



GÜNEY ASYA STRATEJİK ARAŞTIRMALAR MERKEZİ
SOUTH ASIA STRATEGIC RESEARCH CENTER

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Ülkesi: Afganistan

NATO Sonrası Afganistan-Pakistan İlişkileri

Afganistan ve Pakistan yıllardır birbiriyle çatışma halinde ve aralarında sorunlar bulunmaktadır. Bu gerginlik ve çatışmalar neticesinde aradaki ilişkiyi koparmıştır. Her an bu iki ülke çatışma ile karşı karşıya olduğu bir gerçektir. Zaman geçtikçe krizin boyutu daha ileri boyutlara taşınmakta ve aradaki anlayış farkı derinleşiyor. Son on üç yıl içinde Afganistan'da bulunan uluslararası toplumun varlığı ve yeni hükümetlerin kurulmasıyla söz konusu iki ülke arasındaki kriz çözülememiş ve hala da devam etmektedir.

Barış görüşmelerine rağmen ve iki ülkenin üst düzey yetkililerinin görüş alışverişi içinde olmaları da sorunu çözemedi. Fikir ayrılıkları devam etmektedir. Sorunların temeline iyi niyetle ve samimiyete inilmediğinin bir kanıtıdır.

Bu iki ülke arasındaki temel sorunlar çözülmeyen ülkelerin çıkarlarından söz edilemeyeceğini düşünüyorum. Gelinen nokta ile Afganistan ve Pakistan sorunu çözülmeyen bölgeye barış ve istikrarın gelmeyeceğini düşünüyorum.

Afganistan'da NATO örgütü ve uluslararası toplum olmasına rağmen bu iki ülkenin ilişkileri istenilen sonuca ulaşmamaktadır. Bölge'deki ve Afganistan'daki güvensizliğin temelindeki esas ana faktör Pakistan'da ve Afganistan'da bulunan silahlı muhalif gruplardır. Bu isyancı gruplar Pakistan'da bulunmakta ve barınmaktadır.

İki ülke arasındaki barışın ve ilişkilerin tesisi ile temel sorunların çözümünün aşağıda belirtilen konuların takip edilmesi ve bertaraf edilmesiyle çözüleceğine inanıyorum. Temel sorunların bazıları şöyledir.

1. İki ülke arasındaki "Durand Hattı sorunu" çok ciddi bir sorun olduğunu belirtmek gerekir.

İki ülke arasındaki görüş ayrılıkları ve fikir çatışması vardır. Bu anlaşmazlığın temelini



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Durand sorunu oluşturmaktadır. Bu sorunun çözülmesi de öyle kolay değildir. Durand sorunu iki ülke ilişkilerin üzerinde negatif etkileri bulunmaktadır. Bu sorun her iki halkın isteği ve rızasıyla çözümlenmelidir. Bunun dışındaki çözümler geçersizdir. Bölgede yaşayan halkların belirleyeceği koşullarda ve siyasi müzakerelerle çözülebilir.

2. Afganistan uzun savaşlarından dolayı gücünü kaybetti.

Bölgedeki diğer ülkeler özellikle Pakistan devletinin Afgan hükümeti üzerine uyguladığı ekonomi politikası etkili olmuştur. Böylece Pakistan devleti Afganistan'ın iç işlerine karışmış ve hatta müdahale zemini oluşturmuştur.

Pakistan'ın hep siyasi talepleri olmuştur. Bu yapılan konuşma ve görüşmelerde rahatlıkla görülmektedir.

Afganistan hükümetinden istenilen talepler ve tavizler Afgan halkının iradesine ve çıkarlarına aykırı olduğundan her seferinde kabul edilmemiştir. Tarih göstermiştir ki Afganistan bunun gibi istekleri daha önce de görmüş, duymuş ama hiçbirini kabul etmemiştir. Bu istekler kabul edilebilir ve müzakere edilebilir istekler değildir.

3. Bir diğer konu ise, Afganistan Hükümetinin Taliban örgütü ve diğer isyancı gruplar arasındaki anlaşmazlığıdır. Bu konuda da iki ülke arasında görüş ayrılığı bulunmaktadır. Aynı çıkar ve aynı amaç birliğinin burada olmadığını görüyoruz.

