



POLITICAL AND LEGAL REASONS FOR THE ESTABLISHMENT OF THE “DURAND LINE”

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Abstract

This article details the political and legal reasons that led to the formation of the “Durand line” – the border between Afghanistan and Pakistan. The article also discusses in detail the problems that arose as a result of the creation and installation of this line.

Keywords: Durand line, Durand agreement, Treaty of Ravalpindi, Wakhan Corridor, “Pashtunistan” problem, Treaty of Gandamak, Emir Habibullah Khan, Emir (King) Amanullah Khan.

INTRODUCTION

The roots of today’s security problems between Afghanistan and Pakistan are directly linked to the “Durand line” drawn at the end of the 19th century. This line was originally a product of a political agreement between the British Empire and the Emirate of Afghanistan, arising from geopolitical interests, in particular, the need to create a buffer zone against the possibility of the Russian Empire moving south. However, since the border established by the British was arbitrarily drawn without taking into account the natural and geographical conditions, tribal structures, and ethnic communities, it remained only a temporary political solution and a source of constant tension throughout the past period.

In the process of signing the Treaty of Durand, the territories of the Pashtun and Baloch tribes were divided, and most of them were annexed to British India. This led to discontent among the local population, regular uprisings, and incessant confrontations on the border. The policy pursued under the subsequent reigns of Emir Habibullah Khan and Amanullah Khan also failed to resolve the issue of the



“Durand line”. Even the 1919 Treaty of Rawalpindi, along with the official recognition of Afghanistan’s independence, legally solidified this line. Thus, for Afghanistan, the “Durand line” remained a colonial legacy that violated national unity, while Pakistan considers it its internationally recognized border.

Consequently, the creation and legal consolidation of the “Durand line” serves as the historical basis for the conflict between Afghanistan and Pakistan. The study of this issue is relevant not only for understanding historical processes, but also for analyzing the current geopolitical situation.

LITERATURE REVIEW AND METHODOLOGY

Another prominent Afghan scholar is Mir Ghulam Muhammad Ghubar, who is considered one of the founders of modern Afghan historiography and is recognized as one of the active intellectuals of the 20th century. The scholar’s book “Afghanistan in the Chain of History” is a monumental historical work that provides a comprehensive and popular perspective on the past of Afghanistan. The author’s goal was to correct the distorted official history, to vote for the struggle of ordinary Afghans, and to logically and analytically illuminate the main political and social changes. Despite being banned for decades, this work remains one of the most valuable sources covering the history of Afghanistan.

One of the Afghan scholars who conducted scientific research on the Pashtun issue in Afghanistan-Pakistan relations, the role and influence of this factor in the history and development of bilateral relations, is Abubakr Siddique. As a result of his scientific research, A.Siddique published a book entitled “The Pashtun question: An Unresolved Key to the Future of Pakistan and Afghanistan”. The scholar’s book “Durand line” is a deeply historically grounded, internally illuminating account of how interstate relations endangered the identity of the Pashtun people and how they intensified militancy. In this book, A.Siddique proposes a pragmatic roadmap based on tribal realities and geopolitical facts, encompassing broad civic engagement, cross-border integration, and economic ties. The book also states that the border drawn in 1893 cuts through Pashtun and Baloch territories. Pakistan considers it an international boundary; Afghanistan, however, does not recognize its legitimacy.



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One of the prominent Pakistani scholars, Professor Azmat Hayot Khan, has published a book on the relationship between Afghanistan and Pakistan, in particular, on the problem of the “Durand line” titled “The Durand line: Its geostrategic significance”. In this book, the “Durand line” and all related issues are studied in detail and in detail. In particular, the scientist's notes, such as the signed agreements on the “Durand line,” archival materials on the formation of the problem, the “Pashtunistan” issue, the territories on the Afghan-Pakistani border and their specific features, as well as the international legal status of the “Durand line”, serve as an important source. In addition, in this book, the author sets out his scientific views on the politics of major external powers and its influence on Pakistani-Afghan relations, as well as the issue of “Pashtunistan”, and fully reveals the existing problems in relations between the two countries.

