Amir consented to a precise fixing of boundaries, and a mission, under Sir Mortimer Durand, proceeded to Kabul to discuss the question."¹⁶ And according to Vartan Gregorian "in 1893, caught between Russian pressure, British intransigence, and his own unwillingness and unpreparedness to start a war with the government in India, Abdur Rahman signed the Durand Agreement."¹⁷

The Amir was not happy with the map sent to him, consequent upon his request, wherein "all the countries of the Waziri, New Chaman, and the railway station there, Chageh, Bulund Khel, the whole of Mohmand, Asmar, and Chitral, and other countries lying in between, were marked as belonging to India." The Amir apprised the viceroy of his apprehensions and the would-be consequences of taking away of him the areas shown in the map as belonging to India. He wrote to the Viceroy that:

"... But if you should cut them out of my dominions, they will neither be of any use to you nor to me: you will always be engaged in fighting or other troubles with them, and they will always go on plundering. As long as your Government is strong and in peace, you will be able to keep them quiet by a strong hand, but if at any time a foreign enemy appears on the borders of India, these frontier tribes will be your worst enemies In your cutting away from me these frontier tribes, who are people of my nationality and my religion, you will injure my prestige in the eyes of my subjects, and will make me weak, and my weakness is injurious to your Government."¹⁸

The British Government was so adamant on taking the said tribal areas that instead of honouring Abdur Rahman's advice they expelled fits "officials from Bulund Khel and Wana Zhob by force and threat of arms".¹⁹ In such a circumstances, the Mission under Mortimer Durand left Peshawar on 19 September 1893 and reached Kabul on 2 October. "The success of Sir Mortimer Durand's mission to Afghanistan in 1893 was in no small measure due to his decision to enter Afghanistan without any escort and as the guest of the Amir."²⁰ The Mission was well received and negotiations held in peaceful and friendly atmosphere. The negotiations proved a success. The outcome was the Agreement between the two sides, signed on 12 November 1893 by Amir Abdur Rahman and Henry Mortimer Durand, commonly known as "Durand Line Agreement.

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Text of the Agreement

The text of the Agreement between Amir Abdur Rahman Khan (Amir of Afghanistan) and Sir Henry Mortimer Durand (British Envoy) is as follow:

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 friendly understanding, and of fixing the limit of their respective sphere of influence, so that for the future there may no difference of opinion on the subject between the allied Governments, it is hereby agreed as follow:

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 the Amir will at no time exercise interference in the 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 Bashgal 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 [Chagheh].
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 commissions, 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 local 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 the Psha Kotal, which remains in British territory, the line will run in such a direction as to leave Murgha Chaman and the Sharobo spring to Afghanistan, and to pass half-way between the New Chaman Fort and the Afghan outpost known locally as Lashkar Dand. The line will then pass halfway between the railway station and the hill known as the Mian Baldak, and, turning south-wards, will rejoin the Khwaja Amran range, leaving the Gwasha Post in British territory, and the road to Shorawak to the west and south of Gwasha in

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Afghanistan. The British Government will not exercise any interference within 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.²¹

It is worth noting that instead of Governments or states of the both sides, everywhere, in the text of the Agreement, the one side or party has been mentioned as His Highness the Amir or His Highness or the Amir and the other side or party has been referred to as the British Government or the Government of India. Nonetheless in the preamble instead of His Highness the Amir or His Highness or the Amir and the British Government or the Government of India "the allied Governments" and at the end of article (6) "the two Governments" has been mentioned.

On 13 November the Amir held a public Darbar in the Salam Khana hall, which was also attended by his two eldest sons and the leading chiefs of various tribes and both the civil and military officers of Kabul. He presented, before the audience, an outline of the understanding agreed upon and the terms signed by the two sides: for the information of those present and also the nation. He "also thanked Sir Mortimer Durand and other members of the Mission for their wise way of settling the disputes." Mr. Durand also made a speech at this occasion wherein he talked of the expression of pleasure and satisfaction at the Agreement friendly understandings both by the Viceroy and the Secretary of State for India. The representatives and officials of Afghanistan, present at the occasion, also "expressed their satisfaction and consent to the agreements and understandings, and their great pleasure and rejoicing at the friendship between the kingdoms of Great Britain and Afghanistan." The Amir rose the second time and read the "paper to the members of the Mission" and other audience.²² The Mission left Kabul on 14 November 1893.