Afganistan Taliban örgütünü bir terörist grup olarak görüyor. Pakistan ise tam tersine Taliban'ı bir halk direniş örgütü ve halkın bir parçası olarak görüyor. Burada büyük bir yanlışlık ve kırılma var. Bu kırılma nedeniyle barış görüşmeleri sonuçsuz kaldı.

4. Pakistan'ın bölgede başka ülkelerle rekabeti bulunmaktadır. Afganistan konusunda Pakistan defalarca Hindistan'ı suçlamıştır. Afganistan'ın iç işlerine karıştığını iddia ederek aslında kendisi bizim içişlerimize müdahale etmektedir. Bu gerilimler nedeniyle Pakistan ve Afganistan ile arasının açılmasına zemin oluşturmuştur.

Oysa Hindistan Afganistan'ın büyük donörlerinden biridir. On üç yıl içinde Hindistan Afganistan'a çok büyük katkı sağlamıştır. Bundan dolayı Pakistan'ın Afganistan'dan Hindistan ile ilişkileri konusunda söz söylemeye hakkı yoktur. Bu istek yüzünden iki ülke



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ilişkileri yara almış ve etkilenmiştir. Afganistan her iki ülke ile dostluk ve ilişki kurmak istiyor. Ama Pakistan bu ilişkiye ve dostluğa izin vermiyor.

5. Afganistan ve Pakistan arasındaki diğer tartışma ise iki ülkenin terör algısıdır. Pakistan ekonomik ve siyasi hedeflerine ulaşmak için her zaman terör örgütlerini kullanarak huzursuzluk ve güvensizlik oluşturmuştur. Her seferinde Afganistan bu terörizm'in kurbanı olmuştur. İki ülkenin terörizm konusunda çelişkili yorumları vardır. Afganlar için bu terör konusu asla kabul edilemez ve bölge'deki terörün kaynağının Pakistan olduğu biliniyor. Bu Pakistan'ın izlemiş olduğu politikasından kaynaklanmaktadır. Bölge ülkeleri bu gerçeği kabul ederken Pakistan inkâr etmektedir.

Orta Asya'dan gelen pek çok terörist grup Pakistan tarafından desteklenmektedir. Bu konu ülkelerin arasını ve ilişkilerin gelişmesinin önündeki en büyük engeldir.

6. Başka bir tartışmalı konu ise su ve ekonomik konularıdır.

Ülkedeki su kaynaklarını verimli olarak kullanmak isteyen Afgan hükümetinin önüne Pakistan devamlı olumsuzluklar çıkartmaktadır. Su kaynakları doğru bir şekilde kullanamıyor. Ülkede ne zaman kriz çıksa Pakistan su konusunu gündeme getirir ve Afganistan üzerine baskı kurmaktadır. Ekonomik olarak Pakistan, Afganistan pazarını kendi kontrolü altında tutmak istemektedir. Bu istek ve arzular ilişkilerin ilerlemesinde engel teşkil etmektedir.

7. Pakistan genellikle birkaç önemli gücü ve iç hükümeti ile karşı karşıyadır askeri ve sivil hükümetler gibi, ama Pakistan'ın siyaseti ve siyasi ilişkileri askeri hükümeti elindedir.

Askeri hükümetleri niteliği savaş ve iktidar genişlemesini ister, sanırım Pakistan ordusunun alan içinde genişlemesi ve bölgedeki gücünü artırmak için bölgeyi istikrarsızlaştırır, Pakistan'ın iktidarında askeri hâkimiyetiyle olduğunda Afganistan'da kalıcı barış muhtemel görünmüyor.

8. Afganistan'daki DEAŞ ve diğer terör örgütlerinin varlığı ve burada barınma imkânlarının bulması Afganistan tarafından kabul edilmemektedir.



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Afganistan'da Taliban'ın rolünün zayıflaması yerine DEAŞ örgütünün güçlenmesi ve bu gücü Pakistan'dan alması ülkemiz üzerine yeni sorunlar yüklemektedir. Afgan hükümeti Taliban ile anlaştığı bir ortamda ortaya çıkan DEAŞ örgütünün varlığı yapılan çözüm anlaşmasını ortadan kaldırdı.

DEAŞ tehlikesine karşı durmak için NATO güçlerinin Afganistan'da bulunması gerekir. İki ülke arasındaki sorunların çözümünde NATO etkili rol oynayabilir. Eğer sorunlar çözülmezse aradaki olumsuz algı yıllarca düşmanlığa dönüşebilir. NATO güçlerinin ülkemizden çekilmesiyle Pakistan ile olan sorunlar azalmayıp aksine daha çok arttı.

