



NAVAL POSTGRADUATE SCHOOL

MONTEREY, CALIFORNIA

THESIS

**IN THE SHADOW OF THE DURAND LINE:
SECURITY, STABILITY, AND THE FUTURE OF PAKISTAN
AND AFGHANISTAN**

by

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June 2009

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REPORT DOCUMENTATION PAGE			Form Approved OMB No. 0704-0188	
Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188) Washington DC 20503.				
1. AGENCY USE ONLY (Leave blank)		2. REPORT DATE June 2009	3. REPORT TYPE AND DATES COVERED Master's Thesis	
4. TITLE AND SUBTITLE In the Shadow of the Durand Line: Security, Stability, and the Future of Pakistan and Afghanistan			5. FUNDING NUMBERS	
6. AUTHOR(S) Janjua, Muhammad Qaiser			8. PERFORMING ORGANIZATION REPORT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Naval Postgraduate School Monterey, CA 93943-5000			10. SPONSORING/MONITORING AGENCY REPORT NUMBER	
9. SPONSORING /MONITORING AGENCY NAME(S) AND ADDRESS(ES) N/A			11. SUPPLEMENTARY NOTES The views expressed in this thesis are those of the author and do not reflect the official policy or position of the Department of Defense or the U.S. Government.	
12a. DISTRIBUTION / AVAILABILITY STATEMENT Approved for public release; distribution is unlimited			12b. DISTRIBUTION CODE	
13. ABSTRACT The Durand Line (Pak-Afghan border) gained international attention during the Soviet invasion of Afghanistan. The government of Afghanistan's refusal to acknowledge the Durand Line as the official border with Pakistan has serious implications in relation to Global War on Terror (GWOT), especially in Pakistan's Federally Administered Tribal Areas (FATA). The atmosphere of misunderstanding and mistrust in relation to the border between the two neighbors for the last six decades casts a shadow over any effort to achieve security and stability in the region. Pakistan's weak hold over FATA and Baluchistan has provided space in which extremist groups, such as Al-Qaeda and the Taliban, have been able to establish bases, training camps, seek refuge and currently conduct cross-border attacks into Afghanistan. This thesis looks at the history and contemporary significance of the Durand Line in detail. It argues that a key imperative of future operations in region is the need for the governments of Afghanistan and Pakistan to come to an agreement that delineates the official border (currently the Durand Line) between the two nation-states. Until there is a border that is recognized by all concerned, their ability to cooperate with each other and their allies deal with Al-Qaeda and the Taliban and a range of other issues remains profoundly constrained. The future of Afghanistan and Pakistan is dependent on a range of levels with dealing with the unresolved border issue that has hung over both countries since Pakistan was carved out of British India in 1947.				
14. SUBJECT TERMS Pakistan, Afghanistan, Instability and Insecurity, Durand Line, Pak-Afghan Border, Pashtunistan, Baluchistan, Afghan Refugees, Federally Administered Tribal Areas (FATA), Global War on Terror (GWOT)			15. NUMBER OF PAGES 117	
			16. PRICE CODE	
17. SECURITY CLASSIFICATION OF REPORT Unclassified	18. SECURITY CLASSIFICATION OF THIS PAGE Unclassified	19. SECURITY CLASSIFICATION OF ABSTRACT Unclassified	20. LIMITATION OF ABSTRACT UU	

NSN 7540-01-280-5500

Standard Form 298 (Rev. 8-98)
Prescribed by ANSI Std. Z39.18

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AND THE FUTURE OF PAKISTAN AND AFGHANISTAN**

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MASTER OF SCIENCE IN DEFENSE ANALYSIS

from the

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ABSTRACT

The Durand Line (Pak-Afghan border) gained international attention during the Soviet invasion of Afghanistan. The government of Afghanistan's refusal to acknowledge the Durand Line as the official border with Pakistan has serious implications in relation to Global War on Terror (GWOT), especially in Pakistan's Federally Administered Tribal Areas (FATA). The atmosphere of misunderstanding and mistrust in relation to the border between the two neighbors for the last six decades casts a shadow over any effort to achieve security and stability in the region. Pakistan's weak hold over FATA and Baluchistan has provided space in which extremist groups, such as Al-Qaeda and the Taliban, have been able to establish bases, training camps, seek refuge and currently conduct cross-border attacks into Afghanistan. This thesis looks at the history and contemporary significance of the Durand Line in detail. It argues that a key imperative of future operations in region is the need for the governments of Afghanistan and Pakistan to come to an agreement that delineates the official border (currently the Durand Line) between the two nation-states. Until there is a border that is recognized by all concerned, their ability to cooperate with each other and their allies deal with Al-Qaeda and the Taliban and a range of other issues remains profoundly constrained. The future of Afghanistan and Pakistan is dependent on a range of levels with dealing with the unresolved border issue that has hung over both countries since Pakistan was carved out of British India in 1947.