The research of the expert on Afghanistan studies Suhrob Buronov and the scientific and analytical opinions presented in them are of great relevance. In his scientific research, the scientist, having analyzed the positions of the states of Afghanistan and Pakistan on the “Durand line”, came to the conclusion that the elimination of the problem will create the basis for lasting peace in Afghanistan. Such considerations are also reflected in the expert’s monograph “Geopolitics of Uzbekistan in the Processes of Establishing Peace and Stability in Afghanistan.” The information presented in this monographic study plays a significant role in the in-depth study of Pakistan’s influence on the political situation in Afghanistan, ethno-territorial problems related to Pashtuns, and the reasons for the emergence of the Taliban movement on the Afghan political scene. It should be especially noted that S.Buronov’s monograph “The Influence of the Taliban Factor on the Regional Security of Central Asia” is an important source for proposing new theories and approaches in the field of Afghan studies. Also, this scientific work is a major study that comprehensively analyzes the formation of the Taliban movement in Afghanistan, the role of this movement in the politics of large and regional states. In this book, the scholar provides detailed information on the differences and similarities between the “Taliban 1.0” and “Taliban 2.0” governments, the establishment of the “Durand line” and the impact of the “Pashtun” factor on Afghanistan-Pakistan relations, the current state of relations between the two countries, and the impact of the threat of terrorism and

extremism on regional security. Among Afghan scholars, Doctor of Law, Professor Inomjon Boboqulov, in his book “Afghanistan: Dictionary-Reference,” provides detailed explanations of political, military, and legal terms related to Afghanistan. In particular, the author specifically focuses on the “Durand line” and “Pashtunistan” related to our research. In addition, the dictionary contains valuable information about individuals who held a high position and political power in Afghan society.

In writing this article, retrospective, comparative, and content analysis methods were used.

RESULTS



1-2-pictures

Map of Afghanistan (1880 and 1893)[1]

When it comes to security issues between Afghanistan and Pakistan, first of all, it is necessary to carefully study the reasons for the establishment of the “Durand line”. Below is a detailed description of the political and legal reasons for the creation of this line:

Political reason. At the same time, information is provided on the processes of signing the “Durand line” agreement, stating that this line is the product of an agreement reached as a result of political negotiations between representatives of Afghanistan and British India.



As a result of the signing of the Treaty of Durand, the British Indian government gained significant advantages for the garrisons of Gilgit, Swat, and Chitral, and created a defensive line against the Russian invasion, which could be accessed through the Vohan (Corridor).[2] The British attempts to establish control over the territory of British India through the “Durand line” led to a response with armed resistance from the independent Pashtun tribes living in the area[3]. The process of demarcation could not stop tribal uprisings, and Indian troops conducted a series of campaigns against the border tribes, including the Mahsuds (1897), Mohmands (1897-1898), Waziris (1897), Afridis, and Araksay (1897). All this further expanded British power and control over the tribe's territory.[2] Afghan scholar Zalmay Ahmad Gulzad states in his dissertation: The Pashtun uprising of 1897 created enormous threats to British power in the region. With the establishment of the “Durand line”, the territories occupied by Pashtun tribes fell under the sphere of influence of British India. Therefore, the Pashtun tribal uprisings were the final expression of their intolerance towards the “Durand line” 4] In short, it can be said that the hotly debated boundary, called the “Durand line,” was created by Britain with the aim of establishing a buffer state and preventing a direct clash between the most influential imperial powers of the century[5].

When Habibullah Khan, the eldest son of Emir Abdur Rahman, assumed the post of Emir after his father's death, there were virtually no conflicts with the British. By 1901, during the reign of Habibullah Khan (1901-1919), the Russians and the British defined the borders of Afghanistan with Russian territories in the north, British India in the south and southeast, and even the northwestern border with China[6]. During the reign of Emir Habibullah Khan, he continued his father's reforms and maintained Afghanistan's neutrality in World War I[7]. This factor played an important role in the further development of Afghanistan.

The creation of the Northwest Frontier Province[8] by order of Lord Curzon, Viceroy of British India, in 1901 led to further exacerbation of the border problem. This area is now part of Pakistan and has also been the cause of some contentious issues between Afghanistan and Pakistan[9], but some sources indicate that the “recognition” of the “Durand line” as the state border of Afghanistan and British India was also noted in treaties signed between the two



countries in Kabul in 1905 and 1921[10]. Afghan officials emphasize that the signing of these agreements does not mean that they officially recognize the “Durand line” as a border.

