

PAK-AFGHAN BORDER: DEMARCATION AND MANAGEMENT

Lutf ur Rehman*

Abstract

Pak-Afghan relations have many drivers but the foremost have always been security issues, sovereignty concerns, border dispute, and connectivity. The two countries have had a fragile relationship for the last seven decades owing to the Durand Line dispute. The border dispute has been a source of constant deliberations and mostly contested by Afghan politicians, policy makers, and scholars. Controversies and uncertainties are therefore prevalent about the border. This research is based on the analysis of primary documents to address the issue academically, and it discusses the detailed history of demarcation and issues in border management. Islamabad has launched Integrated Border Management System to secure its border from illegal border crossing and smuggling. Afghanistan has not formulated such a strategy. It continues to oppose the existence of Durand Line, which makes cooperation between the two sides—vital to overcome the menace of terrorism and other serious issues—difficult.

Keywords: *Durand Line, Demarcation, Management, Fencing, Afghanistan, Pakistan*

Introduction

Being immediate neighbours, friendly relations between Pakistan and Afghanistan are vital for peace, stability, and economic development of the region. But this is not the case and except for the brief period of the Taliban regime (1996-2001), Islamabad-Kabul ties have suffered frequent hiccups. They have divergent views about the status of their border (Durand Line). It is the cause of disagreement between the two since 1947 and Kabul has so far not recognized it. The border experienced tough time and was closed on several occasions even prior to the war on terror. The new [Taliban] government is also following the footsteps of former Afghan governments. Mullah Abdul Salam Zaeef, former Taliban Ambassador to Pakistan, claims that Islamabad tried three

* Assistant Professor in Muslim Youth University, Islamabad.
Email: lutfur.rehman@myu.edu.pk

times during the Taliban's previous regime to convert the boundary line into a permanent border, but it did not receive a positive response.¹

Afghanistan also resists the fencing of the border.² It claims that any construction work by Pakistan along the border is against international norms.³ Kabul argues that fencing the border is violation of Durand Treaty.⁴ Fencing is also a contentious matter for Taliban. Their Acting Minister for Culture and Information, Zabiullah Majahid says that fencing has divided families.⁵ (The Taliban removed fence on Pak-Afghan border in Mohmand district in December 2021.) But Islamabad argues that it is doing construction work on its soil and Kabul has nothing to do with it.

Pakistan under its Integrated Border Management System (IBMS) has taken steps to keep the border open for trade but secure from terrorists and smugglers. So far, Afghanistan has not prepared any such system. It is not cooperating in the border management due to its historical stance. It looks difficult to find a solution to the dispute in the near future. This study explains demarcation, fencing, legal status, and management of Pak-Afghan border. It will help policymakers and scholars on both sides to understand the nature of the border and issues related to its management.

Perceptions about Pak-Afghan Border

The status of Pak-Afghan border is controversial from the Afghan point of view. Kabul does not recognize it as an international border and opposes its fencing. But it is a settled matter from Pakistani perspective. Islamabad argues that fencing of the border is not violation of international and Durand Treaty as the construction work is being carried out on Pakistani soil. In fact, Pak-Afghan border is surrounded by myth,

¹ "Pakistan Tried Three Times to Formalize Durand Line during Taliban Regime," *Khaama Press*, February 26, 2016, <http://www.khaama.com/pakistan>.

² Ousama Khurshid Khan, "Regional Peace through Border Management," *Center for Strategic and Contemporary Research*, December 7, 2016. <http://cscr.pk/analysis-and-opinions/regional-peace-border-management/>.

³ Javed Hamin Kakar, "Afghanistan-Pakistan Border Gate Dispute Ends," *Pajhowk Afghan News*, April 15, 2013, <https://www.pajhwok.com/en/2013/04/15/>.

⁴ Sarwat Rauf and Shakeel Ahmad, "Pak-Afghan Border Management: Development and Controversies," *Journal of Contemporary Studies*, vol. VIII, no. I (Summer 2019), 37.

⁵ Baqir Sajjad Syed, "Border Spat with Taliban Resolved: Official," *Dawn*, Islamabad, December 25, 2021, <https://www.dawn.com/news/1665630>.

fiction, and imagination.⁶ Therefore, there are several, contending positions on the legitimacy of the border. For instance, G. Rauf Roashan, an Afghan scholar argues that this border has not been demarcated.⁷ Jakob Rosel claims that the border is not visible on the ground.⁸ Jules Steward argues that it has not been demarcated in a proper way, and the boundary pillars are constructed far away from each other.⁹

Ousama Khurshid Khan argues that Kabul opposes fencing the border based on its historical claims.¹⁰ The Afghan authorities argue that the construction work by Pakistan along the border is against international norms.¹¹ Sarwat Rauf and Shakeel Ahmad contend that management of the border is violation of Durand Agreement.¹² Seen from an Afghan perspective, apparently, there is no solution to the dispute.¹³ And this is a serious issue.¹⁴

Despite its significance, Pak-Afghan border is one of the most under researched topics.¹⁵ There is a gap in the available literature. Proceedings of the boundary commissions constituted from time to time to demarcate the border are also not available. Therefore, this study addresses the questions about demarcation, fencing, legal position, and management of the border. It uses primary data besides books and journals. There are three steps vital in border making: an agreement between the parties, demarcation, and management. The first two steps were taken by the British India and the last one is being carried out by Pakistan. This research explores nature of Pak-Afghan border with the help of documents.

⁶ Magnus Marsden and Benjamin D. Hopkins, *Fragments of the Afghan Frontier* (Karachi: Oxford University Press, 2012), 1.

⁷ G. Rauf Roashan, "The Unholy Durand Line, Buffering the Buffer," *Institute for Afghan Studies*, August 11, 2001, retrieved May 17, 2011, <http://www.institute-for-afghanstudies.org/Contributions/Commentaries>

⁸ Jakob Rosel, "Ancient Regions, New Frontier: The Prehistory of the Durand Line in Baluchistan," *Internationals Asian Forum*, vol. 44, no. 1/2 (May 2013), 8.

⁹ Jules Stewart, *The Savage Frontier: the Story of the North-West Frontier* (Stroud, Sutton Publishing Ltd.: 2007), 99.

¹⁰ Ousama Khurshid Khan, "Regional Peace through Border Management."

