

The Durand Line - Key Of The Afghan Problem

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Abstract: This article reveals that the Durand Line served as the main corridor for interference of foreign forces in the domestic affairs of Afghanistan, the emergence of Taliban, Al-Qaeda and ISIS structures in this country, their financial and military support, and other negative trends in the Afghan land. The novelty of the article is that the author analyses the Durand Line by realpolitik approach as the main root of the Afghan problem at the current period and offers recommendations for addressing disputed border issues between Afghanistan and Pakistan.

Index Terms: Durand Line, Pandora's box, FATA, NWFP, Pashtun (Pushtun, Pakhtun, Pukhtun), Pashtunistan (Pakhtunistan, Pukhtunistan) ISI, Taliban, al-Qa'ida, ISIL, UNO "SCAP".

1 INTRODUCTION

Solving the Afghan problem remains one of the most pressing issues of world politics at the current time. In-depth analysis of the factors that have caused this problem and their impact on the current period, and therefore, the promotion of constructive proposals is an urgent task for Afghanistan, region and the international community. The Afghan problem is closely related to its unresolved historical roots. In particular, the establishment of the Durand Line, known as the border between Pakistan and Afghanistan in the political dictionaries has given rise to a source of conflict. This article not only studies the causes of the Durand Line, but it helps also to draw a realistic conclusion about the modern Afghan problem and rethink the historical, legal, ethnic, religious arguments of Afghanistan and Pakistan.

2 METHODS

In this research historical, event and comparative political analysis methods are taken into consideration. In addition, it is also used Afghan literatures in the Dari language, politicians and experts ideas. This article not only studies the causes of the Durand Line, but it helps also to draw a realistic conclusion about the modern Afghan problem and rethink the historical, legal, ethnic, religious arguments of Afghanistan and Pakistan.

3 THE MAIN RESULTS AND FINDINGS

3.1 As a "Pandora's box" in the Afghan problem

The Durand Line was formed on November 12, 1893 as a result of the "Durand Line Agreement" signed by the Amir of Afghanistan, Abdur Rahman Khan and the British Secretary of State for Foreign Affairs, Sir Mortimer Durand. Abdur Rahman writes the following phrases in his memories about this agreement and the negotiation processes: "After the initial official meeting, we immediately started negotiations, because Mr. Mortimer Durand was a politician and knew the Persian language well and this gave a chance to negotiate quickly. Thus, security and agreement were established between the two countries"(Amir Abdurahman, 1996). Naturally, the border issues between British India and Afghanistan were not completely resolved by the Durand Line.

On the contrary, it is the Durand Line that has caused the territory of Federally Administered Tribal Areas (FATA) and North West Frontier Province (NWFP) to turn a real conflict zone. The British attempts to establish control over the territories of British India adjacent to the "Durand line" met with armed resistance from the independent Pashtun tribes living in these areas. They still do not agree with this diplomatic decision and in the process of their daily nomadic life do not comply with the legal regime established for crossing this interstate border (Makkambaev, 2013). Afghan researcher, Zalmay Ahmad Gulzad describes this in detail in his thesis work: "The Durand Line also had a deep effect on Indo-Afghan trade relations. For instance, products from Bajaur had derived a significant amount of income for Afghanistan in its foreign sales. However, Afghanistan's loss of control over Bajaur, became profitable for the British Indian trade. Similarly, after 1893, Afghanistan's trade with British India radically declined. Having become a land-locked state, Afghanistan became dependent on British India for transport, which further complicated trade relations. The Pushtun revolt in 1897 posed a formidable challenge to British power in the region. With the drawing of the Durand Line, a large territory inhabited by Pushtun tribes had come under British India's sphere of influence"(Zalmay Ahmad Gulzad, 1991). Increasing military and political pressure of the British Empire in the region, as well as frequent armed conflicts in the border areas caused the Durand Line to be discussed again on March 21, 1905 and on November 22, 1921. But none of the talks have offered practical support for peacekeeping in the border areas. With the establishment of the Islamic Republic of Pakistan – a new state on the world map in 1947, the Durand Line has been a major factor in the emergence of the most controversial issues between the two countries. The government of Afghanistan created an independent Pashtunistan movement that called for independence in the Northwest Territories. In reply, Pakistan hardened its position regarding the territories. In 1948 Pakistan greatly increased its military presence there. The action provoked the Afghan King Zahir Shah to demand renouncement of the Durand Line and return of its territory. Kabul convened an Afghan tribal assembly (a Loya Jirga) on 26 July 1949, which voted its full support for a separate independence for the tribal areas from Pakistan. The Loya Jirga also proceeded to announce the unilateral cancellation of all the treaties that former Afghan governments had signed with the British-India government, including the Durand Treaty, thereby proclaiming that the Afghan government does not recognize the Durand Line as a legal boundary between Afghanistan and Pakistan. However, to Pakistan's disappointment, Burhanuddin Rabbani and Ahmad Shah Massoud, who played an important role in the establishment of