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LIST OF ACRONYMS AND ABBREVIATIONS

ANA	Afghan National Army
CIA	Central Intelligence Agency
COIN	Counterinsurgency
FATA	Federally Administered Tribal Areas
FCR	Frontier Crimes Regulations
GoA	Government of Afghanistan
GoP	Government of Pakistan
GWOT	Global War on Terror
HVT	High Value Target
ISAF	International Security Assistance Force
ISI	Inter-Services Intelligence
LoC	Line of Control
NATO	North Atlantic Treaty Organization
NWFP	North West Frontier Province
OEF	Operation Enduring Freedom
SEATO	South East Asian Treaty Organization
TTP	Tehrik-e-Taliban-e-Pakistan
UN	United Nations
UNHCR	The Office of the United Nations High Commissioner for Refugees
WTC	World Trade Center

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ACKNOWLEDGMENTS

I am extremely grateful to the Pakistan Air Force and the U.S. Department of Defense for providing me with the opportunity to study at the Naval Postgraduate School (NPS). I would like to thank my thesis advisor, Professor Marcos Berger for his continuous advice, encouragement, and all out support throughout the process of completing this thesis. I am also thankful to my editor Kristin Maurice for her support in making my work more meaningful. I owe special debt of gratitude to the faculty of the Department of Defense Analysis for their guidance on a range of conceptual and analytical issues during the course work element of my degree. Finally, I would like to thank my parents, my wife Madiha, and my adorable children, Arbaz, Maha, and Ali, who have been a continuous source of inspiration for me during our stay in Monterey.

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I. INTRODUCTION

As of mid-2009, the worsening security situation on the Durand Line (Pak-Afghan border), the rising number of cross-border incursions into Afghanistan from the border region of Pakistan, especially the Federally Administered Tribal Areas (FATA), and the rise in radical and extremist groups in the region had brought the border area between Afghanistan and Pakistan to the attention of the international media as it took on greater significance in the Global War on Terror (GWOT). At the same time, the rugged terrain poses a significant challenge to the conduct of successful operations in the ongoing GWOT in Afghanistan. This situation has been facilitated and complicated by the porous character of the border which is not recognized as legitimate by the Afghan government. The present crisis makes it more urgent than ever to look at the history and contemporary relevance of the Durand Line Agreement of 1893, which has provided the notional border between the two countries since Pakistani independence in 1947. The thesis endeavors to explain the history of the Durand Line and other issues which are directly or indirectly related to it and to clarify the reasons for strained relations between the two neighbors. This chapter provides some background to, and discusses the significance of the Durand Line with respect to Pakistan, Afghanistan, and the region. It also makes clear the methodology to be used and provides a sequential breakdown of the chapters that follow.

A. **BACKGROUND: FROM THE GREAT GAME TO THE GLOBAL WAR ON TERROR**

For centuries the region known today as Afghanistan was at the crossroads between the East and the West, with traders and conquerors passing through its high mountain passes in both directions. It connected, and today still connects, South, Central and Southwest Asia. At the start of the 19th century the British Indian Empire and the Russian Empire both started showing interest in Afghanistan embarking on what was later called the “Great Game.” The rivalry

between these two empires in the 19th century began when Persia attempted to take over Herat with the assistance of Russia.¹ The British wanted to keep Afghanistan as an inhospitable region that would stop any advancing armies from entering the British-controlled areas in South Asia. In 1888, the ruler of Afghanistan, Amir Abdur Rehman Khan, against the backdrop of the 'Expansionist Approach' of the Russians, and the 'Forward Policy' of the British was forced to request negotiations with the British to agree on the demarcation of the eastern border separating British India from Afghanistan. He feared a threat to his own kingdom only from the East as the border issue toward the North had already been settled between the British and Russian Empires. In 1893, a British delegation and Afghanistan's ruler agreed upon a boundary called the 'Durand Line', named after Sir Mortimer Durand. It was accepted by both sides as the formal border between British India and Afghanistan.² Successive Afghan rulers accepted the formal existence of this border until the breakup of British India after World War Two. The latter process led to the emergence of the independent nation-states of Pakistan and India in 1947. Since then, all Afghan governments have refused to accept the Durand Line as the formal border between Pakistan and Afghanistan on the grounds that the Agreement was signed under duress by Amir Abdur Rehman. It is also argued by some that the 'Durand Line Agreement' was intended to only be valid for 100 years and thus the agreement expired in 1993. Meanwhile, the Durand Line had been of little actual significance for the people actually living along the disputed boundary.