¹¹ Javed Hamin Kakar, "Afghanistan-Pakistan Border Gate Dispute Ends."

¹² Sarwat Rauf and Shakeel Ahmad, "Pak-Afghan Border Management: Development and Controversies," 37.

¹³ Michael Kugelman, "Danger on the Durand Line," *Foreign Affairs*, March 2, 2017, <https://www.foreignaffairs.com/articles/afghanistan/2017-03-02/danger-durand-line>.

¹⁴ Faisal Khan, "Why Borrow Trouble for Yourself and Lend It to Neighbors? Understanding the Historical Roots of Pakistan's Afghan Policy," *Asian Affairs: An American Review*, vol. 37, no. 4, (2010), 178.

¹⁵ Elisa Giunchi, "The Origins of the Dispute over the Durand Line," *Internationales Asian Forum*, vol. 44, no. 1-2 (2013), 25.

Demarcation of Durand Line

Before formulating opinions on legitimacy of the border, it is important to analyse the agreements signed between the British (and later Pakistani) and Afghan authorities. In this regard, arguably the most important agreement is the Durand Treaty. On the question of border demarcation authorities, Article 4 of Durand treaty says that the border will be demarcated by joint commissions.¹⁶ Demarcation refers to practical work or lying of the boundary line on the ground, and physical structure like pillars.¹⁷ Pak-Afghan border has been demarcated by three joint commissions: the Baluch-Afghan Boundary Commission (BABC), the Afghan-Waziristan Boundary Commission (AWBC), and the Asmar Boundary Commission (ABC).

Baluch-Afghan Border Commission

Demarcation in Baluchistan was divided in two sections i.e., Domandi-Chaman and Chaman-Koh-i-Malik Siah. It was mutually agreed between the British and Afghan authorities that Domandi-Chaman section would be demarcated first. The length of this section is 330 miles.¹⁸ Amir Abdur Rahman appointed Sardar Gul Muhammad Khan, *Naib Salar Mulki* or Deputy Chief of Khost province, as the Afghan commissioner for demarcation of this section. The Indian government assigned this task to a distinguished army officer and diplomat, Captain Arthur Henry (A.H) McMahon. He had to demarcate the entire Baluch-Afghan border-Domandi to Koh-i-Malik-Siah, located at a tri-junction point at Pakistan, Iran, and Afghanistan border.¹⁹ For demarcation, 678 camels, horses and mules were hired.²⁰

Domandi-Chaman Section

Domandi is located on the border of South Waziristan and Baluchistan. Members of the joint commission had to travel in difficult terrains and a terrible desert.²¹ A. H. McMahon and Sardar Gul Muhammad

¹⁶ C. U. Aitchison, *A Collection of Treaties, Engagements and Sanads relating to India and Neighbouring Countires*, vol. XIII (Calcutta: Government of India, Central Publication Branch, 1933), 257.

¹⁷ A.H. McMahon, "International Boundaries," *Journal of the Royal Society of Arts*, vol. 84, no. 4330 November 15, 1935), 4.

¹⁸ A.H. McMahon, *Report on the Demarcation of the Indo-Afghan Boundary, Baluchistan Section, from Chaman to Koh-i-Malik Siah* (Simla: The Government Central Printing Press, 1896), 1.

¹⁹ A.H. McMahon, "Recent Survey and Exploration in Seistan," *The Geographical Journal*, vol. 28, no. 3, September, 1906, 209.

²⁰ A. H. McMahon, *Report on the Demarcation of Baluch-Afghan Boundary, Domandi-New Chaman Section* (Quetta: Government of Baluchistan, 1895), 3.

²¹ A. H. McMahon, "The Southern Borerlands of Afghanistan," *Geographical Journal* no. 4, April, 1897, 394.

Khan held talks at Domandi on June 1, 1894. They agreed that the Kunder and Kundil rivers form a natural border and, therefore, actual demarcation was not necessary between Domandi and Prekare. They demarcated the border up to Khwaja Amran range. A dispute surfaced about the borderline near Pasha Kotal. A. H. McMahon gave concession to Afghanistan, and both sides demarcated the border from Domandi to Chaman on February 18, 1895. Agreement to this effect was signed on February 26, 1895. After the agreement, both sides also exchanged maps.

Chaman-Kohi Malik Siah Section

A. H. McMahon and Sardar Muhammad Umar Khan, who had replaced Sardar Gul Muhammad as the commissioner, held initial talks at Chaman on February 3, 1896.²² They held negotiations in Persian because A. H. McMahon was fluent in that language. He also understood and spoke Urdu and Pashto. The Afghans wanted to have control over an outpost, Reg Thana near Chaman. It was located on the Indian side of the border but was given to Afghanistan. They demarcated about 30 miles border between Chaman and Ghwazha until April 22, 1895. Further progress became difficult due to the growing Afghan claims.²³ Deadlock continued for nine months. McMahon under directives from the viceroy handed over Itaz Karez area to Afghanistan. This enabled them to demarcate 60 miles border from Sarlat to Kani; pillars were erected near Partos Nawar where the boundary line enters *Registan* or desert. However, no pillars were constructed in a 38-mile zone, from Partos Nawar to Kani, due to shifting of sand dunes. Pillar No. 156 is located at the one end and pillar No. 157 at the other. Construction of pillars in this area was useless and the parties agreed that straight line between the two places would be treated as the boundary line.²⁴

Now demarcation became more problematic as the commissioners had to identify the boundary line for nearly 200 miles in a desert. Rising temperature, wildfire, and scarcity of water were major obstacles. The commission found water at seven places in 270 miles area. It was extremely salty and unfit for drinking.²⁵ Despite slow work, the commission left nothing undone and demarcated 470 miles frontier from Chaman to the Iranian border. At one point, the border was pushed 70

²² A. H. McMahon, *Letters on the Baluch-Afghan Boundary Commission of 1896* (Calcutta: Baptist Mission Press, 1909), 8.

²³ A. H. McMahon, *Report on the Demarcation of the Indo-Afghan Boundary, Baluchistan Section, from Chaman to Koh-i-Malik Siah*, 3.

²⁴ Letter from the Viceroy to Amir Habibullah Khan, December 8, 1906, Directorate of Archives, Baluchistan (DABQ), *Basta* (Bag) 01, File Afghanistan 1909, AGG/V. 106, 21.

