

NOTE ON DURAND LINE ISSUES

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June, 2003.

BACKGROUND

Durand Line is a product of Great Game between Russia and Great Britain. Present day Afghanistan, baring some territories now forming part of Pakistan, emerged under Ahmad Shah Abdali (1747-1773).

In modern history annexation of Peshawar, in 1834, by the Sikhs was a major blow to Afghan pride and coming from the South, contrary to earlier invaders who mostly came from West & North.

In early Nineteenth Century Russia was moving slowly towards South. Series of three British-Afghan Wars in 1839, 1878 and 1919 were an indication of new and most powerful threat for Afghans from the South.

British Government of India insisted that Russia should draw a line to form the Northern boundaries of Afghanistan. Russia wanted the Britishers should do the same in the South of Afghanistan. As the events of history were to unfold in the later period, Afghanistan was on the verge of becoming a buffer State between the two Super Powers.

2. SETTLEMENT OF NORTHERN FRONTIERS OF AFGHANISTAN

British Government wanted to draw Northern Frontiers of Afghanistan and Russia advancement towards "Panjdeh" prompted the Britishers to consolidate their position in Gilgit. In 1877 a British Officer was stationed as Political Agent Gilgit Agency.

In 1873 British Government elicited a reply from Russian Government with regard to Badakhshan and Wakhan and Russia accepted the line of boundary laid down by British Government.

Due to Russian advancement from Caspian towards Merv, British again suggested demarcation of Russo-Persian Frontier from Baba Durmaz to the point where Russian

frontier meets Afghanistan in the vicinity of Hari Rud. Russian agreed in 1882 and British Government accepted this proposal in 1884.

After considerable delay joint British – Russian Commission started work in 1886 but due to disagreement over complete demarcation at Dukchi the commission dissolved itself.

In the following year Sir West Ridgeway was deputed to resume negotiations. Finally a settlement was arrived at and final protocol was signed in July 1887. Demarcation was also carried out in 1887.

3. **BRITISH – AFGHAN TREATIES**

i) After settlement and demarcation of Northern and Western Frontiers of Afghanistan with Russia and Persia, the Britishers started concentrating on settlement of Southern Frontiers. These Frontiers were more porous, undemarcated with historical claims of Afghans over the territories, now, under British Control.

It was now Russia's turn to assert and press the Britishers for demarcation of Southern Frontiers.

Russia, for obvious reasons, wanted an independent Afghanistan with defined Russians and British sphere of influence so as to avoid direct clash between the, then, two Super Powers.

Historical events, right from early Nineteen Century, must be taken into account which culminated at landmark Durand Line Treaty in 1893.

At the time of King Zaman Shah, grandson of Ahmed Shah Abdali, the Durrani Empire comprises of areas from Herat to Kashmir and Balkh to Sindh. Zaman Shah was deposed and blinded by his half brother Mahmud. He died as a pensioner of British Government at Ludhiana. In 1803 Shah Mahmud was driven by Shuja-ul-

Mulk, the younger brother of Shah Zaman. He was still in Control of undivided Afghanistan at the time of Elphinstine's mission in 1808. This mission concluded first treaty between Kabul and British Government in 1809. This treaty was aimed against French – Persian coalition.

Shah Shuja was again dethroned by Shah Mahmud who took asylum in Ludhiana. He concluded a treaty with Ranjit Singh in 1833 and occupied Kandhar but defeated by Dost Muhammad. Dost Muhammad tried to regain Peshawar from Sikhs but failed and Peshawar Valley was lost to Sikhs.

During second Punjab war Dost Muhammad re-occupied Peshawar valley but after defeat of Sikhs he retreated beyond Khyber as British troops advanced towards Peshawar.

- ii) Internal intrigues forced Dost Muhammad Khan to conclude a Treaty with the British Government in 1855 at Peshawar. Under this agreement both the parties agreed to respect the territories under their respective Control.

Another Treaty was signed in Peshawar in 1857. This treaty was aimed against aggression and incursions of Persia into Afghanistan. Amir Dost Muhammad Khan died in 1863 and was succeeded by his third son Amir Sher Ali. He was defeated by Abdur Rehman Khan son of Muhammad Afzal Khan, the eldest son of Dost Muhammad Khan. Afzal Khan, who had been imprisoned at Ghazni, was released and proclaimed as Amir of Afghanistan and recognized by British Government. Muhammad Afzal Khan died in 1867 and was succeeded by his brother Muhammad Azim Khan.

Sher Ali renewed his struggle. In 1868 Kandhar fell to the forces of his second son Yaqub Khan. Sher Ali marched Towards Kabul. Muhammad Azim Khan fled to Turkistan and Sher Ali conquered Kabul in 1868.