Afganistan zamanı geldiğinde komşularıyla barış içinde yaşayan ve güçlü bir ulus devlet olacaktır.



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Af-Pak Relations: Changing Rivalry to Cooperation

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Country: Afghanistan

Pakistan's use of the Taliban and other extremists groups inside Afghanistan as a foreign policy tool has kept the two countries, as well as the region, at flames.

Over the course of history, Pakistan has used extremists groups as part of its foreign policy as a means of achieving its regional goals in South Asia. During the Soviet Union occupation of Afghanistan, Pakistan was the only major channeling source between the Afghan Mujahidin and the United States and its Western and Arab allies.

Western and Arab countries supported Jihadi factions fighting the Soviet as well as its puppet regime in Kabul. However, their money, weaponry and other resources were channeled through Pakistan. On top of that, Pakistani intelligence provided training to these factions and shelter to their families inside Pakistan.

Pakistan did all of this in order to take advantage of the rivalry between the United States; its Western and Arab allies verse the Soviet Union and its bloc of supports. Pakistan received huge sums of money and other military support as the channeling source between the Afghan Mujahidin and the West, however large sums of this support were spent on strengthening of its own military capacity.

Afghans believe that Pakistan supported the Jihadi groups inside Afghanistan in the late 80s not to defeat communism but rather to weaken Afghanistan's stability so Islamabad can have the upper hand in maneuvering regional politics.

When the Soviet Union withdrew and its backed regime collapsed in Kabul, Afghans were optimistic that a lasting peace will come to their country. However, Pakistan used the division between the eight fighting groups in Afghanistan to install its favorite faction (Gulbuddin



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Hikmatyar's Hizb-e-Islami) so it helps Islamabad pursue its goals in Afghanistan. However, when Hikmatyar was not able to deliver his promises as a result of resistance by other fighting groups, Islamabad helped establish the Taliban in the early 90s.

Five brutal years of the Taliban negatively affected every aspect of life in Afghanistan. The country's economy collapsed, healthcare system failed, cultural heritage was damaged, citizens were denied their basic rights and millions were forced to leave the country. Despite global condemnation of the Taliban because of their barbaric governance, Pakistan was one of the only three countries in the world that recognized the group as the legitimate government of Afghanistan. It also provided significant military and financial support as well as fighting manual to the group.

In the aftermath of the September 11, 2001 attacks, the Taliban were toppled and a new government was established in Afghanistan. Few years later, Pakistani military restarted provided support to the resurging Taliban so the group can serve Islamabad's goals in Afghanistan. Despite numerous efforts by the governments of Hamid Karzai as well as that of Ashraf Ghani to form a cooperative relationship between Afghanistan and Pakistan, Islamabad still continues use of extremists groups as a foreign policy tool.

Both Afghan presidents have heavily invested their political capital to woo Pakistan's support in bringing the Taliban to the negotiating table but their efforts, often times called "too risky," bore no fruit. For instance, President Karzai in a major foreign policy stance once said that if there were a war between Pakistan and the United States, he'd side with his brothers and neighbors not Americans. President Ghani chose Pakistan as his first foreign official visit. His moves to improve relations have been heavily criticized but he's said he is determined to bring peace – which he says is only possible with Pakistan's cooperation.

The question is what Pakistan's concerns are and why it keeps pursuing the same policy that has failed to bring positive outcome over and over again. Pakistan fears that a stable Afghanistan will automatically translate into an unstable Pakistan for different reasons and for that it keeps using different groups to destabilize Afghanistan. First, it's fearful of historically close relationship between Afghanistan and India. Pakistani psychic is that Afghanistan and India will sandwich the



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country and its regional interest – given the fact that Pakistan and India has territorial problem over Kashmir. Second, there are Balooch groups inside Pakistan that pursue either more autonomy over Baluchistan’s natural resources or a full breakaway from Pakistan. Third issue is the border dispute between Afghanistan and Pakistan since Afghanistan does not officially recognize the current border between the two countries.

Both Afghanistan and Pakistan can make a difference in the regional cooperation context if they are able to resolve their problems. Afghanistan has recently taken the initiative to address concerns of Pakistan; however Pakistan is yet to reciprocate. Taliban are still backed by Pakistani establishment and this policy has even endangered stability of Pakistani state.