²⁵ A. Alcock and F. Finn, "An Account of the Reptilia Collected by Dr. F. P. Maynard, A. H. McMahon, and the Members of the Baluch-Afghan Boundary Commission of 1896," *Asiatic Society*, vol. 65, no. 4, April, 1897, 551.

miles inside Baluchistan as a concession. The entire work was completed on April 16, 1896 when the last pillar, No. 186 was constructed at Kohi Malik Siah. The commissioners signed an agreement (in both English and Persian) on May 13, 1896 and exchanged maps. Inhabitants of Baluchistan cooperated in this whole process.²⁶

In December 1898, the Afghan government demanded construction of boundary pillars between Partos Nawar and Kani.²⁷ The viceroy suggested construction of some subsidiary pillars along the straight line. It was feared that the regularly moving sand dunes might soon obliterate pillars.²⁸ Kabul gave up the idea. Afghanistan also returned Chagai in May 1896, according to a provision of Durand Treaty. Afghan troops had occupied it several years ago and the then chief of Chagai, Sardar Ali Khan Sanjrani took refuge in Nushki which was part of British India.²⁹

Afghan-Waziristan Boundary Commission

The Indian government asked Commissioner Derajat Division, Richard Isaac Bruce to demarcate this section. Lucas White King and H. A. Anderson, Deputy Commissioners Dera Ismail Khan and Bannu respectively, assisted him. This portion of the border was divided in four sub-sections. The first section (Domandi to Khawaja Khedar) was to be demarcated by Lucas White King, the second and third sections (Khawaja Khedar-Charkhel and Charkhel-Laram) by H. A. Anderson, and the fourth (Laram-Sikaram) by J. S. Donald. From the Afghan side, Sardar Sherin Dil Khan, Deputy Governor Khost, and another official, Sardar Gul Muhammad Khan, were collectively responsible for demarcation of all the sub-sections. As the area was mostly hilly, Amir Abdur Rahman suggested that there was no need to mark the boundary line on high mountains.³⁰

Sikaram-Laram Section (Kurram)

Sardar Sherin Dil Khan and J. S. Donald demarcated the border between Sikaram and Kharlachi on June 8, 1894. But the differences surfaced over the question of a watershed near Ucha Margha. They again

²⁶ Richard Isaac Bruce, *The Forward Policy, and Its Results: Or Thirty-Five Years Work Amongst the Tribes on Our North-Western Frontier of India* (London: Longmans, Green & Co., 1900), 140.

²⁷ Letter from Political Assistant Chagai to the First Assistant to the Governor General in Baluchistan, December 31, 1898, DABQ, *Basta* 01, File Afghanistan 1901, AGG/V., 103.

²⁸ Letter from the Viceroy to Amir Habibullah Khan of Afghanistan, December 8, 1906, DABQ, *Basta* 01, File Afghanistan, 1909, AGG/V., 106.

²⁹ R. G. Sandeman, *Dispute regarding British Afghan Boundary in the Vicinity of Chaman*, DABQ, *Basta* 01, File Boundaries, 1889, AGG/V., 111.

³⁰ Letter from Amir Abdur Rahman to the Indian Foreign Secretary, April 15, 1894, Bundle 11, EX-DD 1098-B, KPDAL, Peshawar.

met on July 3 and demarcated the boundary line near Jaji Maidan. Sardar Sherin Dil Khan wanted extra territorial concessions, and this brought demarcation to standstill. But his move was foiled.³¹ The two commissioners then demarcated the border up to Laram.³² They inked an agreement at Kotkai on November 21, 1894.³³ Maps were also signed and exchanged; later, the Amir and Viceroy ratified the agreement and maps.³⁴

Domandi-Laram (North and South Waziristan)

The British members of Waziristan Boundary Commission arrived at Wana, the headquarters of South Waziristan in the third week of October 1894. The AWBC was unable to initiate the demarcation due to hostile attitude of Mullah Powindah, a local religious figure. He gathered a tribal *lashkar* (force) and ambushed the British camp. Lt. Percy John Frederick Macaulay, the officer of Royal Engineers, Lt. Herbert, Lt. Thomson, surgeon Major Saig, and Cap. Lang were killed during the ambush. Lt. Percy John Frederick Macaulay had the credit of preparing all the four maps of Durand Line exchanged in Kabul in November 1893. The demarcation began on March 7, 1895, and completed within two weeks.³⁵

Asmar Boundary Commission

The Indian government appointed Richard Udny, Commissioner Peshawar Division, to demarcate the border between Chitral and Sikaram.³⁶ The Amir appointed Commander-in-Chief, Ghulam Haider Khan as the Afghan Commissioner. They met in Jalalabad on August 21, 1894, but the talks did not progress because Ghulam Haider Khan made a claim to Arnawai or Bashgal valley, and Nasrat district. His assertion was contrary to Article 3 of Durand Agreement whereby Afghanistan was entitled to retain Asmar and the valley above it, as far as Chanak and not beyond that point. The impasse continued for about four months. In December 1894, Richard Udny once again visited Jalalabad. He and Ghulam Haider Khan proceeded to Nashagam, but Ghulam Haider Khan did not change his policy and claimed Sao. Richard Udny rejected his plea.

³¹ Letter from the Viceroy to Amir Abdur Rahman, November 7, 1894, Bundle 11, EX-DD 1076, KPDAL, Peshawar.

³² Letter from Commissioner Peshawar to Chief Secretary Punjab, December 14, 1894, Bundle 11, EX-DD 1339, KPDAL, Peshawar.

³³ J. S. Donald, *Report on Demarcation in Kurram* (Lahore Punjab Government Press, 1968), 6.

³⁴ Letter from the Viceroy to His Highness the Amir of Afghanistan, September 9, 1895, Bundle 13, EX-DD 1352, KPDAL, Peshawar.

³⁵ H. A. Anderson, *Report on the Delimitation of the Charkhil-Khwaja Khidar portion of the Indo-Afghanistan Boundary* (Simla: Punjab Government Branch Press, 1895), 1.

³⁶ Indo-Afghan Boundary: Khaibar [Khyber] Bajour [Bajaur] and Mohmand, Bundle 11, Ex-DD 1067, KPDAL, Peshawar.