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an Islamic State of Afghanistan with the Peshawar Accord of 1992, too refused to accept the Durand Line as the international border between Afghanistan and Pakistan. Pakistan then backed Gulbuddin Hekmatyar, a Hizbe Islami Commander, who had refused to sign the Peshawar Accord, to take on Rabbani's Government. However, when it became clear that Hekmatyar's forces would neither be able to destabilize Rabbani government nor force him to recognize the Durand Line, Pakistan abandoned Hekmatyar and shifted its support to the Taliban (Arka Biswas, 2013a). Currently, the legitimacy of the Durand Line is a controversial example of Pakistan and Afghanistan sides. It is advisable to analyze the complex nature of the issue and consideration the arguments presented by each party for realpolitic approach:

3.2. Afghan side evidences

- Historical factor. This factor is particularly noticeable because of the intensive study by Afghan politicians and experts. According to Aziz Arianfar, afghan diplomat and director of Afghanistan Research Center in Germany, The Durand Line Agreement and the Pashtun-inhabited Pakistan Territory was in agreement with British India, not independent Pakistan, and this factor causes the cancellation of all previous agreements (Aziz Arianfar, 2005). Mohammad Pazhwak, Afghan representative to the UN, stated in General Assambly that his country regarded Pukhtunistan area as "usurped land", which was taken by a mightly colonial power by its military force. Since then the inhabitants of the area continued their struggle, first against the colonial userpers and later against Pakistan for the policy of oppression of the Pukhtunis and Baluchis was a repetition of the old colonial argument (Azmat Hayat Khan, 2005a).
- Legal factor. Some afghan experts say the Durand Line has no legal standing as there is no agreement in place to confirm the line as a recognized border between Afghanistan and Pakistan. Afghan scholar, most prominent of whom is Dr. Hasan Kakar, argue that the Durand Line agreement, signed in 1893, expired after 100 years of being in force. Their claim is based upon the narration that the Durand Line agreement was, after signing, manipulated by the British and that certain terms and clauses were removed, one of which was the clause of expiration of the agreement. They argue that the translated version of the Durand Line agreement given to the Amir was different from the one which the British declared later. Drawing similarities to the case of Hong Kong and its transfer to China, it has been argued that the Durand Line agreement too was signed under such terms (Arka Biswas, 2013b).
- Ethnic factor. Most Afghans believe that all Pashtuns in the Durand Line and NWFP are the Afghans, not Pakistanis and can not divide them Afghan Pashtuns or Pakistani Pashtuns. Rhea Abraham, a Research Associate at the Centre for Air Power Studies in New Delhi writes in his article important quotes that should be taken into account on the ethnic factor. The Pashtuns on all sides, however, religiously follow the code of the Pashtunwali which is a code of honour and conduct and is considered to be above any state law. For them, ethnicity is more profound than religious beliefs, despite their differences in policies (Rhea Abraham, 2012). One of the main reasons for tension between Afghanistan and Pakistan was the fact that the