International mediation has resulted some improvement in building confidence between the two countries as well as in increasing cooperation between Afghanistan and Pakistan. However, more is need by regional powers, such as Turkey, to strengthen cooperation between the two for regional stability.

Turkey has a significant amount of leverage over Pakistan. Turkey is a NATO member as well as the ideal example of a modern state in the Islamic world. Turkey also has historically friendly relationship with Afghanistan. Turkey has launched the Istanbul process but that, despite being a substantive measure, does not suffice the needs.

As a regional power and the bridge between the east and the west, Turkey has the potential for growth and responsibility to act in order to improve relationship between Afghanistan and Pakistan. Moreover, Turkey can increase the track-2 diplomacy efforts to bring the influential people from both countries in one table to discuss the future of people to people relations between Afghanistan and Pakistan. Furthermore, Turkey can initiate government level trilateral dialogues between Afghanistan, Pakistan and Turkey for further discussion on AF-PAK peace talks.

The current Pakistani policy of using extremists as a foreign policy tool will bear no fruit as has been proved over years and decades. It’s time that Pakistani statesmen put an end to this approach. Afghanistan can also do a little more to address Pakistan’s concerns. This process can



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and will materialize if a third party – with influence over both countries and credentials of a regional player, like Turkey – steps in.



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Durand Line

A Bone Of Contention in the Pakistan Relations with Afghanistan

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Abstract

Durand Line is the name of a 2640 Kilometer long border between the Pakistan and Afghanistan. It is named after a British expert Sir Mortimer Durand who demarcated it in 1893 after an agreement between the British Indian Government and Afghanistan. The legal status of this border has been questioned by some elements in Afghanistan over the years which affected relations between the two neighboring countries. In this paper, an attempt has been made to give an historical background of Durand Line, its legitimacy and future course of action. The stand points of Afghanistan and Pakistan have been described and analyzed.

Historical Background

Afghanistan remained an area of interest in the Nineteenth and Twentieth Centuries for two World Powers i.e. Russia and Britain. In order to contain South wards expansion of Russia, and its possible occupation of “warm waters” (Arabian Sea), the British decided to step forward and establish friendly relations with Afghanistan. They also endeavored to install a pro-British government there. Understandably, Russia too was in need of a friendly government in Afghanistan for fulfillment of her expansionist designs. This mutual competition of the two powers to drag Afghanistan into their spheres of influence was given the name of “Great Game”¹

In the Great Game, the British Imperial Power Perused “Forward policy” which meant to expand of their influence right up to Hindu Kush and eventually create a strong barrier against Russian



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expansion in Central Asia and beyond.ⁱⁱ In the pursuit of Forward Policy and before the demarcation of Durand Line the British Indian Government fought two wars with Afghanistan.

The First Anglo-Afghan War 1838 and the Second Anglo-Afghan War 1878. Finally, it was in the reign of Amir Abdur Rahman (r, 1880-1901) that on 12th November 1893 an agreement was reached signed by him and British Indian Government representative Sir Henry Mortimer Durand.ⁱⁱⁱ The border is named after Sir Henry Mortimer Durand as Durand Line.^{iv} Giving a brief Pre-1893 background of this peculiar line, the Imperial Gazetteer of India says:

“By the term of the treaty of Gandamak, the limits of the Afghan sphere of influence were set back along the main lines between India and Kabul to the Western ends of the Khyber Pass and the Kurrum valley, but north and south of these routes, no boundary was fixed. At intervals during their history, some measures of control have been exercised over the Pathan tribes from Kabul. Some important of them such as the Afridis and the Mohmands, had been in receipt of allowances from the Amir for keeping open the passes. But practically they had been independent and their main object has always been to remain so.”^v

The agreement spread over 07 articles of which following are significant:

1. The eastern and southern frontiers of His Highness’ 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 Frontier 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 on the map attached to this agreement.^{vi}

The Encyclopedia of Asian History, describes Durand Line as:



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“From the eastern extremity of the Wakhan strip in the northeast to the Iran border in the South East...The border was demarcated in the next two decades by only along the short strategic stretches (i.e. at the Khyber Pass) from the Safed Koh range northeastward to Wakhan. Subsequently the whole line has sometimes been interpreted as an impermanent division of arches of control over the tribes on either sides, and at others, as a permanent boundary.”^{vii}

A careful look at the agreement shows that British Indian Government was major beneficiary of the Durand Agreement. The Amir had to his credit three benefits (i) His country was secured from further invasions from British India and unruly tribes (ii) The annual subsidy of the Amir (0.6 Million Rupees) was enhanced by 100 % to 1.2 Million Rupees. (iii) The British Indian Government pledged not to raise any objection to the import of arms by the Amir.