All three areas were parts of Chitral since long, but Afghanistan and Umra Khan of Jandul were also claiming it. The British Agent at Gilgit, George Scott Robertson, advised the British Commissioner to give these areas to the strongest party, Afghanistan.³⁷ Thus, Richard Udny accepted all demands of his counterpart that paved the way for signing of the Nashagam Agreement on April 9, 1895.³⁸ It defined the border from Nawa Kotal to Hindu Kush that buttresses the Pamir range. The ABC demarcated 210 km long border. Of this, 75 miles border was surveyed. Border from the Hindu Kush to Shawal Pass was already surveyed during Colonel Lockhart Mission to Chitral in 1885-86 and the ABC adopted that survey report. Maps were also exchanged, highlighting the borderline with a red colour.

Richard Udny violated Durand Treaty by allowing Afghanistan to occupy Nasrat, Sao, Birkot, and Kafiristan. Earlier, it was agreed during Mortimer Durand Mission to Kabul that the Afghan border in Kunar would be at an average distance of four miles south of the Kunar River until it crosses the Katkot Dara [valley] leading to Barawal.³⁹ Richard Udny and Ghulam Haider Khan pushed this border for 70 miles toward Dir and Bajaur. The British Commissioner demonstrated extreme flexibility with the hope that Ghulam Haider Khan would cooperate in demarcating rest of the border. But the situation became more complicated when the Afghan commissioner claimed that Mohmand District belonged to Afghanistan. Richard Udny refused to accede to it and further work stopped.

Issues in the Border Demarcation

The border except in Mohmand and Khyber was demarcated, but it could not settle border related issues permanently. New challenges emerged that included the Afghan invasion and annexation of Bashgal Valley and Dokalim. Similarly, Wakhan Corridor was also handed over to Kabul against the wishes of the ruler of Wakhi people, Ali Mardan Shah.

Invasion of Bashgal

Amir Abdur Rahman wanted to conquer Bashgal prior to Mortimer Durand's visit to Kabul. Mr. Durand had cautioned about this in 1885.⁴⁰

³⁷ Letter No. 3 from British Agent at Gilgit to Richard Udny, February 11, 1895, File No. 65, Budlaff Library Gilgit.

³⁸ Richard Udny, *Report of the Asmar Boundary Commission* (Simla: Punjab Government Press, 1895), 9.

³⁹ Demi-official from H. Daly, Assistant Foreign Secretary to H. C. Fanshawe, Chief Secretary Punjab, January 19, 1894, Bundle 11, EX-DD 1098-B, KPDAL, Peshawar.

⁴⁰ Schuyler Jones, *Men of Influence in Nuristan: A Study of Social Control and Dispute Settlement in Waigal Valley, Afghanistan* (London: Seminar Press, 1974), 2.

The Afghan troops invaded the valley in 1895, occupied it, and massacred thousands of its residents.⁴¹ The area was then renamed as *Nuristan* or the land of light.⁴²

Bashgal was an integral part of Chitral since long and the British officers used to visit it with the consent of Aman ul Mulk, *Mehtar* (ruler) of Chitral. William Watts McNair paid a visit to the valley in 1883.⁴³ Colonel Lockhart went to Bashgal in 1885 with the permission of Aman ul Mulk.⁴⁴ George Scott Robertson twice visited Bashgal, - in 1889 and 1890- 91. The last visit became possible after he gave a written undertaking that if he encountered any mishap during the trip, the *Mehtar* would not be responsible for that.⁴⁵ George Scott Robertson then wrote a book (*The Kafirs of the Hindu Kush*), which is still considered a masterpiece about the history, geography, and culture of Bashgal.

The former *Khan* or ruler of Asmar, Ghulam Khan liberated his khanate, Asmar from Afghanistan for a brief period in 1928.⁴⁶ This induced *Mehtar*, Shuja ul Mulk to reunite Bashgal, Sao, Nasrat (Narai), and Birkot with Chitral, which were occupied and merged with Afghanistan amid unfavourable circumstances.⁴⁷ The Political Agent Dir, Swat and Chitral, Major J. W. Thomson Glover warned him to refrain from this venture.⁴⁸ But people of Chitral did not give up the hope to regain their lost territory. The Pakistan Muslim Working Committee Drosh (Chitral) passed a resolution in July 1956, demanding return of all those areas that Chitral had lost to Afghanistan.⁴⁹

Wakhan Corridor

The strategic Wakhan Corridor is a remote district of Badakhshan

⁴¹ Amin Saikal, *Modern Afghanistan: A Struggle of History and Survival* (London: I. B. Tauris and Co Ltd. 2004), 8.

⁴² Wilfred Thesiger, A Journey in Nuristan, *The Geographical Journal*, vol. 123, no. 4, December, 1957, 457.

⁴³ William Watts McNair, "A Visit to Kafiristan," *Proceedings of the Royal Geographical Society and Monthly Record of Geography*, vol. 6, no. 1, 1884, 14.

⁴⁴ W. S. Lockhart, General Narrative, In S. W. Woodthorpe, *Gilgit Mission: 1885-86* (London: Eyre and Spottiswoode, 1889), 271, 324.

⁴⁵ Geogre Scott Robertson, *The Kafirs of the Hindu-Kush* (London: Lawrence and Bullen Ltd. 1900), 45.

⁴⁶ Letter from the Mehtar of Chitral to the Assistant Political Agent Chitral, January 10, 1929, Bundle 405, Chitral 14, Tribal Research Cell (TRC), Peshawar.

⁴⁷ Letter from the Mehtar of Chitral to Political Agent Dir, Swat and Chitral, January 22, 1929, Bundle 405, Chitral 14, TRC, Peshawar.

⁴⁸ Letter from Political Agent Dir, Swat and Chitral to the Chief Commissioner North-West Frontier Province (now renamed as Khyber Pakhtunkhwa or KP), January 22, 1929, Bundle 405, Chitral 14, TRC, Peshawar.