The two sides formed Joint Commissions in accordance with the Agreement. The Commissions worked for two years: 1894 and 1895. They, however, demarcated the boundary line from Chitral to the Iranian border by setting up pillars only in the sections where both the sides agreed upon the Line and its demarcation was possible as well. The boundary line thus demarcated is known as Durand Line, which also forms the present Pak-Afghan border.

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Pros and Cons of the Agreement

The Durand Line Agreement was signed and the boundary demarcated at the most required, feasible and agreed upon places, which remains the international boundary between Afghanistan and Pakistan even today. As a result of the Durand Line Agreement and the demarcation of the Line, Afghanistan's boundaries with the two powerful and ambitious neighbours, namely Russia and British India, became fixed and established. Afghanistan had now not to fear further encroachment on its territory by the English from the Indian side, as had been the case earlier. Amir Abdur Rahman had also stated that:

"The province of Wakhan, which had come under my dominion, I arranged to be left under the British for protection, as it was too far from Kabul, and cut off from the rest of my country, and therefore very difficult to be properly fortified.

The boundary line was agreed upon from Chitral and Baroghil Pass up to Peshawar, and thence up to Koh Malik Siyah in this way that Wakhan, Kafirstan, Asmar, Mohmand of Lalpura, and one portion of Waziristan came under my rule, and I renounced my claims from the railway station of New Chaman, Chageh, the rest of Waziri, Bulund Khel, Kuram, Afridi, Bajaur, Swat, Buner, Dir, Chilas, and Chitral.²³ The Amir further states that:

"The misunderstandings and disputes which were arising about these frontier matters were put to an end, and after the boundary lines had been marked out according to the above-mentioned agreements by the Commissioners of both Governments, a general peace and harmony reigned between the two Governments, which I pray God may continue for ever."²⁴

All these, however, did not prove true and an end to Afghanistan's claim over the areas lost to the Sikhs and also later to the English as a result of the Second Anglo-Afghan War and the Durand Line Agreement as well as British's thrust for squeezing more areas from Afghanistan. James W. Spain points out that "the Durand Line, as the boundary come to be called, has been a source of dissension between Afghanistan and British India (later Pakistan) ever since."²⁵ H. L. Nevill also refers to Amir Abdur Rahman's "reluctance" and opposition "to the conclusion of the agreement" and of the tribesmen apprehensions and opposition as well. He states that:

"After some show of reluctance, the Boundary Agreement was at length signed by the Amir Abdur Rahman, and the actual demarcation of the frontier by pillars began. In all probability the Amir was opposed to the conclusion of the agreement, because he feared that the formal recognition of a sphere of British influence among the frontier tribes would be only a prelude to permanent annexation, and ultimately cause the removal of the only buffer between his country and India. The tribesmen, also considering the matter from their own point of view, foresaw no result from the agreement but the eventual loss of their jealously guarded independence, and opposed the demarcation of the boundary-line from the very beginning."²⁶ The British Government disregarded Afghanistan's apprehensions and demand. To compel the English anyway to give

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off their sway over the tribal areas extracted from Afghanistan's sphere of influence and to bring them under his own sway. Amir Abdur Rahman, although he denied, tried to create anti-British sentiments and stir up *a jihad* in the tribal areas: on the Indian side of the Durand Line. His endeavours and machinations,²⁷ for his own reasons, proved a stimulating factor of the famous uprising of 1897, which turned "the year of the Diamond Jubilee" of the English successful emergence from the Indian War of Independence 1857 into "surely one of the most troublous years in all Indian history."²⁸

The issue again came to the surface after the accession of Amir Habibullah Khan, son and successor of Amir Abdur Rahman, when the British refused payment of the subsidy to the new Amir without the renewal, "of the previous agreement." The Amir asked the Viceroy, beside other points, states L. W. Adamec that "if the previous agreements were no longer valid, was not also the Durand Agreement no longer valid? This was indeed a difficult question for the government of India to answer."²⁹ The government of India discussed the issue and the agreement of 1880 was termed a sheer personal one but it was difficult to accede to that the Durand Line Agreement, 1893, that "set the boundary line between Afghanistan and India, was a personal one. Because if it too was to be acknowledged 'personal', then the articles dealing with the boundary question could not be considered perpetual and would have to be renegotiated."³⁰

The issue was discussed at length both between England and India and India and Afghanistan. At last both the sides endorsed the previous agreements in a new agreement signed by both the sides on 21 March 1905. Amir Habibullah Khan also sent a letter to Mr. Dane, Foreign Secretary of India and head of the Indian Mission sent to Afghanistan, after signing the agreement, wherein besides other things he told that "with regard to the frontier tribes", he "would 'not go beyond his father's principles'."³¹ But all these did not solve the question of the demarcation of the still disputed portions of the Durand Line during the reign of Habibullah Khan. L. W. Adamec states in this respect that:

"The question of demarcation of the Indo-Afghan boundary also did not find its solution under Habibullah. The Durand Agreement of 1893 laid down the border, but when demarcation was taken up in 1895 Abdur Rahman claimed that he was to receive the entire Mohmand territory and not merely a section of it. In 1896 the Amir protested discrepancies on the map attached to the Durand Agreement, but Lord Elgin told him that the frontier drawn on the map must be followed. The Viceroy made some minor concessions to the Amir, coupled with an ultimatum that these concessions would be withdrawn if the Amir failed to begin demarcation of the boundary. Abdur Rahman permitted British and Afghan commissions to be set up for demarcation of the boundaries, but demarcation was never accomplished because, the Amir failed to arrange for the protection of the British commissioners (protection from tribes on the British side of the border). During the frontier disturbances of 1897, British troops overran the Mohmand territory including Bohai Dag which was previously given to the Amir in exchange for an early demarcation. Habibullah defended his full rights to Bohai Dag, and the government of India began to regret having permitted this valley to remain in the possession of the Amir. Habibullah asserted his right to Smatzai in

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1905; a request from Lord Curzon for the demarcation of parts of the boundary did not lead to any solution."³²

When Amanullah Khan became the Amir of Afghanistan in 1919, after his father Habibullah Khan, he declared Afghanistan "entirely free, autonomous and independent both internally and externally." He, moreover, informed the Viceroy of India of the all time readiness and preparedness of the Government of Afghanistan to "conclude ... such arrangements and treaties with mighty Government of England" that "may be useful and serviceable" to both the governments. This put the government of India in an awkward situation because "after maintaining for so long that Anglo-Afghan agreement were made personal with the amirs, it was difficult to deny that Amanullah had a right to demand a new treaty for Afghanistan."³³

The uneasiness between Afghanistan and British India resulted in the Third Anglo-Afghan war, 1919, which "was an attempt at reestablishing Afghanistan's former borders with India, of redressing what the Afghans felt was a great injustice, to them."³⁴ One of the outstanding issues that were negotiated for a settlement as a result of the war was the territorial claims: resulted by the Durand Line Agreement, 1893. While the British had their own territorial concerns with the "acceptance of the old border, except where Britain defines adjustments"³⁵; the Afghans "intended to propose an 'astounding' readjustment of the border whereby they would receive Waziristan and other tribal areas."³⁶ However, the Afghan government accepted, under article V of the Treaty of Peace concluded at Rawalpindi on 8 August 1919, that "the Afghan Government accept the Indo-Afghan frontier accepted by the late Amir [Habibullah]. They further agreed to the early undemarcated portion of the line west of Khyber, where the recent Afghan aggression took place, and to accept such boundary as the British commission may lay down."³⁷

The British completed the demarcation of the desired undemarcated Durand Line before the evacuation of Spin Boldak and Dakka. Accompanied by the Afghan General, Ghulam Nabi Khan, the demarcation was carried out by John Maffey defining the border on the spot as he went along. The Afghan General, however, did not take any part in the demarcation but only watched the proceedings. British, however, postponed to rectify their anomalies in respect of the Durand Line "over and above the assertion of previously disputed claim, for future discussion and negotiations when the treaty of friendship was concluded."³⁸ While accepting the Afghan frontier as accepted under article V of the Treaty of Peace, 8 August 1919, the British ceded some other areas to Afghanistan under article II of the treaty between Great Britain and Afghanistan, signed in Kabul on 22 November 1921."³⁹ Anyway, although Amanullah Khan attained Afghan independence "he was forced to recognize the Durand Line."⁴⁰

A significant feature of these agreements, the ones that were concluded during Amanullah Khan reign, was that these were concluded and signed by the Afghan Government and the British Government whereas the previous ones were concluded between the Afghan Amirs instead of the Government and hence were considered personal by the English but the otherwise by the Afghans.