The porous character of the Pak-Afghan border (Durand Line) gained international attention after its strategic and tactical significance became apparent to the CIA (Central Intelligence Agency) and the ISI (Inter-Services Intelligence—Pakistan), while they were supporting the Mujahideen against the Soviet invasion and occupation of Afghanistan (1979–1989). With the end of the

¹ Damodar P. Singhal, *India and Afghanistan, 1867–1907: A Study in Diplomatic Relations*. (University of Queensland Press, 1963) 4.

² *Durand Line*, 1956, 16.

Cold War, the support for the Taliban from the Pakistani side, and the complexity of the border in the Global War on Terror (GWOT) since 2001, continue to draw attention to and make clear the problematic character of the current boundary. Some of the important historical and contemporary issues that are directly linked to the porous nature of the Durand Line include the Pashtunistan issue, the strategic importance of Baluchistan in the region, the threat that Afghan refugees pose to the security and stability of Pakistan, the externally supported madrassahs (religious schools) in the border region, which were used to recruit jihadis from Pakistan to fight the Soviet invasion, the support for the Taliban from Pakistan's side of the Durand Line in the 1990s, and the contemporary safe haven provided to the Taliban and Al-Qaeda operatives by the residents of FATA (Federally Administered Tribal Areas). The fundamental issue—the failure to agree on where the Pak-Afghan border actually is, and this has created an atmosphere of misunderstanding, misperceptions, and mistrust over the past 60 years. The use of the weak or ungoverned border region by radical groups for political reasons has given rise to extremism and terrorism, (especially after 9/11), thereby creating an environment of heightened instability and insecurity in both Pakistan and Afghanistan.

In 1947, when Pakistan gained independence from the British, the new country faced numerous problems, both internally and on its eastern border. After two years, meanwhile, Pakistan started to face problems on its western border as well, when in 1949, at a United Nations (UN) General Assembly meeting, Afghanistan unilaterally declared the Durand Line Agreement invalid. The Afghan government argued that the agreement had no legal validity in the wake of the exit of the British from the sub-continent in 1947. This stance on the issue has brought the two neighbors to the brink of war many times. Although there has never been a war between the two countries, cross-border skirmishes took place, especially in the early years of Pakistan's independence.

Is there any compelling reason why successive Afghan governments should accept the Durand Line? Almost all Afghan rulers accepted the Durand

Line to be the formal and legitimate border between the British Empire in the sub-continent and Afghanistan. However, Afghans argue that before the British, Afghan territory extended to the Indus basin, which contains the provinces of Baluchistan, NWFP (North West Frontier Province) and FATA, all in present-day Pakistan. The counter argument by Pakistan and the British is that this region was under the Durrani Dynasty for only a few years, whereas, the entire region was part of the British Indian empire for a very long period of time.

Besides not accepting the Durand Line, Afghanistan has raised the Pashtunistan issue arguing that the Pashtun tribe, which is in the majority in the region, has been divided by the Durand Agreement, preventing a unified Pashtunistan. They also argue that the way in which the Pashtun question was addressed in 1947 was incomplete, as the Pashtuns in areas on Pakistan's side of the Durand Line in NWFP and FATA were given the choice to vote for either Pakistan or India and not for their own independent state. Afghanistan maintains that the Pashtuns in the NWFP and FATA areas should be allowed to form an independent Pashtunistan. At the same time, they do not want their own Pashtun population to merge with the Pashtuns of Pakistan to form a greater Pashtunistan. If an independent Pashtunistan comes into existence on the Pakistani side, would this work to unite all the Pashtuns living in Afghanistan and Pakistan? As far as the Afghan government is concerned, the answer is 'No.' There are three questions that can be posed on the basis of the above: 1) Is Afghanistan justified and sincere in raising the Pashtunistan issue? 2) Or is the Afghan government misleading both the Afghan population and Pakistan at the same time as it is becoming a multiplier rather than a brake on instability and insecurity in the region especially in NWFP and FATA? 3) Do the Pakistani Pashtuns have a unified vision of an independent nation-state that is in line with that proposed by the Afghan government?