⁴⁹ Extract from Weekly Summary No. 28, Government of Pakistan, 14th July 1956, Bundle 405, Chitral 14, TRC Peshawar.

province, Afghanistan. It touches the Himalaya, Hindu Kush, Karakorum, and Pamirs ranges. It separates Tajikistan from Pakistan. When the British and Tsarist Russia were expanding their frontiers during the "great game," there was a threat of military confrontation between the two powers. To avoid this, the British decided that Wakhan should be merged with China or Afghanistan.⁵⁰ When China declined to have Wakhan, the British offered it to Amir Abdur Rahman who also rejected the offer.⁵¹ But he accepted the proposal when the British promised him a subsidy of Rs. 50,000 per annum to smoothly run administration of Wakhan.⁵² The ruler of Wakhan, Ali Mardan Shah was ignored in this process. He fled to Chitral when the Afghan troops occupied Badakhshan in 1883.⁵³ Ali Mardan Shah wanted the merger of his khanate with Chitral. The British did not favour the idea as the merger of Wakhan with Chitral meant to have a direct border with Russia that was not in the British interest.⁵⁴ The British then appointed Ali Mardan Shah the Governor of Ishkoman valley (Ghizer District of Gilgit) and fixed a monthly stipend of Rs. 100 for him.⁵⁵ The British and Russia exchanged a note in March 1895 deciding their sphere of influence in the region. The British pledged:

...the territory lying within the British sphere of influence between the Hindu Kush and the line running from the east end of Lake Victoria to the Chinese frontier shall form part of the territory of the Amir of Afghanistan; that it shall not be annexed to Great Britain; and that no military posts or forts shall be established in it.⁵⁶

Post 3rd Anglo-Afghan War Border Demarcation

The British made efforts to demarcate the border in Mohmand and Khyber in 1896-97, but Amir Abdur Rahman did not express any enthusiasm. He died in 1901 and was succeeded by his son, Habibullah Khan who wrote a letter to the viceroy in July 1903, expressing his willingness to demarcate the remaining border. The viceroy appointed Political Agent Khyber, Major George Roos-Keppel, as the British

⁵⁰ Sophie Ibbotson and Max Lovell Hoare, *Tajikistan: the Bradt Travel Guide* (New York: The Globe Pequot Press Inc., 2013), 11.

⁵¹ Memorandum of conversation between Sir Mortimer Durand and the Amir at Kila-i-Hashim Khan in Kabul on October 29, 1893, File Afghanistan 336, TRC, Peshawar.

⁵² C. U. Aitchison, *A Collection of Treaties*, 220.

⁵³ William Stephen Alexander Lockhart, "General Narrative," in *The Gilgit Mission 1885-86*; William Stephen Alexander Lockhart, R. G. Woodthorpe and Surgeon Giles (London: Eyre & Spottiswoode, 1889), 290.

⁵⁴ Kenneth Mason and H. L. Crosthwait, "Colonel Sir Thomas Hungerford Holdich," *The Geographical Journal*, vol. 75, no. 3 (1930), 212.

⁵⁵ Standing Order to Governors Yasin Ishkoman and Kuh-Ghizer, File No. PLG.55, Budlaff Library Gilgit.

⁵⁶ Aitchison, *A Collection of Treaties*, 271.

commissioner. But he could not start practical work due to hot weather and prevalence of cholera in the region.

Demarcation in Khyber

It was after the Rawalpindi Treaty that solid steps were taken to demarcate the border between Nawa Kotal and Sikaram. Article No. 5 of Rawalpindi treaty, provided for an ex parte demarcation by a British commission. Sir H. Grant assured that the ex parte demarcation would not be used as a pretext for territorial expansion.⁵⁷ John Maffey demarcated the border from Kafir Dara Sar instead of Tsatsobi Kando because of the difficulty and risk involved. He demarcated the border to Palosi area of Mohmand from August 23 to September 2, 1919. General Ghulam Nani Khan of Afghanistan witnessed proceedings of the commission. It demarcated over 88 miles out of the total 100 miles border between Nawa-Kotal and Sikaram. Under the Anglo-Afghan Treaty of 22nd November 1921, the Afghan border was advanced about 700 yards in Khyber towards Peshawar.⁵⁸ In this way, over 99 per cent border was demarcated on different occasions, leaving only 22 miles of the border yet to be demarcated.

Dokalim Dispute

Dokalim is a small area located near Arandu, Chitral. Kabul occupied it in 1912.⁵⁹ The Indian government lodged a protest with Afghanistan, but this did not work. The issue lingered for more than two decades. At last, the British admitted the Afghan point of view and the Afghan Foreign Minister Sardar Faiz Muhammad Khan and the Kabul based British Minister Sir Richard Roy Maconachie signed a treaty on February 3, 1934.⁶⁰ The treaty was registered with the League of Nations.

Demarcation of the border was a great achievement from diplomatic and strategic point of view. But it failed to control cross-border crimes. People living on both sides of the frontier especially in Kurram and Waziristan continued to indulge in kidnapping and taking away cattle. The British and Afghan government agreed in October 1902 to constitute a joint commission to settle criminal cases. The British commissioner, J.S. Donald, and his Afghan counterpart, Sardar Gul Muhammad Khan, met in

⁵⁷ R. P. Maconachie, *A Precis on Afghan Affairs: From February 1919 to September 1927* (Simla: Government of India Press, 1928), 192.

⁵⁸ Aitchison, *A Collection of Treaties*, 293.

⁵⁹ Letter from Denys Bray, the Indian Foreign Secretary to Chief Commissioner NWFP, March 22, 1926, file Chitral 593, Bundle 21 A, TRC, Peshawar.

⁶⁰ Afghanistan, Treaty Series No. 25. *Exchange of Notes between His Majesty's Government in the United Kingdom, and the Government of India and the Government of Afghanistan in regard to the Boundary between India and Afghanistan in the neighbourhood of Arnawai and Dokalim* (London: United Kingdom: His Majesty's Stationery Office, 1934).

Kurram in March 1903 but their recommendations were disregarded. A similar commission was formed in April 1910 but it failed to settle the problem. Therefore, a biennial commission was established. It held meetings in 1933, 1936, 1938, and 1940 but their efforts proved just wastage of time and resources.⁶¹

Band-i-Chandan

The British started construction of levy posts at Band-i-Chandan and Amirzai-ka-Banad, Baluchistan in 1899 to monitor the entry of unwanted elements from across the border. Sardar Muhammad Aslam Khan, Governor Kandahar opposed establishment of the posts and pleaded that both the areas belonged to Afghanistan. The British responded that the areas were far away from the border and no interference with construction of the posts would be tolerated.