British Government gave an assistance of 6 lac rupees and 6000 stand of arms to Amir Sher Ali. Last ditch effort by Muhammad Azim and Abdur Rehman to regain Kabul failed in 1869. Amir Sher Ali met Viceroy of India Sir John Lawrence at Ambala in 1869. British Government assured Amir of her non-interference in the Afghanistan.

In July 1878 Afghans received a Russian Mission in Kabul while British mission was refused entry in September 1878.

British Government issued an ultimatum to Amir to comply with British demands by 21st November. No answer received. British troops crossed the Frontier on 21st November 1878 via Kandhar, Kurram and Khyber.

By February, 1879 British troops were in control of most parts of Afghanistan. Sher Ali fled towards Turkistan, leaving his son Yaqub Khan as Regent at Kabul. Sher Ali died in Feb 1879 in Mazar-e-Sharif. Negotiations were opened with Yaqub Khan which ended in treaty of Gandamak.

iii) **GANDAMAK TREATY OF 1879**

This Treaty imposed shameful restrictions on Afghanistan. Afghanistan was to conduct its foreign relations with the advice and wishes of British Government. Kandhar and Jalalabad were restored to Kabul. Kurram, Pishin and Sibbi were restored to British Government. However revenues of these districts, after deducting charges of civil administration, shall be paid to Amir. British Resident at Kabul was also accepted. On 3rd September 1879 British Agent Sir Louis Cavagnari and all the Residency Staff was massacred. Yaqub Khan failed to control rebellion and in December, 1879 he left Kabul. He was sent to Merat and thence to Dera Dune

where he died in 1923. British troops again advanced to avenge these murders and occupied Afghanistan.

In 1880 Amir Abdur Rehman emerged on the scene and succeeded in establishing himself on Northern side of Hindukush. Negotiations were opened. He finally accepted British Government offer to become Amir of Kabul minus Kandhar which was to be retained as separate principality. Amir arrived in Kabul on 11th August 1880. British troops evacuated Kabul. Ayub Khan invaded Kandhar and laid siege to British forces which were rescued by General Roberts who defeated Ayub Khan at Maiwand. Kandhar was handed over to Amir in April 1881.

In 1883 Amir Abdur Rehman Khan received annual subsidy of 12 lac from the Government of India.

In April, 1885 Amir visited India and met Viceroy Lord Dufferin at Rawalpindi. Assurances of friendship and good will were exchanged.

iv) **DURAND LINE AGREEMENT**

- a. In 1893 Foreign Secretary Sir Mortimer Durand was sent to Kabul to settle not only Afghan-Russian Border issues but also negotiate Indo-Afghan frontier. Sir Durand negotiations resulted in famous Durand Line Agreement on 12th of November 1893 at Rawalpindi (Annex-A).

We see that Durand Line Agreement was outcome of almost 90 years of British activities starting with Elephinstone Mission to Peshawar in 1808. 19th century witnessed many victories and reversals for both sides. This Agreement envisaged the eastern and southern frontiers of Afghanistan from Wakhan to Persian border in Baluchistan. Both sides undertook to refrain from interfering in each other territories. The line was marked on the map and, as per clause 4, detail demarcation, **wherever**

this may be practicable and desirable, was to be laid down later on but with greatest possible exactness to the line shown in the map attached to this agreement.

In clause 6 it has been clearly stated that this Agreement is regarded by both the parties as a full and satisfactory settlement of all the principal differences of opinion which have arisen between them. Afghanistan was recognized as Independent country and subsidy for Amir was increased from 6 lace to 12 lace a year.

In November 1894 Kurram-Afghan Boundary was demarcated. In April 1895 Boundary line from Hindukush to the neighborhood of Kotal was demarcated. Joint agreement executed by the Joint Afghan and British Commissioners in 1895. This demarcation pertained to Baluchistan.

In 1896 Boundary westwards from Chaman to Persian Border was demarcated commonly known as Mc Mahon Line.

b. **MYTHS ABOUT DURAND LINE**

There are certain myths about Durand line. Some of these 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.

We will examine all these myths one by one.

Nowhere in seven clauses Durand Line Agreement it has been mentioned that Durand Line Agreement is for 100 years only. There is no question of accepting the Durand Line Agreement under coercion as it repealed shameful Gandamak treaty and restored independence of Afghanistan. By signing this Agreement Afghanistan willingly ceded all claims over the territories now forming part of Pakistan.

As far as Mohmand Agency is concerned the Durand line Agreement clearly states that the border shall follow the line from Wakhan to Persian border as shown on the map and signed by both the parties.

The agreement does not envisage demarcation of each inch of line but wherever this may be practicable and desirable.