The divided Pashtuns may have the same culture, customs, and traditions but both sides have lived and prospered, or suffered under different circumstances. The Pashtuns on the Afghan side have lived through decades of

instability and conflict, whereas the Pashtuns on the Pakistani side have only started to really encounter instability and unrest since 9/11 and only in a limited region of the Pashtun-dominated areas. The Pashtuns in FATA have been known to harbor terrorists and insurgents linked to Al-Qaeda and the Taliban network.³ This makes Pakistan, a key player in the fight against terrorism, and for many observers, it has not done enough to eradicate safe havens and cross-border insurgency by Al-Qaeda and Taliban operatives in FATA.

The open character of the Durand Line, as already mentioned, made it possible for as many as 3.5 million Afghan refugees to migrate into Pakistan's provinces of Baluchistan and NWFP during the Soviet occupation of Afghanistan. After the Soviet withdrawal from Afghanistan, many refugees who had contacts in FATA and NWFP remained in Pakistan. Many also bought property in Peshawar and other cities in NWFP and Baluchistan. There were thousands who went as far as Karachi and other cities looking for jobs. Many who were repatriated ended up being forced to come back to Pakistan, due to the instability and insecurity during the rise of the Taliban and the aftermath of OEF (Operation Enduring Freedom) in Afghanistan in 2001. The latest waves of refugees are now mostly unemployed and rely on aid by UNHCR (The Office of the United Nations High Commissioner for Refugees).⁴ The jobless and low-income refugees who have to feed larger families are a source of recruits for the Al-Qaeda and Taliban networks in the area. Additionally, these refugees are believed to be one of the prime sources of instability in Pakistan, especially in NWFP. The question is whether or not the repatriation of Afghan refugees from Pakistan will help in stabilizing Pakistan and Afghanistan and strengthen the fight against terrorism? It is also important to investigate why the Afghan government is reluctant to accept

³ Thomas H. Johnson, and M. Chris Mason, "No Sign until the Burst of Fire: Understanding the Pakistan-Afghanistan Frontier," *International Security* 32, no. 4 (Spring 2008), 42. http://belfercenter.ksg.harvard.edu/publication/18241/no_sign_until_the_burst_of_fire.html (accessed Jan 10, 2009).

⁴ Rhoda Margesson, "Afghan Refugees: Current Status and Future Prospects," *CRS Report for Congress*, Jan 26, 2007, 4-6. <http://www.fas.org/sgp/crs/row/RL33851.pdf> (accessed Feb 18, 2009).

the return of its own citizens, why the refugees don't want to return to Afghanistan, and whether or not a joint agreement on the Durand Line, or a variation thereof, would enhance border security and lead to a decrease in the influx of refugees?

B. RESEARCH QUESTION: SIGNIFICANCE OF THE DURAND LINE

To answer these questions, this thesis provides an analysis of instability in Pakistan before and after the arrival of the refugees and the causes that have led to the increase in violence in FATA and NWFP. The thesis also examines the historical background of FATA and the reasons for increased resistance against the Pakistan Army, ISAF (International Security Assistance Force), U.S. and ANA (Afghan National Army) forces in the region and the prevailing governing system in place in FATA may be a contributing factor to instability and insecurity in the region and South Asia. At its core, the thesis addresses the question: what is the history and contemporary significance of the Durand Line Agreement (1893) with regard to the security and stability of Afghanistan and Pakistan?

It also needs to be taken into account that relations between Pakistan and Afghanistan have never been very cordial. For the past 50 years, when both countries are discussed, the most widely talked about issue is the Kashmir dispute. By 1998, both countries were nuclear nations, and this raised further concerns about security and stability in South Asia. The tense relations between the two countries, has cast a shadow over almost all regional issues. Meanwhile, India's relations with Afghanistan have also been problematic and viewed with great suspicion by Pakistan.⁵ Afghanistan's refusal to recognize the Durand Line as the formal border has in the past led to skirmishes in the border areas, tribal feuds, and a localized uprising.

The Durand Line was drawn to serve as the legal border between the British Empire in the Indian sub-continent and Afghanistan. Joint border

⁵ Jeffery J. Roberts, *The Origins of Conflict in Afghanistan* (Westport, Conn: Praeger, 2003), 122-124.

commissions were set up on the request of Amir Abdur Rehman for a speedy delimitation after the Durand Agreement in 1893. There were many instances where work on the demarcation of borders had to be stopped due to dubious claims of territory by the representatives of the Amir and had to be resolved after the personal intervention of the Viceroy and the Amir.⁶ The border delimitation was ratified by the Amir and by his successors until two years prior to the independence of Pakistan in 1947. Historically, both Afghanistan and Pakistan have never had complete autonomy over the tribes residing in the border areas.⁷ Traditionally, border crossing without identification has been and continues to be the normal way of life. Smuggling of humans, goods and drugs has been a way of life and a way of earning a living in this tribal belt. The porous nature of the Pak-Afghan border has been exploited by many drug barons and people involved in the smuggling trade.