Under a 1907 treaty between Great Britain and Tsarist Russia, Persia was divided into corresponding spheres of influence, and both sides agreed to recognize China’s control over Tibet. Russia surrendered Afghanistan to British sphere of influence, but London had to stay away from Afghanistan’s internal affairs and refrain from seizing or annexing any part of the country. However, since Kabul did not participate in the treaty, Emir Habibullah Khan declared it illegal. Emir Amanullah Khan, who ascended the throne after Emir Habibullah Khan, declared the independence of Afghanistan. Notably, the Soviet government, formed a little later, immediately recognized Afghanistan as an independent state. On the contrary, the British were reluctant to recognize it, and as a result, in 1919, Emir Amanullah Khan called on Pashtun tribes on both sides of the “Durand line” to fight against the British to completely end British control in Afghanistan. The outcome of the Third Anglo-Afghan War, which lasted a month, ensured the acquisition of full sovereignty by Kabul. Thus, the British officially recognized Afghanistan's independence in the 1919 Treaty of Rawalpindi[11]. August 19 is celebrated in the country as a national holiday - Independence Day.

After nearly 60 years of struggle against British oppression, Afghanistan successfully fought and won for liberation from British control and influence. By signing the Treaty of Rawalpindi, the war-weary British abandoned control of Afghanistan not only in territorial matters, but also in any other internal and external affairs. This noteworthy agreement opened the door for King Amanullah to finally begin a period of reform in Afghanistan. After 10 years of rule as the ruler of Afghanistan, his social, economic and political reforms penetrated not only into the internal relations of Afghanistan, but also into its external relations[12]. The achievement of independence opened the way for political, economic, and cultural development of Afghanistan. After independence, Amanullah Khan focused on implementing large-scale reforms in domestic and foreign policy. After relations with the British Empire cooled in foreign policy, Amanullah Khan naturally began to implement strong cooperation with Russia.



After the signing of the initial treaty in Rawalpindi, Amanullah Khan was met everywhere with great ceremony. In the context of the weakening of the Ottoman Caliphate, Amanullah Khan's position in the entire Muslim world rose, and he began to be viewed as a leader among Muslims. For this reason, he was given the title of "ghazi" (victor).

Changes in foreign policy have paved the way for strengthening the prospects of Afghanistan's foreign relations, implementing new changes in the country's economic and domestic political life, and, in particular, raising Afghanistan's international prestige[13]. The achievement of independence by Afghanistan and its political and economic independence in 1919-1929, the implementation of large-scale reforms that initiated significant changes in the life of the country, are inextricably linked with the name of Amanullah Khan. It was Amanullah Khan who laid a solid foundation for the independent state of Afghanistan[14].

Although the "Durand line" treaty indicated that both sides had agreed on Afghanistan's independence on strict terms, the debates and peace negotiations continued in subsequent discussions as both sides could not agree on the boundaries of the areas that the "Durand line" would cross. This line showed the division of British and Afghan control circles and Pashtun tribes, ultimately intended to act as Britain's buffer zone against further Russian aggression and invasion of India. It was determined in 1893 and in 1897 Amir Abdurrahman reluctantly agreed. The "Durand line" separated many Pashtun tribes from Afghanistan, leaving them in the western part of present-day Pakistan, and created a problem for Islamabad called "Pashtunistan."

DISCUSSION

The "Durand line" was based on a cartographic representation of Afghanistan and Pakistan, and the line was drawn arbitrarily, without taking into account existing structures, property rights, ethnic origin, and the location of families. The "Durand line" caused disagreements between the Anglo-Afghan empires for many years, and negotiations in 1921 also failed to resolve the problem, as the British refused to abandon their control. The Afghans also did not strictly adhere to the agreement. Thus, in Afghanistan, the 1921 compromise was viewed as an unofficial agreement on a constantly unresolved issue[12].



Legal reason. The agreements signed between Afghanistan and British India served as the legal basis for the establishment and formation of the “Durand line” as a border.