Durand Line split the Pashtun tribes into two parts. Any attempt to unify all the Pashtun tribes will be threat to the territorial integrity of Pakistan. In this regard, Uzbek Professor Shukhrat Goibnazarov writes that Pashtun nationalism posed a real threat to Islamabad as it led to the idea of creating Pashtunistan, which in the future could also include Pakistan's ethnic Pashtun region" (Goibnazarov, 2013). In addition, Rehman Pazhwak accused Pakistan of applying double standards, in regard to Kashmir and Pukhtunistan issues. Pointing out the contradiction in Rawalpandi's stand on these two problems, he said that Pakistan demanded a plebiscite in Kashmir while it denied the same to the Pukhtuns. According to the Pakistan demand was irrelevant as she accepted the verdict of the referendum held in the Pukhtun region under the aegis of a foreign government, but did not submit to the verdict of Kashmiri people who had repeatedly cast their lot with the rest of India in several free and fair genereal elections. He also drew attention of the international community to the fallacious nature of Pakistan's argument that President Ayub Khan was a Pukhtun, hence all was well with the Pukhtuns in Pakistan. Pazhwak pointed out that Pakistan did not admit that all was well with the Muslims of India because the Head of State, Dr. Zakir Hussain was a distinguished Muslim (Azmat Hayat Khan, 2015b). Therefore, Pakistan's policy has always been to prevent the Pashtun movement. Consequently, Islamabad was interested in satisfying the role of the Pashtuns in the land of Afghanistan, especially by increasing their influence in the Afghan government. Thus, the Durand Line has become a "Pandora's box" of the Afghan problem and the region.

3.3. Pakistani side answers

Historical-legal factor. Evidences provided by Pakistani expert Mohammad Jamil also urges us to consider. According to his facts, Pakistan as a successor state to British India derived full sovereignty over areas and its people east of the Durand Line, and had all the rights and obligations of a successor state. As the treaty was inked in Afghanistan and was further ratified in subsequent pacts of 1905, 1919, and 1921, it negated the claim that it was a forced treaty. Finally, nowhere in the treaty it was mentioned the treaty was for 100 years. As stated earlier, the basic reason for strained relations between Pakistan and Afghanistan has been non-acceptance of the Durand Line by the latter as an international border between the two countries because of its leadership's perception that Pashtuns on both sides were inseparable (Mohammad Jamil, 2016). Quoting Mahnaz Ispahani's words, Naseem Ahmed, a Pakistani Senior Research Fellow of Quaid-i-Azam University writes that Afghanistan did not claim a Pakhtun state that would incorporate the entire Pakhtun 'nation' on both sides of border the Afghan Pakhtuns were not to join Pakhtunistan. Historically, the Afghan Amirs maintained close political, military, and economic links with the Pakhtun tribes who roam the lands to the south of the Durand Line. But in the era of the nation-state both Pakistan and Afghanistan laid claim to the allegiance of many different people and tribes. Afghanistan's ethnological argument, in fact, could be read as inimical to its own interests, since the country housed so many different ethnic groups with links to the lands beyond Afghanistan (Naseem Ahmed, 2010). Regarding the legal factor, Tehseena Usman cites norms of the Vienna Convention as international