The local practice of not abiding by the Durand Line, or the border in general, greatly helped in fighting and ousting the Soviets from Afghanistan. After 9/11, however, the ungoverned character of the border region was viewed as a problem in the fight against terrorism by the U.S. and its allies. It is believed that the open nature of the border is being fully exploited by the inhabitants of FATA by granting safe havens to Taliban and Al-Qaeda operatives to fight against the U.S., NATO, ANA and Pak forces fighting the insurgency in this region. The U.S. forces face a lot of infiltration, resistance and attacks from this region while hunting down Al-Qaeda and Taliban insurgents. It is after operations in these areas that the U.S. has come to know of the importance, significance and exploitation of the porous nature of the Pak-Afghan border. Ironically, history is repeating itself: the U.S. used the jihad as a tool to recruit Muslims against the Soviets, and the Taliban and Al-Qaeda operatives are now using it against the

⁶ Singhal, *India and Afghanistan*, 152-155.

⁷ Patrick Seale, "Danger along the Durand Line," *Middle East Times*, Sept 19, 2008. http://www.metimes.com/International/2008/09/19/danger_along_the_durand_line/4423/ (accessed Nov 22, 2009).

U.S. invasion of Afghanistan. Finding a solution to the problems in the border region is of great importance and is a primary strategic objective of the U.S. in Afghanistan.⁸

The lack of a clearly defined and agreed on border has helped the insurgents more than it has helped the forces fighting the insurgents. The reason is that in the minds of the insurgents there are no borders; therefore, they cross into Pakistan or go to Afghanistan freely and conduct any mission they desire. On the contrary, the U.S., NATO, and ANA forces fighting on the Afghan side of the Durand Line take the Durand Line as the *de facto* border and do not violate or conduct operations on the Pakistani side of the Durand Line. Furthermore, no country or the U.N. wants to discuss or settle the border issue once and for all. The major cause of the problems of safe havens and insurgent attacks from FATA being faced by all the forces fighting the Taliban and Al-Qaeda operatives in Afghanistan must be clearly understood. The first step in stopping support from this region is the recognition of a formal border between the two countries. Unless the border dispute is resolved, all associated issues will drag on and continue to make the region unstable. Recognition of the Durand Line in the near future is unlikely as the Afghan political system has been in disarray for the last two decades. Even if the Afghan political system stabilizes, there is no guarantee that this issue will be resolved without the interference of the United Nations, the United States, or a third party. However, the prevailing conditions of cross-border insurgency and the rise in the casualty rates of U.S., NATO, and ANA forces may stimulate an early solution to this problem and is a crucial factor in increasing security and stability in both countries and the region.

⁸ "Progress towards Security and Stability in Afghanistan," *United States Department of Defense*, Jan 2009., 15. http://www.defenselink.mil/pubs/OCTOBER_1230_FINAL.pdf (accessed Mar 16, 09).

C. METHODOLOGY AND THESIS OVERVIEW: A CRITICAL QUALITATIVE ANALYSIS OF THE DURAND LINE

Taking a critical and qualitative approach, this study examines the history of the Durand Line and the reasons why Afghanistan has refused to accept the “legality” of the border. It also looks at the problems emanating from this problem for the last 60 years. This study also looks into the efforts made by different countries and international organizations to settle the Pakistan-Afghanistan border dispute. Some data analysis of the scale of infiltration on the Pakistan-India border, which is fenced, will also be used as a comparison to support the argument that fencing the Pak-Afghan border would enhance security along an agreed upon border, either the existing Durand Line or a variation thereof, as the terrain and complexities involved are somewhat similar. The chapters that follow will make it abundantly clear that there is a need to address the long-running dispute between the two countries. They will consider the issues directly related to the Durand Line, which have led to the often turbulent relations between Pakistan and Afghanistan, and have created an atmosphere of instability and vulnerability in the region. This in turn has helped to create a situation that is undermining the effectiveness and success of GWOT in the region.

Chapter II looks at the history of Afghanistan’s politics in the second half of the 19th century and at British involvement. It then addresses the circumstances under which Abdur Rehman became the ruler of Afghanistan and the conditions that led to the signing of the Durand Agreement. Chapter II also addresses whether the Durand Agreement was signed under duress by Amir Abdur Rehman? The major conclusion of this chapter is that the current situation benefits the government and people of Afghanistan more that it benefits Pakistan.

