REVISITING THE DURAND LINE

Historical and Legal Perspectives

Lutfur Rehman



IPS Press is the publishing arm of Institute of Policy Studies, Islamabad – an independent think tank dedicated to promoting policy-oriented research, dialogue, and human & technological development for better governance. Pakistan Affairs, International Relations, Faith and Society, Governance and Leadership, Science & Technology are some of the major study areas at IPS.

> Revisiting the Durand Line Historical and Legal Perspectives

ISBN: 978-969-448-836-3

Edition: 1st

© IPS Press 2024

All rights reserved. No part of this publication may be reproduced, translated, stored in a retrieval system, or transmitted, in any form or by any means, without the prior permission in writing of Institute of Policy Studies, Islamabad.

Inquiries concerning reproduction should be sent to IPS Press at the contact details given below:

IPS Press

Institute of Policy Studies Nasr Chambers, 1, MPCHS Commercial Centre, E-11/3, Islamabad, Pakistan Tel: +92 51 8438391-3, 8438388 Email: publications@ips.net.pk | URL: www.ips.org.pk

Cover photographs credit: Sajid Mian & SABAH News Agency

Cover Design: Asif Taimuri Layout: Abid Hussain

Printed in Pakistan by AS Printers, Rawalpindi.



"Dr. Lutfur Rehman has written a fascinating account of the history of the 1893 Durand Line Agreement with Ameer Abdur Rahman of Afghanistan, which was intended to establish a frontier between the kingdom of Afghanistan and what was then British India. But, as the author reminds us, when Pakistan became independent in 1947, the demarcation immediately became a contested issue with Afghanistan, which remains unresolved to this day. While so much attention is focused on Pakistan's relationship with India, Dr. Rehman's research makes an important contribution to our understanding of the entire region."

- Victoria Schofield

Author, biographer, and historian

"This book is a result of pioneering and painstaking research based on authentic sources and reflects a great commitment by a scholar to produce a masterpiece. It enlightens the readers on the history of the Durand Line and the historical context in which the boundary was demarcated. It is a contribution by a Pakistani author that has few parallels in the existing literature on the subject. Though the Durand Line has not been acknowledged or formally and publicly accepted by the successive Afghan governments, its legitimacy and validity have been tacitly accepted by Kabul. The Afghan government operates immigration systems, customs check posts and deploys security forces on the other side of the border, showing the sanctity of the border having been accepted. Moreover, Kabul has never raised the issue of the continuing validity of the border before the UN in the last 50 years. In the meantime, the country and the region have been overtaken by many upheavals. Afghanistan is grappling with the major issues of poverty, reconstruction, rehabilitation, restoration of its financial systems, and integration with the world. The Durand Line issue has become somewhat irrelevant in this scheme of things. Dr Lutfur Rehman should be complemented for bringing to light a treasure trove of hidden documents from which historians, scholars and students would continue to benefit in their pursuit of the history of bilateral relations between Pakistan and Afghanistan."

- Ambassador (r) Rustam Shah Mohmand

"The border dividing Afghanistan and Pakistan has long been a source of friction between the two countries. Both the legitimacy and demarcation of the Durand Line remain controversial today and constitute stumbling blocks to attempts to improve bilateral relations. This book by Lutfur Rehman offers valuable insight into the dispute by looking at the historical context of the border agreement signed in 1893, its legal aspects, and the way the dispute unfolded up to the return to power of the Taliban in 2021. The last chapter is devoted to Afghan-Pakistan relations on a wide range of issues, from narcotics to water resources to refugees. The book is a welcome addition to an under-researched issue."

– Elisa Giunchi

Professor, Università degli Studi di Milano, Italy

"The author has performed a public duty by undertaking documentary and legal research on the Durand Line Agreement of 1893. His findings show that the initiative towards demarcating the Afghan border was taken by Ameer Abdur Rahman, and due to whose manipulations the British negotiator he favored, Sir Mortimer Durand, was appointed. On the ground, from Chaman to Iran, the British ceded up to 70 miles south of the agreed border; further, Richard Udny allowed Afghanistan to occupy Bashgal Valley in addition to the territory earlier agreed upon. The author shows that was no coercion at all. He has also cited relevant international law to establish that the Durand Line is the legal and perennial border between Pakistan and Afghanistan."

– Dr. Muhammad Reza Kazimi

Editor, Quarterly Journal of the Pakistan Historical Society

"A tireless work of painstaking research, a combination of rigorous inquiry and labor of love, the book is a rare yet muchneeded contribution to the literature on the Durand Line. Lutfur Rehman brings original insights written in an easy-to-understand language. It is essential reading for everyone interested in Pakistan-Afghanistan relations."