legal evidence. After 1947, Kabul government approached Pakistan demanding reformation of the Durand line to avoid a divide of Pushtun tribes. This proposal was rejected by Pakistan on the ground that border cannot be restructured or nullified because the Vienna Convention on Succession of States on Respect of Treaties (VCSST) have unanimously endorsed *uti possidetis juris*, which says that bilateral treaties with or between colonial powers pass on to the descendant sovereign states. Therefore, Afghanistan cannot restructure or change the Durand line. This contention led to a deep and continuous distrust between Pakistan and Afghanistan leading to rivalry, suspicions, and resentment (Tehseena Usman, 2010). Ethno-religious factor. Besides the fact of the Pashtuns that there are also other tribal ethnic groups living along the border with Afghanistan and Pakistan. In addition, both Afghanistan and Pakistan are the Islamic countries. Dr. Azmat Hayat Khan draws his attention to Pakistan's attitude towards ethno-religious factor via some official information in the border between two countries. Former Pakistan Foreign Minister Mr Hussain justified that religion formed the basis of the Pukhtuns inclusion in Pakistan. Pakistan contended that there were more Pushtu speaking people in Pakistan than in Afghanistan. According most estimates, the Pukhtuns comprise no more than one half of Afghanistan's population and the rest are Tajiks, Hazaras, Uzbeks and Turkemans. So it was argued that if this criteria was to be applied to Afghanistan itself, this would be threaten it's statehood because it would have to cede its territories to its neighbouring countries (Azmat Hayat Khan, 2005c). The Soviet-Afghan war is one of the darkest and most tragic pages for the Afghans. It was the Durand Line and borders that served as the main corridor for the military, financial and ideological support for the Mujahideen resistance during the Soviet-Afghan war. The Pakistani ISI (ISI – Inter-Services Intelligence of Pakistan) controlled all the relief supplies from the unregulated border between Pakistan and Afghanistan. According to information in the book of professor Sultan Akimbekov, there was a broad coalition of external forces, which included the United States, as well as their Western allies, many Muslim states, including even the antagonists - Iran and Saudi Arabia, plus China. They were able to support the Afghan resistance with weapons and material means, give it the necessary stability, in any size necessary for this. From a political point of view, it was important for Pakistan to support those forces in Afghanistan that would not create problems for Islamabad regarding the border line between the two countries (Akimbekov, 2015).

3.3. As a corridor for the Taliban, al-Qa'ida and ISIL

Due to the unregulated Durand Line, the Taliban and other terrorist groups easily penetrated the territory of Afghanistan under the interests and control of external forces and they helped to create the conditions for a military polygon of various forces. Today, there is no doubt that Pakistan along with some powerful countries has played a major role in the emergence of the Taliban in the land of Afghanistan. Ahmed Rashid, a Pakistani journalist and author of the famous book about the Taliban, notes noteworthy facts in his book: "In September 1994 Pakistani surveyors and the ISI officers discreetly travelled the road from Chaman on the Pakistani border to Herat, to survey the road. The Pashtun-born Interior Minister Naserullah Babar also visited Chaman that months. On 20 October 1994, Babar took a party of six Western Ambassadors to Kandahar and Herat, without even informing the Kabul