This first half of Chapter III deals with the history of the ‘Pashtunistan’ issue and the misunderstandings that surround this issue. The Pashtunistan issue is the most troubling and the most poorly understood problem in the region and beyond. Whenever Pakistan has attempted to talk with Afghanistan about the Durand Line issue, Afghanistan has prompted the Pashtuns to raise the

Pashtunistan card. The Pashtunistan issue has been used as a tool to exploit the tribal divide and maintain the status quo on the border. The involvement of India in this issue will also be discussed in this chapter. The second half of the chapter deals with Baluchistan. It emphasizes the strategic importance of Baluchistan to Afghanistan and Pakistan and discusses the reasons for interference by India and Iran in the internal dynamics of Baluchistan. Chapter II also highlights the past and current utilization of the porous border to launch attacks on the government of Afghanistan.

Chapter IV looks at the question of Afghan refugees and the deteriorating security situation in Pakistan especially in FATA and NWFP. The first part of this chapter looks at the number of refugees that have migrated to Pakistan since Soviet invasion and the problems faced by Pakistan with reference to the security and stability in NWFP and FATA. The questions addressed in Chapter IV are: 1) has the influx of refugees from time to time added to the instability and insecurity in Pakistan? 2) Have these refugees been an easy source of recruitment for the Taliban and Al-Qaeda network? And 3) what steps are being taken by both the governments to settle the refugees and address their economic plight? The second half of the chapter deals with the FATA areas specifically. In order to understand the culture and dynamics of this region, it is imperative to know the historical perspective of this region. The period from 1893 until 2001 is summarized briefly; however, the emphasis is on the period since the start of GWOT in 2001. An examination of this region is particularly relevant because some of the problems the U.S./NATO forces in Afghanistan have in fighting the Taliban and Al-Qaeda are directly connected to the ungoverned character of Afghanistan-Pakistan border area. This has led to a blame game that has strained relations between the U.S., Pakistan and Afghanistan over the past 7 years. This study argues that the starting point for dealing with the various GWOT related issues in the region needs to start by getting an agreement between Afghanistan and Pakistan as to where the border is and also an official system of monitoring the borders by both countries. This will not solve the other

problems, but it will profound a better foundation for confronting the instability in the border region that in turn has made the region a principle base for the Taliban and Al-Qaeda.

Chapter V is the conclusion. It discusses the present security and stability in Pakistan in particular and its effects on Afghanistan and the region. It highlights the importance and the need for the resolution of the border dispute for effective control in FATA thus denying safe havens to Taliban and Al-Qaeda insurgents. This will lead to improved relations between the two countries and a better chance of success in fighting the insurgency in Afghanistan and FATA and, thus, to better security and stability in the region.

D. CONCLUSION

This chapter introduced the subject of this study, the instability and insecurity on the Pak-Afghan border region and its significance for GWOT. It also briefly highlighted the topic of the chapters that follow and argued that resolution of the border dispute between Afghanistan and Pakistan will not solve the problems in the region, but it will facilitate such a process. That is settling the border dispute is a necessary but sufficient condition for progress in fighting the Taliban and Al-Qaeda in the region. The next chapter attempts to clarify some misconceptions about the Durand Line Agreement and the demarcation of the Durand Line (Pak-Afghan border). It also deals with how Pakistan and Afghanistan have handled the border dispute in the past and in the present, and the consequences of their failure to agree on where their shared border actually resides.

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II. IN THE SHADOW OF THE DURAND LINE: ITS HISTORY AND CONTEMPORARY SIGNIFICANCE

A. INTRODUCTION

Over a hundred years after it was initially agreed upon, the Durand Line continues to cast a shadow over politics and international relations in Southwest Asia. Particularly because, since the emergence of an independent Pakistan in 1947, successive governments in Kabul have refused to acknowledge the Durand Line (the ostensible border between Afghanistan and Pakistan when the British partitioned the sub-continent and drew another line on a map between Pakistan and India further to the East). The Durand Line Agreement of 1893 defined the frontiers of the Afghan Emirate and British India. The British felt the Agreement was necessary because of the Amir of Afghanistan's involvement in frontier areas that were predominantly under British control. Meanwhile, the Afghan Amir, saw the 'Forward Policy' of the British as a threat to his rule and the very existence of Afghanistan. This chapter examines how the Northern, and especially the Eastern and Southern borders of Afghanistan were demarcated keeping in mind the different stake holders and their degree of interest in, or willingness to settle, the border disputes. Before examining the signing of the Agreement, it is imperative to look at the history of the politics of Afghanistan and British involvement in the region in this period. Also important to consider is the method developed by the British to demarcate the borders of Afghanistan and place limits on the government (i.e., the Amir) in Kabul.