– Dr. Farhat Taj

Associate Professor, University of Tromsø, UiT The Arctic University of Norway

"The Durand Line is a legitimate international boundary between Pakistan and Afghanistan. Nevertheless, some regional and international actors made it controversial. Myths were promoted rather than coming up with solid proofs. Dr. Lutfur Rehman has done a wonderful job in giving the genesis of the issue and bringing to the limelight some hitherto hidden aspects. The Institute of Policy Studies, Islamabad, which is keeping its tradition of disseminating knowledge alive, deserves appreciation for publishing this work."

- Prof. Dr. Fakhr-ul-Islam

Former Director, Pakistan Study Centre, University of Peshawar



Table of Contents

List of Maps	xiii
Preface	XV
Foreword	xvii
Introduction	xxi
Chapter 1: History of Afghanistan	01
The Great Game	04
First Anglo-Afghan War – Invasion Catastrophe	06
Second Anglo-Afghan War – Another Misadventure	09
Abdur Rahman Khan, the 'Iron Ameer'	11
Sistan Dispute between Afghanistan and Persia	14
Ameer Habibullah's Efforts to Modernize Afghanistan	19
Third Anglo-Afghan War – Afghan Brashness	19
Muhammad Zahir Shah, the Last King	21
The Coup d'état of 1973	22
The Soviet Invasion, a Watershed Event	22
Emergence of Taliban Movement in Kandahar	25
The Hamid Karzai and Ashraf Ghani Governments	26
Doha Agreement – Seeking Peace	28
Withdrawal of US Troops	29
Taliban Rule 2.0: Revisiting the Past	30
Chapter 2: History of Khyber Pakhtunkhwa and	
Balochistan	39
Ranjeet Singh Captures Peshawar	40

x | Revisiting the Durand Line

Bannu Slips Under British Control	42
Shifting Importance of Dera Ismail Khan/Tank	43
The Khanates of Dir, Chitral, and Swat	44
Tribal Districts Along the Afghan Border	46
Bajaur Resists Afghan Moves	48
Mohmand – An Account of Patchy Relations	50
Khyber Pass – The Gateway for Invasions	52
Afghanistan Cedes Kurram to British India	53
Afghanistan Eyes Waziristan	53
NWFP and Tribal Areas Opt to Join Pakistan	56
Balochistan – A Checkered History	57
The Khans of Kalat	58
Afghan Designs on Balochistan	61
Balochistan-Iran Border	62
Chapter 3: Delimitation and Demarcation of	
Durand Line	71
The Evolution of Walls and Fences	71
Ameer Abdur Rahman Khan Seeks Demarcation	72
Durand Line Agreement	74
Durand Line Maps	75
Demarcation of the Border	79
Balochistan-Afghanistan Border	79
Domandi-Chaman Section	80
Chaman–Koh-i-Malik Siah Section	82
Afghan-Waziristan Boundary Commission	87

Sikaram-Laram Section	88
• Demarcation in Waziristan	90
Asmar Boundary Commission Faces Afghan	
Machinations	92
Nasrat and Bashgal, Occupied in Violation of	~ ~
Agreement	95
• The Afghan Invasion of Bashgal	98
Wakhan Corridor – A Merger of Expediency	98
Pamir Boundary Commission	100
Demarcation in Khyber	101
Border Demarcation Completed	102
Dokalim Dispute	103
Porous Border and Crimes	103
Afghan Stance Unchanged Post-1947	104
Fencing Pakistan-Afghanistan Border	108
Chapter 4: International Law and Durand Line	
Agreement	117
Principle of Uti Possidetis	119
Borders Cannot Be Altered Unilaterally	121
Principle of Pacta Sunt Servanda	122
Vienna Convention on State Succession, 1978	124
Treaties Pertaining to Sanctity of Borders	126
Ceding Territory	128
Peaceful Settlement of Disputes	131
The Ecuador-Peru Model	131
African Approach Regarding Border Disputes	134
The Way Forward	135

Chapter 5: The Complex Facet of Pakistan-	
Afghanistan Relations	145
The Pakhtunistan Issue	146
Afghan Reaction to Establishment of One Unit	151
The Notion of Strategic Depth	154
Easement Rights	155
Pakistan's Friendly Visa Policy for Afghans	155
Integrated Border Management Vital for Tackling	
Issues	156
Pakistan-Afghanistan Trade Relations	158
Looming Water Dispute	161
Narcotics Production and Trafficking	164
Lingering Issue of Afghan Refugees	165
TTP Safe Havens in Afghanistan	167
The Road Ahead	169
Afterword	181
Key British India-Afghanistan Treaties	183
Important Treaties between British India and	
Afghanistan	185
List of Appendixes	189
Appendixes	191
Bibliography	207
Index	223