In December 1900, Amir Abdur Rahman wrote a letter to the Viceroy claiming Band-i-Chandan. The British informed the Amir that Band-i-Chandan was not in his dominion and located more than 10 miles away from the border. The Afghan officials in 1906 threatened to occupy Zahro, Darzai, Isa Chah and Band-i-Chandan. The British told Amir Habibullah Khan that the areas were located within their territory and to desist from making unsubstantiated claims.⁶² The British established new check posts along the border besides strengthening the existing ones to foil the Afghan designs. They accomplished the task despite the Afghan opposition. Kabul continued its policy of making claims.

Destruction of Boundary Pillars

The British did their best to protect sanctity of the border and boundary pillars were repaired on annual basis since 1896.⁶³ The Afghan authorities destroyed Pillars No. 76 and No. 158 on Baluch-Afghan Boundary in 1903 and 1906 respectively. They erected new pillars inside Baluchistan but the British took prompt action by destroying the new pillars and reconstructed the old ones at their original sites. When Pakistan came into being, nobody cared about the boundary pillars. Except few, all others were dismantled. Houses and mosques were also constructed right at the border with ulterior motives.

⁶¹ W. C. Leeper, *Kurram-Khost Commission 1938* (Simla: Government Press, 1943), 5.

⁶² Letter No. 21, P.O, from the Viceroy to Amir of Afghanistan, December 6, 1906, Foreign Department, Simla.

⁶³ Letter No. 894 from C. E. Yate, Agent to the Governor-General in Baluchistan to Secretary Foreign Department, January 28, 1901, File AGG/V. 106, Directorate of Archives, Quetta.

Management of Pak-Afghan Border

With the emergence of Pakistan in 1947, Kabul started a vigorous campaign to recover the territories it lost to Sikh ruler, Ranjeet Singh, and the British. Tension in Pak-Afghan ties resulted in closure of the border in 1950s and 1960s. Kabul was the centre of Pashtun and Baluch nationalists in 1970s and 1980s.⁶⁴ King Zahir Shah demanded creation of an ethnic state, Pakhtunistan.⁶⁵ It was on the top agenda of Afghan foreign policy and domestic politics.⁶⁶ Afghanistan claimed 190,000 square miles of Pakistani territory from Chitral to Baluchistan.⁶⁷ It also used coercive means and the Afghan troops attacked Baluchistan in September 1950. Pakistan repulsed the aggression.⁶⁸

In 1955, Pakistan took steps to consolidate control over its tribal areas. The Afghan Prime Minister Sardar Mohammed Daoud criticized this policy and anti-Pakistan protests were held in Kabul, Jalalabad, and Kandahar. Pakistani national flag was removed from its Embassy in Kabul and Pakhtunistan flag was hoisted on the building. The two countries recalled their ambassadors, and full diplomatic ties were restored after two years. In September 1960, Afghan troops attacked Bajaur. Pakistani jet fighters targeted the intruders. Some were killed and others fled.

In May 1975, Afghanistan launched military training and equipping a terrorist organization, *Zalmay Pakhtun* (Pakhtun Youth) to carry out subversive activities in Pakistan.⁶⁹ Afghanistan also provided shelter to Al-Zulfiqar Organisation that hijacked a PIA plane in 1981. In retaliation, Pakistan allowed the Afghan Islamist leaders to stay on its soil.

Durand Line as a Soft Border

Durand Line has served as a soft border for about 120 years. The British permitted Afghan nationals living within 20 miles of the border, to enter India without visas as a gesture of goodwill. Kabul reciprocated in the same way and allowed the British subjects to visit historical places and shrines in Afghanistan. Border authorities of both the countries were

⁶⁴ Rahimullah Yusufzai, "Juma Khan Sufi-Nationalist Seeking Recognition," *The News International*, June 23, 2008.

⁶⁵ Nick Cullather, "Damming Afghanistan: Modernization in a Buffer State," *The Journal of American History*, vol. 89, no. 2, September, 2002, 519.

⁶⁶ Faridullah Bezhani, "The Pashtunistan Issue and Politics in Afghanistan, 1947-1952," *Middle East Journal*, vol. 68, no. 2, Spring, 2014, 205.

⁶⁷ S. M. Qureshi, "Pakhtunistan: The Frontier Dispute between Afghanistan and Pakistan," *Pacific Affairs*, vol. 39, no. 1/2, Spring-Summer, 1966, 99.

⁶⁸ "Invaders Out, Pakistan Says," Associated Press, October 5, 1950.

⁶⁹ Juma Khan Sufi, *Faraib-e-Natamam*, (IPS Press: 2020) 118, 307, <https://www.ips.org.pk/faraib-e-natamam/>

authorized to issue permits for this purpose. Permits were usually valid for one year.

Kabul and Islamabad continued this practice even in bad times of their bilateral relations. Trade continued between the two countries without any regulation. Kabul used to import food items, medicines, electric home appliances, stationery, etc. from Pakistan. It exported fresh and dried fruits to Pakistan. Smuggling was also prevalent; drugs, foreign goods including cloths, vehicle spare parts and electronics were smuggled into Pakistan and markets in tribal area of Khyber and Baluchistan were flooded with it.

Easement Rights

There is no documentary proof about the easement rights.⁷⁰ However, Article 4 of Durand Agreement says that the border would be demarcated "...having due regard to the existing local rights of villages adjoining the frontier."⁷¹ The word "rights" has not been elaborated. The subsequent Anglo-Afghan treaties are also silent about it. Agriculture, forests, and pastures rights of the tribes living on both sides of the border were protected during the demarcation process.

Peshawar-Kabul Bus Service

Passenger buses were plying between Peshawar and Kabul in the decades of 1960s and 1970s. Two buses one each from Peshawar and Kabul were plying daily. The Aryana Bus and the Pakistan Express Bus used to carry passengers from one country to the other. This service was terminated during the Soviet occupation of Afghanistan. Then Peshawar-Jalalabad Bus Service was launched in 2006 and people with passport and visa were allowed to avail the service which continued until 2016. Kabul and Islamabad are trying to restore the service in 2022.

Pakistan's Friendly Visa Policy

Despite tension in Pak-Afghan ties, people of the countries used to cross the border without travelling documents. But the war on terror changed the whole scenario. Pakistan paid a heavy price (both in human and material losses) due to terrorism. It gradually introduced border restrictions. The terrorist attack on Army Public School, Peshawar in December 2014, compelled Pakistan to tighten security at the border. Terrorists based in Afghanistan carried out the attack. Only those Afghans can now enter Pakistan who have valid travel documents. But Islamabad is following friendly visa policy for Afghanistan and Afghans can easily get

⁷⁰ Letter No. GS/F/(S)/PS-2/491 of Governor's Secretariat (FATA) Peshawar, July 14, 2005.