Durand Line as Bone of Contention

Pakistan and Afghanistan are two Muslim countries separated by a long border. Not only religion, but culture and economic interests of both the states are also the same. Despite all these enabling factors, the relations between them are far from satisfactory. There are many reasons responsible for it, but validity of Durand Line has been sensitive of all

Is Durand Line a valid border or not? This question can rightly be answered if we refer to the agreement signed by both contracting parties. The text reveals that it was duly signed by the ruler of Afghanistan and a representative of the British Government. Furthermore, successive Afghan rulers and international community have ratified the Agreement from time to time. Amir Habibullah Khan, the ruler of Afghanistan (r.1901-1919) and son of Abdur Rehman), accepted it in the words as given in the 1905 agreement:

“His said majesty does hereby agree to this that in the principles and in the matter of subsidiary importance of the engagement which His Highness my late father (Abdur Rahman) concluded and acted upon the Exalted British Government. I also



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have acted, am acting and will act upon the same agreements and compacts, and I will not contravene them in any dealing.”^{viii}

The above quotation reveals that Habibullah Khan pledged to honour all agreements signed by his father with the British Government. Needless to emphasize, Durand Agreement was important of all. After third British-Afghan War, an agreement was signed between the two warring parties in August 1919 which is called as the Treaty of Rawalpindi. The signatory of this agreement from Afghanistan side was King Amanullah (r.1919-1929), the son of former Amir Habibullah Khan. Through the Treaty of Rawalpindi, Durand Line was mentioned as “Frontier” for the first time. Louis Dupree mentions the said agreement as:

“The Afghan Government accepts the Indo-Afghan frontiers accepted by the late Amir.”^{ix}

Here the “late Amir” means Habibullah Khan. Another Anglo-Afghan treaty which was concluded on 22 November, 1921, also accepted the preceding agreement of 1919. In 1921 another land mark agreement was signed between Afghanistan and Britain. This treaty not only acknowledges Afghanistan’s independence but also recognized the delimitations of boundary mutually agreed in the Treaty of Rawalpindi. A relevant portion of the 1921 agreement runs:

“The two high contracting parties mutually accept the Indo-Afghan frontier as accepted by the Afghan Government under article 5 of the Treaty concluded on the 8th August 1919.”^x

The Creation of Pakistan in 1947 And Durand Line

With the partition of Subcontinent in 1947, Pakistan came into existence. The new state inherited the Durand Line as common border between her and Afghanistan. The Afghan Government had already rejected the partition plan of June 1947. That plan signed by the British Viceroy, All India National Congress and All India Muslim League. The plan paved the way for partition of India into two states of India and Pakistan.^{xi} A relevant part of the partition Plan reads as:



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“A plebiscite in British India should give the population the choice of joining Hindus India or Muslim Pakistan---- The princely states had three alternatives i) Join India ii) Join Pakistan iii) Remain independent. The case of N-W.F.P would be determined by a referendum enabling it to join one of the new states.”^{xii}

After announcement of Partition Plan, the Afghan Government demanded from the British to change options given to the people of NWFP in the plan. The plan gave two options to them i.e. either to join Pakistan or India. The Afghan rulers wanted to give them the option to form their own independent state or to accede to any other government. However, it was not possible at that stage to change the options. Consequently, the British held Referendum in NWFP in July 1947. The people NWFP voted in favor of Pakistan.

So when Pakistan came into being on 14th August, 1947; Afghanistan decided not to recognize it. When Pakistan applied for the United Nations membership, Afghanistan was the only state to oppose it. The Afghanistan Government, through decision of Loya Jirga” in 1949, unilaterally invalidated the Durand Line Agreement.^{xiii} It also stepped up the Pukhtoonistan Propaganda.