government. On 28 October, Bhutto met with Ismail Khan and General Rashid Dostum in Ashkhabad and urged them to agree open a southern route, where trucks would pay just a couple of tolls on the way and their security would be guaranteed. On 12 October 1994 some 200 Taliban from Kandahar and Pakistani madrassas arrived at the small Afghan border post of Spin Baldak on the Pakistan-Afghanistan border just opposite Chaman" (Ahmed Rashid, 2000). The analysis of the events shows that Islamabad has played an effective role to become the opposition force of the Taliban in Afghanistan, and that it has been operating primarily within Pakistan's political goals and interests. The emergence of international terrorist organizations in the territory of Afghanistan, such as al-Qa'ida and ISIS, is also a consequence of the unresolved Durand Line. In the last years of the 20th century, the Taliban has established strong ties with al-Qa'ida and has allowed international terrorists to enter Afghanistan through Pakistan's borders with Afghanistan. After the fall of the Taliban regime in December 2001, al-Qa'ida built a new safe haven in the FATA of Pakistan, in particular in the South and North Waziristan agencies. From here, al-Qaeda started supporting the nascent Taliban insurgency in Afghanistan through its historical allies from the Afghan-Soviet war such as Jalaluddin Haqqani's group (later known as the "Haqqani network"). Until about 2010, al-Qa'ida enjoyed relative safe haven in Waziristan and was capable of staging international terrorist attacks in addition to running training camps and supporting local insurgencies (Anne Stenersen, 2016). And in 2014, ISIS (Islamic State of Iraq and the Levant) emerged with a new role in the Afghan military-political scene. The emergence of ISIS in Afghanistan is also closely related to Afghanistan's southern and eastern provinces bordering Pakistan. In particular, the first reports of pro-extremist broadcasts of a station calling itself the "Voice of the Caliphate" appeared in mid-December 2015, and so far the problem has not been resolved. Currently, the broadcast network of the underground radio station covers Achin, Baticot and Shinwar counties, as well as the territory of the city of Jalalabad, which is a provincial administrative center. Previously, broadcasting was carried out only in Pashto, subsequently, broadcasts in Dari and English were also launched. According to local authorities, broadcasting is carried out from border areas, possibly also from neighboring Pakistan (Residents of Nangarhar Province Still Concerned by Islamic State Underground Radio Station, January 28, 2016). Besides that, leaders of the Islamic State in Afghanistan are also noteworthy. In early 2015, the actions of armed groups under the black flags of the Islamic State became more visible, and the attitude of the so-called Caliph of the Islamic Republic Abubakr Baghdadi to the leader of the Taliban was also determined. On January 25, 2015, he called Mullah Omar "an illiterate and unenlightened fighter who does not possess the necessary qualities of a spiritual leader and politician". Following this, Abubakr Baghdadi's spokesman, Abu Muhammad Al Adnani, in his video message announced the creation of the Khorasan province of the "Islamic State", which included the territories of Afghanistan, Pakistan, parts of India and Iran, Central Asian states and western China. Hafez Saeed Khan (Pakistani Pashtun) was appointed Emir of Khorasan Province, and Mulla Abdul Rauf Hadem from Helmand, a former prisoner of Guantanamo, was appointed deputy. In addition to the provincial emir, the provincial council included 11 more people - all ethnic Pashtuns (three of Afghan

and 9 Pakistani origin) (Iskandarov, 2015). The above information as we wrote confirm that external support for the Taliban, al-Qa'ida and ISIS to come from through the Afghan and Pakistani border, and in this processes the Durand Line was the main corridor.

4 CONCLUSION

We can say without any hesitation that the Durand Line is the root of the Afghan problem and the key to its solution. The Durand Line is a negative result of the colonial regime and the Great Game. We are completely agree with the comparison of Vyacheslav Belokrenitsky which he said that "the presence of a single Pashtun belt makes Afghanistan and Pakistan a kind of "Siamese twins" which can be divided into a painful surgical operation" (Belokrenitsky, 2012). No doubt, it should be solved on the basis of mutual agreement and sympathy of the most powerful countries which are directly responsible for this historical mistake and current conflicts in the border between Afghanistan and Pakistan. It is time to solve this problem as "the Judgment of Solomon" and in the future it will benefit all sides of the region. We emphasize that it would be more effective as an alternative solution to the Afghan problem if UN organized "SCAP" Working Group (Security Council+Afghanistan and Pakistan). The essence of this initiative is that the five permanent members of the UN Security Council, as well as, the Afghan and Pakistan government must address the border issues through political negotiations. In our view, the UNO "SCAP" Working Group should focus on:

- solving the Durand Line on the basis of international law;
- determination legal status of FATA and NWFP;
- adopting United Nations Security Council resolution concerning border issues between Afghanistan and Pakistan.

Ultimately, paths of peace and economic recovery in Afghanistan will open and geo-economic position of Afghanistan in the region will be strengthened. Solution of the Durand Line will be a great potential for landlocked Central Asia to reach the nearest sea ports via Pakistan, and Pakistan will have also opportunity to access to the Central Asian markets and import gas, electricity and other resources from the region. The Durand Line should be guarantee of stability and prosperity, not a source of instability affecting Afghanistan, Central Asia and South Asia.

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