⁷¹ Aitchison, *A Collection of Treaties*, 257.

multiple entry visit visas. They can also get e-visa which is processed in a week. Afghan patients are issued visas at the border.

Pakistan has permitted about 350 Afghan students, studying in schools in Khyber District, to cross the border in the morning without visa and go back to their homes in Afghanistan in the evening. Free healthcare is provided to Afghan nationals at Friendship Hospital established at Zero Point in Torkham. The border crossing point at Torkham is open 24/7 since 2019 to boost trade and business between the two countries. Kabul has also changed its policy and Pakistani nationals cannot visit Afghanistan without visas.

Post 9/11 Border Management

Terrorists used tribal districts of Khyber Pakhtunkhwa as safe havens after the US launched war against Taliban in 2001.⁷² Members of al-Qaeda including Arabs, Uzbeks and Chechens fled Afghanistan and took refuge in these areas.⁷³ Pakistani troops conducted several successful operations and cleared it of terrorists. There was no mechanism to tackle the problem of unauthorized border crossings. It created a major security concern for Islamabad.⁷⁴ Realising gravity of the situation, the former President General Pervez Musharraf put forward the idea of fencing the border in September 2005. Afghanistan rejected the proposal.⁷⁵ But the US supported the move and spokesman of the State Department Sean McCormack asked Kabul to take up the idea.⁷⁶ Islamabad started fencing the border unilaterally in March 2017 and it would be completed in 2022. Surveillance cameras and infrared detectors have also been installed on the border. The entire project was to be completed at a cost of about \$ 500 million.⁷⁷

It is a double layer fence: 11 feet high on Pakistani side and 13 feet high on the Afghan side besides a gap of 6 feet between the two fences. There are 200 crossing points on the border. Islamabad is erecting gates on all main entry and exit points. Three gates—one each at Torkham, Angoor Ada and Chaman—have been completed. Four more gates one

⁷² Bijan Omrani, "The Durand Line: History and Problems of the Afghan-Pakistan Border," *Asian Affairs*, vol. 40, no. 2, July, 2009, 189.

⁷³ Pervez Musharraf, *In the Line of Fire: A Memoir* (London: Simon & Schuster, 2006), 237, 263, 268.

⁷⁴ Huma Qayum et al, "Conflict and Cooperation in Pak-Afghan Relations to Reconcile the Mistrust in Bilateral Relations," *Journal of Social Sciences and Humanities*, vol. 57, February, 2019, 143.

⁷⁵ Amina Khan, "Pak-Afghan Border: A Case Study of Border Management," *Strategic Studies*, vol. 37, no. 3, Autumn 2017, 28.

⁷⁶ "US State Department Supports Fencing of Pak-Afghan Border," *Business Recorder*, Islamabad, September 14, 2005.

⁷⁷ Ayaz Gul, "Pakistan Says Afghan Border Fence Nearly Complete," *Voice of America*, December 4, 2020, <https://www.voanews.com/>

each will be constructed in Mohmand, Kurram, North and South Waziristan. Pakistan handed over the newly constructed border crossing facility at Angoor Ada, South Waziristan to Afghanistan.⁷⁸ But Kabul demanded at least 10 km of territory inside Pakistan.

Afghanistan has termed the Pak-Afghan border as an imaginary line.⁷⁹ The former Afghan President Hamid Karzai repeatedly declared that Kabul would not recognize this border.⁸⁰ Kabul is also opposing the fencing. It objected construction of a check post on *Tor Kamar* (Black Stone) hill near Dokalam stating that this will make Afghan houses visible to Pakistanis. On contrary, Afghanistan has already established a check post on *Sor Kamar* (Red Stone) hill which is close to Dokalam village as compared to *Tor Kamar* which is far away from residential area. The border fencing averted influx of Afghan refugee after the fall of Kabul to the Taliban on 15th August 2021. It may be recalled that more than four million Afghan refugees entered Pakistan after the Soviet invasion of Afghanistan in 1979.⁸¹ It created socio-economic problems in the country.

Integrated Border Management (IBM)

Integrated Border Management can be defined as cooperation among all relevant departments at national and international level to ensure coordinated, efficient, and effective mechanism to keep the borders open and secure. Border related issues among members of the European Union (EU) gave birth to the concept of IBM in 2002.⁸² The IBM is aimed at enhancing trade among the adjacent states besides maintaining the highest level of border security.

The concept of IBM is based on three pillars including intra-service cooperation, inter-agency cooperation and international cooperation. Intra-service cooperation means that all wings of the concerned department or ministry should work as a team by having close interaction and support. Similarly, inter-agency cooperation is aimed at establishing robust coordination among all the departments dealing with border

⁷⁸ Sailab Mehsud "Afghanistan closes Angoor Adda Border Crossing," *Dawn*, May 25, 2016, <https://www.dawn.com/news/1260454>.

⁷⁹ Rahimullah Yusufzai, "Durand Line or Border," *The News International*, Islamabad, June 26, 2016, <https://www.thenews.com.pk/tns/detail/561207-durand-line-border>.

⁸⁰ Naveed Siddiqui, "Afghanistan will Never Recognize The Durand Line: Hamid Karzai," *Dawn*, March 5, 2017, <https://www.dawn.com/news/1318594>

⁸¹ Amnesty International, "Afghanistan's Refugees Forty Years Of Dispossession," June 20, 2019, <https://www.amnesty.org/en/latest/news/2019/06/afghanistan-refugees-forty-years/>.

⁸² "Integrated Border Management," *Budapest Press*, <https://www.budapestprocess.org/integrated-border-management-in-the-silk-routes/164-integrated-border-management>, retrieved December 26, 2021.

management. The last pillar is international cooperation whereby the concerned states inform and seek help from other countries and global organizations to make the border management strong and reliable. The IBM focuses on implementation of four measures to achieve the desired goals. It includes measures within the country, in the border regions, cooperation with the neighbouring states, and measures to be adopted in a third country or countries.