“Durand line” Treaty. Mortimer Durand, the British Foreign Secretary in India, visited Kabul on 2 October 1893 to begin negotiations with the Emir of Afghanistan, Abdur Rahman, on the establishment of the southern border of Afghanistan. The eastern border of Afghanistan was settled on November 12, 1893, after heated disputes between the Minister of Foreign Affairs (Secretary for Foreign Affairs) of India and the Emir[15]. According to the “Durand line” agreement, the Indian government will never interfere in the affairs of territories located on the Afghan side, and the Emir will also refrain from interfering in the affairs of territories located on the Indian side[16]. This contract consisted of only one page. According to sources, the treaty was drawn up with copies in English, Dari, and Pashto[17].

The agreement made between the two people at that meeting continues to cause problems to this day. This is because Durand arbitrarily drew a line on the map, which traditionally crossed the territories inhabited by Pashtuns and did not correspond to any natural geographical boundaries. In the villages on both sides of this border, which is called the “Durand line,” live members of the same tribe. M.Durand calculated how far the British could advance into the territory of Afghanistan without retreating. The “Durand line” defines the limit of collision at a given time. Therefore, it is natural for it to remain a “area of long-lasting conflicts.’ This line “frozen” the Afghans’ dissatisfaction with the loss of Peshawar and made the problem a permanent political reality[18]. Naturally, border rules were agreed upon by Mortimer Durand and Emir Abdurrahman, but questions arise about whether Abdurrahman voluntarily ceded some territories. A number of sources indicate that he did not see the “Durand line” as a permanent international border, nor did he openly surrender control over some parts that were under British control under the Treaty of Gandamak, such as Kurram and Chitral[19].

This document, which is considered a vivid example of colonial policy, corresponds to the previous (Peshawar, 1855; Gandamak, 1879) ensured the



annexation of the eastern Pashtun lands seized from the state of Afghanistan to the British Empire and the “recognition” of the “Durand line” as the state border of Afghanistan and British India. This agreement, signed under pressure, “de jure” divided the Pashtuns. Most importantly, the lands considered the “homeland of the Afghans” ceased to be part of the Afghan state[10]. As can be seen from the following maps, as a result of the signing of the “Durand line” agreement, Afghanistan lost large territories. He even lost access to the sea (Indian Ocean). After the formation of the Pakistani state, Durand had to inherit the border between the two parties established as a result of the agreement, and confirmed this by the Treaty of Rawalpindi, which ended the Third Anglo-Afghan War[17]. Doctor of Philosophy in Political Science (PhD) Mutalib Kasimov writes the following in his monograph “Afghan Factor in Security Issues between the USA and Pakistan”: “The Durand line” is the original name of the Indo-Afghan border. Under the terms of the 1919 Rawalpindi Peace Treaty, Afghanistan recognized its obligation to recognize the border in accordance with the “signs of the British Border Commission”. After Pakistan gained independence in 1947, the “Durand line” became the border between Afghanistan and Pakistan”[20]. It is noteworthy that the treaties signed at the end of the two Anglo-Afghan wars before 1893 laid the foundation for the creation of the “Durand line”, while the Durand Agreement legalized this line.

It should be noted that Russia was the first country in the world to recognize the independence of Afghanistan long before the official declaration of its independence, that is, on March 28, 1919. Afghan historian Mir Ghulam Muhammad Ghubar wrote in his book “Afghanistan in the Chain of History” that relations between Afghanistan and Russia were friendly and sincere, and on February 28, 1921, a treaty of friendship was signed between the two countries. The historian also noted that Amanullah Khan signed agreements on cooperation with Turkey, Iran, China, Japan, Switzerland, and Poland. Amanullah Khan signed a number of treaties with the leading European powers – Italy – on June 3, 1921, and with France – on April 28, 1922, regarding the establishment of political relations[21]. This could be assessed as a major step towards Afghanistan’s opening to the world.



CONCLUSION

In general, in the course of historical events, the current borders of Afghanistan were formed, in particular, the “Durand line” was established. It should be noted that the creation of this line did not take into account the rights of the local population, the Pashtun and Baluchi tribes that have lived in this territory for centuries. This inevitably leads to a number of security problems in the region in the future. In particular, to date, no government of Afghanistan has officially recognized the “Durand line” as a border with neighboring Pakistan.

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