At the time of signing in 1893, the Afghan governments had little or no problem with the Durand Line Agreement, and it was ratified by successive Afghan governments. However, after the creation of Pakistan in 1947, almost all Afghan governments have denied the legitimacy of the Durand Line, rejecting the idea that it represents the legal international border between Pakistan and

Afghanistan.⁹ This has led to an atmosphere of misunderstanding, misperception, and mistrust between the two governments. Pakistan follows international laws and acknowledges the Durand Line as its western border with Afghanistan.¹⁰ This leads to the question: if the Afghan government does not recognize the Durand Line as its Eastern border then what are the ‘real’ eastern limits of Afghanistan as far as Kabul is concerned?

For a nation-state to be sovereign, one of the main requirements is that it has clearly defined borders. If these borders are not accepted, particularly by its neighbors, there will always be problems: a significant part of the northeastern reaches of the Durand Line run through particularly rugged terrain which has historically and currently been difficult to govern and been a haven for insurgencies of various political stripes. There are also the usual problems related to smuggling and the movement of people back and forth across an arbitrary line that runs through the middle of Pashtun territory at its southern end. The lack of agreement of the legality of the border compounds the other problem and has of late ratcheted up the “blame game” by governments on both sides of the border in relation to the instability and insecurity that has made the region a key focus of the Global War on Terror (GWOT) or the Long War. The latter theme will be explored in subsequent chapters. This chapter seeks to provide the historical context for the discussion of the contemporary problems associated directly and indirectly with the Durand Line.

B. HISTORY: THE GREAT GAME

Long before the modern state of Afghanistan came into existence, the region in which it is located had been at the crossroads between “East” and “West” for centuries. The region had been used as a trading route and as a gateway by various conquerors like the Greeks, the Turks, and the Mongols.

⁹ The American Institute of Afghan Studies “The Durand Line: History, Consequences and Future.” Nov 2007. http://www.hollingscenter.org/Reports/07-2007_Durand_Line.pdf (accessed Aug 8, 2008).

¹⁰ Ibid., 4.

Afghanistan connects South, Central, and Southwest Asia. In fact, in the early 20th century, the famous Pakistani poet, Muhammad Iqbal, described Afghanistan as “the heart of Asia,” while the Lord Curzon, who served as Viceroy of British India in early years of the 20th century called it the “cockpit of Asia.”¹¹ At the same time, local leaders in this region expanded their empires by invading the surrounding areas. In 1747, Ahmad Shah Durrani created an empire that became the first formal Afghan state.¹² At the beginning of the 19th century, the British Indian Empire and the Russian Empire started showing interest in Afghanistan. The “Great Game” between the British and Russian Empires started when Persia attempted to take over Herat with Russia’s assistance.¹³ In 1876, Russian forces advanced into Central Asia and reached the Amu Darya (Oxus River)—Afghanistan’s northern border with Russia at that time. At present, the river marks the border between Uzbekistan and Tajikistan. Citing the expansionist movement by Russia, and Afghanistan’s tilt toward the north, the British launched the second Anglo-Afghan war in 1879.¹⁴ The British wanted to keep Afghanistan as an inhospitable route for any advancing armies towards British-controlled South Asia. The British and Russians fought two wars, which led to the Treaty of Gandamak on May 26, 1879. However, the Gandamak plan failed to achieve peace in the region because the British, driven by imperial necessity, pursued a forward policy and moved into the Afghan territory, gained control, and created a buffer state to protect the British Empire in the Indian sub-continent.¹⁵

¹¹ Ahmed Rashid, *Taliban* (London: Yale University Press, 2001), 7.

¹² Roberts, *Origins of Conflict in Afghanistan*, 2.

¹³ Singhal, *India and Afghanistan*, 2.

¹⁴ Roberts, 17-18.

¹⁵ Singhal, 48-55.