Even if some portion like Khawazai is to be physically demarcated today both the parties are bound, as per clause 4 of said agreement, to adhere to **greatest possible exactness to the line shown in the map.** There can be some minor adjustments of few yards here and there but no claims can be valid over hundreds of square kilometer of area.

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 “un-demarcated” 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.

Amir Habibullah Khan and Indian Government on 21st day of March, 1905, through a Treaty, affirmed and undertook to act upon, in future, all those agreements, executed between Amir Abdur Rehman and the Government of India thus Durand Lind Agreement, along with other Treaties, was again ratified in 1905.

v) **TREATY OF 1905 WITH AMIR HABIBULLAH KHAN**

Both the Parties ratified earlier agreements and undertook to abide by them in future.

In 1907 Amir visited India. He was accorded 31 guns salute and in a telegram of welcome from King Edward he was for the first time addressed as His Majesty.

Outbreak of World War I placed the Amir in a difficult position particularly with the entry of Turkey. However Amir succeeded in keeping his country neutral. As a token of appreciation his subsidy was increased by two lac, making it 20.5 lac per year.

In February, 1919 Amir Habibullah demanded absolute freedom of action, liberty and perpetual independence as a claim of reward for war efforts.

On the night of February, 19th/20th Amir Habibullah was murdered. In Kabul Sardar Amanullah, the 27 years old son of Amir, took possession of citadel.

He ordered arrest of his uncle Nasrullah on the charge of having murdered Habibullah and proclaimed full independence. Amir Amanullah declared holy war against Britishers. On 5th May 1919 Indian army was mobilized. Indian Air force

bombarded Jalalabad and Kabul and occupied some areas. On 28th May Amir suggested armistice.

vi) **TREATY OF RAWALPINDI 1919**

On 8th August, 1919 Treaty of Rawalpindi was signed. Under this treaty peace between the parties was restored. As a mark of displeasure British Government withdrew all the privileges accorded to Amirs of Afghanistan under previous agreements. .

Under Article 5 of this Agreement the Afghan Government once again accepted Indo-Afghan Frontier accepted by the late Amir. They further agreed to early demarcation of un-demarcated position of the line west of Khyber **and to accept such boundary as the British Commission may lay down.**

vii) **BRITISH-AFGHAN TREATY OF 1921**

SIGNED AT KABUL NOVEMBER 22nd ,1921

AND RATIFIED IN FEBRUARY, 1922

It may be kept in mind that Treaties of 1919 and 1921 were signed at a time when a Socialist Revolution had succeeded in USSR, Turk Khilafat abolished and the Britishers were confronted with a mass Khilafat Movement back in India. So making peace with Afghanistan was essential for larger national interests of British Government. Under this Treaty both the parties accepted each other independence. Under Article II both the parties once again accepted the Indo-Afghan frontier as accepted by the Afghan Government under Article V of the Treaty concluded in Rawalpindi on 8th August, 1919.

In September 1927 Amir Amanullah embarked on a lengthy visit of Europe via India and returned in July, 1928. In September, 1928 he launched his Reforms. King's

Reforms, especially with regard to Women emancipation were viewed as anti-Islamic and unrest started throughout the country. Bacha Saqao capitalized on the situation and in Jan 1929 occupied Kabul and proclaimed Amir with the style of Habibullah Ghazi. King Amanullah fled to Italy.

General Nadir Shah entered into Kabul in October 1929. Ghazi Habibullah captured and executed.

In May 1930, in response to British Government letter General Shah Wali Khan, Afghan legation in London, re-affirmed the validity of Treaty concluded in Kabul in 1921.

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.

Demarcation of Durand Line continued for years as per clause 4 of agreement which provides in-built mechanism for such demarcation but with the greatest possible exactness to the line shown in the map.

The superlative form of word “greatest possible exactness” hardly leaves any room for new claims. The Durand Line Agreement clearly states that the Line was drawn on map and signed by both the parties.

Thus there is no disputed area between Afghanistan and Pakistan as erroneously claimed by certain authorities in Afghanistan in case of Khawazai area of Mohmand.

Agreement of loyalty between Khawazi Tribe of Mohmand Agency and the Government of Pakistan dated 30th September, 1953 states that the Khawazai Tribe had pledged to be integral part of the Dominion of Pakistan.

Durand Line Agreement
November 12, 1893

Annexure – “A”

**Agreement between Amir Abdur Rahman Khan, G. C. S. I., and Sir Henry
Mortimer Durand, K. C. I. E., C. S. I.**

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 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 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.
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 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 half-way 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 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 goodwill 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.

H. M. Durand,
Amir Abdur Rahman Khan.
Kabul, November 12, 1893.