It should be noted that Pukhtoonistan was the brain child of Khan Abdul Ghaffar Khan, the founder of Khudai Khidmatgaar Tehreek. Like Afghanistan, Abdul Ghaffar Khan too wanted to give the people of NWFP the option to form their own independent state or to accede to any other government. His party held a convention in Bannu wherein it was resolved:

“A Joint meeting of the provincial Jirga (FPCC) (Congress), members of the Assembly, commanders of the Khudai Khidmatgars and Zalme Pukhtoon was held on 21st June 1947 at Bannu with Khan Amir Mohammad Khan in the chair. This joint session unanimously decided that here in this country an independent government of all the Pukhtoons should be established, the constitution of which should be based on Islamic principles, democracy, equality and social justice. This session appeals to all the Pukhtuns to come together on one platform to achieve this noble aim and not to bow before the power of anybody except that of the Pukhtuns.”^{xiv}



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During the reign of King Zahir Shah (r. 1933-1973), once the Kabul Government changed her strategy. However, their original stand remained the same. In a speech delivered in the session of Shura-i-Milli, King Zahir Shah referred to Pukhtoonistan issue as:

“Afghanistan welcomed and viewed with utmost gratification the establishment of the Dominions of Pakistan and India and the Afghan Government did not fail in exerting their best efforts to take up the matter of our Afghan brethren living on that side of the Durand Line, with the Government of the Great Britain and the newly set-up Government of Pakistan---Whilst we have openly declared our desire to set an embassy in Karachi, with a view to concentrating the relations of friendship and “Bon voisinge.” With Pakistan----We earnestly hope that whatever assurances have been explicitly given in regard to our Afghan brethren will be duly implemented”^{xv}

Afghanistan’s Views about the Durand Line

Afghanistan has never reconciled itself to recognize Durand Line as international and genuine border. The main points raised by her are given below:

- i. That the Durand Treaty was obtained through duress and that therefore the line drawn pursuant to that treaty was invalid.
- ii. That before and after the signing of the treaty, the British recognized a special interest and influence among the Pukhtoon tribes east to the Durand Line.
- iii. That in any case the Durand Line was not conceived as an international boundary by either party but was simply a line demarcating British and Afghan zones of influence.
- iv. In any case Afghanistan had repudiated all treaties witch denied to it the right to exert this influence among all the Pukhtoons.
- v. Afghanistan was also of the opinion that Pakistan was an entirely independent and new state and in no way it was successor to the British.^{xvi}



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Apart from the above objections, some Afghans and Pakistanis claim that the Durand Agreement was signed for 100 years and that it has expired in 1993. No such thing was given in text of the agreement. Indian scholar Mr. Arka Biswas writes:

“However, this claim made by both Afghan Scholars and some Pakistani Politicians stand very weak as there is no evidence backing it. Confirmed by the Government of the UK, verified by the Government of the US, accepted and highlighted by numerous scholars studying the Durand Line agreement, is the fact that there is no mention of such a clause of expiration in any documented version of the Durand Line agreement.”^{xvii}

As far as the view that Durand Agreement was signed under pressure from British Government, it holds little water. The text of agreement signed on 12th November 1893 does not support this view. In that agreement, everything has been hammered out clearly and there seems no compulsion on the part of any party. Mr. Fida Younas disagrees with Lois Dupree’s claim that the British Indian Government encroached upon Afghanistan’s boundaries without permission of the Amir. Singhal, another writer calls that move of the British Indian Government as “demarcation without representation”.^{xviii} Mr. Younas has reproduced a quotation from the memoirs of Amir Abdu Rahman which reads as:

“At the same time when I was occupied in breaking down the feudal system of Afghanistan and molding the country into a strong consolidated kingdom, I was neither unaware nor neglectful of the necessity of defining my boundaries with the neighboring countries. I well knew that it was necessary to mark out the boundary lines between my dominions and those of my neighbors, for the safety and protection of my kingdom, and for the purpose of putting a check on their advances and getting rid of misunderstandings and disputes”^{xix}

One may not agree with the contention of Afghanistan that the Durand Line was not conceived as an international boundary but was a line demarcating British and Afghan zones of influence, especially when referred to article 4 of the Durand Agreement.