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The disappointment of the successive Afghan Amirs, from Abdur Rahman till Amanullah Khan, with the Durand Line Agreement is also evident from the fact that the Asmar Commission (1894) demarcated the boundary from the Bashghal valley on the border of Kafiristan to Nawa Kotal, on the juncture of the Bajawar and Mohmand territories, but demarcation south of the Nawa Kotal was not made "owing to disagreement" between the English and the Amir of Afghanistan. The Amir was not willing "to admit the boundary framed by the Durand agreement in the Mohmand territory."⁴¹ Moreover, the demarcation of the boundary line between "the Kabul River and Sikaram (Safed Koh)" was also not attempted because of the disagreement of the both sides. And "it was not until 1919, after the conclusion of the Third Afghan War, that this demarcation was defined."⁴²

Thus, the opposite viewpoints of the both sides - first Afghanistan and British and later Afghanistan and Pakistan - about the status of the Durand Line and Afghanistan's endeavours for the lost territories created uneasiness and troubles on both the sides. Moreover, Afghanistan's viewpoint about the validity of the Durand Line Agreement with the withdrawal of British rule from the subcontinent and the consequent demand and claim as well as the support and propagation for the Pukhtunistan stunt became the bone of contention and strained relations between Afghanistan and Pakistan since the inception of Pakistan. While the successive Afghan Governments, even the Interim Afghan President Burhanuddin Rabbani and later the Taliban as well (unofficially), held the same views, Pakistan persistently declines and negates Afghanistan's contentions.

The dispute about and the unstable nature of the Durand Line at places also became "the root-cause of the divergent stand of the Pakistan and US governments" in the post-Taliban days, when the Americans bombarded "a Pakistani border village." Pakistan acknowledged that "one bomb dropped by a US jet fighter fell in Pakistani territory" but the US military authorities maintained that "the bombs fell in Afghanistan about 300 meters from Pakistani border. The Americans pointed out that the Pakistanis have set up check posts in the Afghan territory."⁴⁹ Commenting on the new scenario, Rahimullah Yusufzai further states that:

"Islamabad has all along claimed that it had set up check posts on its side of the Durand Line that divides Pakistan and Afghanistan. But the Afghan authorities, whether Mujahideen, Taliban or the new pro-US rulers, felt Pakistan had exploited the unstable situation in Afghanistan to extend its border beyond the Durand Line. Afghan military commanders and tribal elders in Paktia province, which borders Pakistan's South Waziristan tribal agency, have been particularly vocal in accusing Pakistani militiamen belonging to the Frontier Corps of encroaching upon Afghanistan's territory."⁵⁰

Not only this but by insisting that bombs fell in Afghanistan and that Pakistanis have "established checkpoints on the Afghan side of Durand Line, the Americans are making it clear that they accept the Afghan claim to the chunk of territory which Islamabad claims." Moreover, the "Pakistani tribesmen in the Angoor Adda" complained to the effect, some years ago, that "they were subject to two kinds of laws, that of Pakistan and the Taliban."⁵¹

The Durand Line Agreement (1893)

Commenting in this state of affairs, Muhammad Mushtaq Jadoon, Deputy Secretary, Home & Tribal Affairs Department, North-West Frontier Province, states that:

"There are certain myths about Durand line. Some of these areas [sic, are]:-

- i. That Durand line Agreement was for 100 years only.
- ii. That Durand Line Agreement was made with the British Government and not with Pakistan so it is null and void now.
- iii. That the Amir accepted the Durand line Agreement with "heavy heart" so, now, they are justified to re-agitate it.
- iv. That Durand Line passing through Mohmand Agency is disputed since it was not demarcated on ground and thus Afghan Government has every right to have claim over Khawazai."⁵²

Mushtaq Jadoon had tried to examine the said "myths one by one" and clarify the position from Pakistani viewpoint. Besides other contentions and arguments he states that:

"Thus it is clear from the Agreement that no area was shown, either in the draft of agreement, or attested map as 'disputed'. There is lot of difference between 'undemarcated' on the ground and 'disputed'. As far as question of perpetual validity of this agreement is concerned suffice to state that the Northern and Western Frontiers of Afghanistan with Russia and Persia were also demarcated by the Britishers. Russia has disintegrated but states of Turkistan and Uzbekistan are successor-in-interest of Russia. Neither Afghanistan nor the Central Asian States have ever raised any objections to these agreements. Similarly, Boundary with Sistan (Iran) was also demarcated by the Britishers. Pakistan is also successor-in-interest of Great Britain and bound to honour all those agreements related to its geographic territory and so is Afghanistan."⁵³ He, moreover, contends that "it is amply clear from the above discussion and reference of various Treaties that Durand Line Agreement was ratified, affirmed and re-affirmed under various Treaties in 1894, 1895, 1905, 1919, 1921 and 1930."⁵⁴

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