According to the Budapest Process Secretariat, and Regional Coordinator for the Silk Routes Region, there are six prerequisites for effective IBM at the national level.⁸³ These are:

1. Providing legal cover for cooperation and exchange of information.
2. Developing institutional framework for IBM.
3. The required process and procedures for cooperation.
4. To Arrange full time staff and to equip it with IBM tools and techniques.
5. Quick and accurate exchange of information.
6. Supply of necessary tools to ensure coordination at every level.

Pak-Afghan IBMS

Pakistan has evolved the IBMS to evade future acts of terrorism, control illegal border crossing, and smuggling. Under this system, data of every person entering the country by air, sea, and land route, is verified and shared with relevant stakeholders. The IBMS database is linked to the National Database and Registration Authority (NADRA), Civil Aviation Authority (CAA) and Airport Security Forces (ASF), etc. to ensure effective border management.⁸⁴

Kabul is yet to formulate any strategy for border management. As weak border management creates problems for the countries concerned but global community, the European Union is funding Integrated Border Management in the Silk Routes (IBM Silk Routes) project to enhance security and prosperity through strong border management in Iraq, Iran, Afghanistan, Pakistan, and Bangladesh. It has trained border control officers in Afghanistan and Pakistan to detect forged documents, maintain profile of passengers and further investigation. It is hoped that the Taliban regime will take this issue seriously and cooperate with Pakistan, and international community to streamline management of Pak-Afghan border. Islamabad cannot afford that Afghanistan may remain a breeding ground for terrorism. The Tehreek Taliban Pakistan (TTP) and Islamic State Khorasan IS-K) are direct threats to its security. Effective border

⁸³ Ibid.

⁸⁴ "Integrated Border Management System," NADRA, <https://www.nadra.gov.pk/local-projects/national-solutions/integrated-border-management-system/>, retrieved December 15, 2021.

management is required to tackle these issues on scientific lines.

International Law

The argument that Pak-Afghan border is imaginary is not valid from legal point of view. Border means an imaginary line that separates the territory of one state from another. Within the territory, a state can erect structures for its security. In the 20th and 21st centuries, most of the states took measures such as fencing the borders, increasing security, and building walls to secure their borders. States make arrangements on their border because the negotiated settlements allow them such measures. As for international law, it does not prohibit states from tightening control over their borders. As a general practice, every state has a sovereign right to control the entry of foreigners in its territory.⁸⁵ Several European countries—Austria, Bulgaria, Greece, Hungary, Macedonia, Slovenia, etc., have erected about 800 miles of fences since 2015 to prevent unauthorized migration.⁸⁶ Some states are building walls to control the entry of illegal immigrants. If fencing and construction of walls are against international law, why the UN and International of Court Justice (ICJ) do not act against the violators?

In this backdrop, two points are important to consider. One, Durand line Agreement does not refrain states from fencing their borders. Thus, it is Pakistan's legal right, as a successor to the British Empire, to fence the border with Afghanistan. Second, international organizations such as the UN and ICJ frequently highlight the practices that are not in accordance with international law. In the case of Pak-Afghan border, no reputable international agency has so far criticized Pakistan's actions from a legal perspective that ultimately affirms Pakistan's position.

Conclusion

Pak-Afghan border controversy has long affected the relationship between the two sides. It has limited the ability of both sides in cooperating with each other and contributing to regional cooperation, stability, and prosperity. In addition to material disadvantages, the controversy—resulting from contending positions—has impacted the younger generations of nationalists in both countries. The mutual feelings of animosity were not ordained, but Afghanistan's leadership in the late 1940s and early 1950s missed an opportunity to forge friendly relations with a newly created Muslim neighbour and brought about insecurity.

It is important that Islamabad and Kabul should jointly manage the

⁸⁵ "Pushbacks at the EU's External Borders," *Think Tank Europe Parliament*, March 8, 2021, <https://www.europarl.europa.eu/thinktank/>

⁸⁶ Denise-Marie Ordway, "Building Border Walls and Barriers: What the Research Says," *Journalist's Resource*, February 15, 2020, <https://journalistsresource.org>

border, which is vital for elimination of terrorism, drug trafficking, smuggling, and other unlawful activities. The two countries can benefit from experience of the International Boundary Commission (IBC), which is managing the US-Canadian Border. This commission is responsible, since June 1908, for making, marking border, building, and replacing damaged boundary poles, other boundary monuments and reports to their respective governments.⁸⁷ Islamabad and Kabul should also get support from the International Organization for Migration (IOM), which is helping the international community to strengthen border management.⁸⁸ Pakistan should persuade the Taliban to recognize the border and cooperate in its management. Acceptance of the border and cooperation in border management should be a pre-condition for recognition of Taliban regime; otherwise, the issue will never resolve. Islamabad can use its soft power for this purpose. It is presumed by a number of scholars working on the bilateral relations that Pak-Afghan border has not been demarcated. However, they tend to ignore the fact the border was demarcated by three joint Indo-Afghan commissions in 1894-96. The border in Khyber and some areas of Mohmand was demarcated 1919. Only a small portion in Mohmand is un-demarcated that can be demarcated by governments in both countries. The Pak-Afghan frontier is one of the most well-defined borders in the world. Thus, instead of complete re-demarcation, the border needs proper management and some areas where confusion lies can be re-demarcated without going through the laborious process of complete reversals.

Pakistan has so far unilaterally fenced the border to control terrorism, illegal border crossing and smuggling. Fencing the border is not a violation of the international law—according to Durand Treaty and other Anglo-Afghan treaties. In this regard, Kabul and Islamabad should sort out a workable solution to the dispute. The two countries can no longer afford hostility. They must coordinate efforts to promote trade, business and people-to-people contact. They should join hands to eliminate the menace of terrorism and other unlawful activities. The two countries have the potential to change destiny of their poverty-stricken people. As Helen Keller says that we can do so little alone, but we can do so much together.⁸⁹

⁸⁷ "International Boundary Commission Joint Annual Report (2018)," *International Boundary Commission*, [www.internationalboundarycommission.org/uploads/joint annual reports](http://www.internationalboundarycommission.org/uploads/joint%20annual%20reports), accessed April 19, 2021.

⁸⁸ "Integrated Border Management," International Organization for Migrants, <https://www.iom.int/integrated-border-management>, retrieved April 19, 2021.

⁸⁹ Joseph P Lash, Helen and Teacher: The Story of Helen Keller and Anne Sullivan Macy, 1980.