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The contention of Afghanistan that the Durand Line was not conceived as an international boundary but was a line demarcating British and Afghan zones of influence, also needs correction. If we refer to Article 4 of the Durand Agreement, the same article clearly mentions carrying out demarcation through British and Afghan commissioners. It is evident from Article 4 that the agreement was meant for demarcation of a formal international boundary between the two states.^{xx} These commissioners worked in 1893 and 1895 and demarcated the border from Chitral to the north to the border of Iran in the south. Since fencing of such a long border was not possible at that time, therefore pillars were erected on different points.^{xxi}

On several occasions, different bodies of Afghanistan state renounced few treaties including the one on Durand Line. The question is, whether Afghanistan can do it unilaterally? Ahmar Bilal is of the view that Afghanistan cannot do it. He says that the International Court of Justice, has, on many occasions, upheld the principle of “*Uti Possidetis Juris*”^{xxii} which converts borders demarcated in colonial era into a permanent international boundary.

Pakistan’s Stand Point

Pakistan, on the other hand, has been resolute to consider Durand Line as lawful border. According to her, it was an International boundary as per any definition. The Pakistani version is summarized as follows:

- i. The Durand Line was subsequently recognized and confirmed by the rulers of Afghanistan on several occasions.
- ii. The Durand Line put an end to Afghanistan’s claim of sovereignty over the territory of influence over the people east of it.
- iii. Pakistan as a successor state of the British Indian Government derived full sovereignty over this area and its peoples.
- iv. There was no need to hold fresh plebiscite as Referendum had already taken place in the North West Frontier Province wherein 99% of the people voted for Pakistan.^{xxiii}



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Recent Developments

Is that really the case that Durand Line issue surfaced when any ant-Pakistani Government came into power in Afghanistan? It may be partially correct but record shows that majority of Afghan opinion makers have been questioning validity of the border. During the Russian invasion of Afghanistan, the rulers from Noor Muhammad Tarakai to Najeebullah were understandably against the Durand Agreement. However, their rivals Mujahideen factions, too, did not recognize it. Maulvi Younas Khalis, a prominent Mujahideen leader, describing the Durand Line as “a line draw on water”^{xxiv} meaning thereby not a permanent border. The Pro-Pakistani Taliban Government (1996-2002) did not invalidate the Durand Agreement for two reasons i.e. their belief in International Caliphate and cordial relations with Pakistan.

The post 9/11 scenario once again witnessed reemerging of the issue. In 2006, Abdul Karim Brahui, a member of President Karzai Government told Afghan parliament that his country does not recognize Durand Line as international boundary.^{xxv} Similarly President Karzai himself told a news conference in Kabul on May, 4, 2013 that his government will never recognize the Durand Line as border between the two countries.^{xxvi} The views of the incumbent Afghan President Ashraf Ghani are not different from his predecessor. A presidential spokesman Mr. Aimal Faizi, while speaking to media in Kabul said Ashraf Ghani was in favor of deciding the issue by Afghan people.^{xxvii}

Conclusion

Durand Line is a constant bone of contention and major cause of rivalry in the Pak-Afghan relations. Although Afghanistan has been questioning validity of the border time and again but it never took the issue to any international forum including the International Court of Justice. The ratification of Durand Treaty by Afghan governments, in a row, and subsequent approval of international community has made the legal position of Pakistan stronger.

There exist two schools of thought regarding Durand Line controversy. The first school of thought thinks that nothing will come out of reopening the century old issue. To them, it is better for two nations to accept reality and live peacefully with each other as everything can be changed except for neighbors. The second school of thought thinks quite opposite to the first one. They



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insist that Durand Line agreement was signed by Abdur Rahman and ratified by successive rulers under duress. As such it needs to be revisited. They warn that the issue will remain like a time bomb which may explode any time.

It seems every group will stick to their guns in the foreseeable future, and unless some radical change occurs on international scene, the present status of Durand Line will remain unchanged. Right now both Afghanistan and Pakistan should concentrate on border management. The 2640 kilometer border is porous and outlaws (drug barons, smugglers, terrorists) permeate in both the states quite easily. Border management may spread over certain steps such as fencing, establishing few more formal entry points on the style of Torkham and Chaman, raising border security force and regular mechanism for flag staff meetings. Once a comprehensive mutual border management is in place, both the states may concentrate on trade and other positive interactions.

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^{xxi} Sultani Rome www.valleyswat.net/scions/dr_sultan_i_rome

^{xxii} *Uti Possidetis Juris* is a principle of International law which is directly applicable to in the context of colonization. According to it, newly decolonized states should have the same borders that their preceding dependent had before their independence. (ibid)

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