C. THE RISE OF ABDUR REHMAN

Abdur Rehman was the son of Afzal Khan—the eldest son of Dost Mohammad who ruled Afghanistan from 1826-1863. Before his death in 1863, Dost Mohammad nominated his third son, Sher Ali, as the successor of Afghanistan. The two older sons of Dost Mohammad initially accepted Sher Ali as the new ruler, but subsequently revolted against him from their stronghold in the northern provinces and were defeated. The battle for power between the three brothers lasted for five years. Later, Afzal Khan, Abdur Rehman's father, reconciled with Sher Ali, but was imprisoned for suspicion that Abdur Rehman was organizing a mutiny by his troops in Northern Afghanistan. In 1866, Abdur Rehman and his uncle, Azim Khan, occupied Kabul. Sher Ali, who was in Kandahar at that time, arrived to fight them, but lost due to desertion by the majority of his soldiers. After defeating Sher Ali, Abdur Rehman released his father from prison and made him the Amir of Afghanistan. After his father's death in 1867, Abdur Rehman's uncle Azim Khan became the ruler and he himself became the governor of the Northern Province. Sher Ali's return and his victory in 1868 forced both Abdur Rehman and Azim Khan to take refuge in Persia (contemporary Iran). Sher Ali ruled Afghanistan until his death in 1879. Abdullah Jan was the declared heir, but Sher Ali's son, Yaqub Khan became the ruler.¹⁶

Afghanistan was in a state of anarchy when Yaqub Khan took over. At this point, The British Viceroy in India, Edward Robert Lytton Bulwer had three choices: to annex Afghanistan and declare it a part of the British Empire, to make Afghanistan a strong British ally, or disintegrate Afghanistan into small independent states. All these options were rejected by London, however.¹⁷ Lytton did not trust the leadership qualities of Yaqub Khan and was not in favor of

¹⁶ "Abdur Rehman Khan," http://www.1911encyclopedia.org/Abdur_Rahman_Khan (accessed Mar 17, 2009).

¹⁷ Singhal, 42.

a strong ruler who could command the loyalty of local Afghan chiefs. This concern on Lytton's part is evident from one of the letters he wrote in which he observed that:

It is improbable that an energetic, able Asiatic prince of independent character will be free from ambition...would the aspirations of such a ruler be in harmony with the necessarily conservative character of our own position and policy in the East?¹⁸

During the same period, the British were looking for a local Afghan leader as the Amir of Afghanistan who could be strong enough to hold northern Afghanistan after the British evacuation. This meant that Afghanistan would contain or fight the Russian forces in case of an advance toward it or toward the British Empire in South Asia.

Abdur Rehman lived in exile for 11 years and returned to Afghanistan in February 1880. Viceroy Lytton received reports that Abdur Rehman had entered Afghanistan from the north but his whereabouts were unknown. He had heard of Rehman's bravery, and on that basis, he telegraphed the Secretary of State urging "...early public recognition of Abdur Rehman as a legitimate heir of Dost Mohammad, and the dispatch of a deputation of sardars, with British concurrence, to offer him the throne, as the sole means of saving the country from anarchy."¹⁹ In a letter to Griffin who was tasked to locate Abdur Rehman, Lytton wrote, "The Abdur Rehman solution being, in my opinion, the only possible solution of the problem, I regard as precious time lost, every day and hour that involves avoidable delay in the attainment of it."²⁰ Thus, in April 1880, many representatives of the Afghan tribes met with the British and requested reconciliation and recognition of Yaqub Khan as the ruler of Afghanistan. The British accepted the first proposal but rejected the second. Instead, the British used Afghan agents to promote Abdur Rehman as the likely ruler. Abdur

¹⁸ Singhal, 43.

¹⁹ Ibid., 62.

²⁰ Ibid., 63.

Rehman was recognized as the Amir of Afghanistan by the British in a durbar (gathering of local leaders/elders) on July 22, 1880.²¹

D. THE RUSSIAN THREAT?

In 1888, Amir Abdur Rehman Khan, the ruler of Afghanistan, was increasingly concerned about the threat he believed flowed from Russia's expansionist designs toward Afghanistan from the north. To this end, he requested the British provide him with maps that showed the "authentic" boundaries north and south. In fact, an agreement between the British and the Russians already existed having been signed in 1873 without the Amir's knowledge or involvement. This agreement actually came into effect without any practical surveying or mapping.²² The Amir also continued to be concerned about British India's "Forward Policy." The "Expansionist Approach" of the Russians and the British "Forward Policy" to contain the Russians in Central Asia forced the Amir to request that the British engage in formal negotiations on the delineation of the Indo-Afghan border.

After taking control of Afghanistan, Abdur Rehman made vigorous attempts to expand his kingdom by conquering all independent tribes on the Afghan-British India border (see figure 1).²³ To begin with, in 1882, he laid claim to Chitral, a claim that was rejected by the British. He also made efforts to dominate and acquire the Afridi territory and the Kurram Valley. Simultaneously, he tried to win the loyalties of the Wana tribal chiefs by inciting them to ask for the Amirs' protection from the British. In 1886, his forces occupied Chageh (in Baluchistan) but the British forces perceiving this as interference in their domain, uprooted and evacuated the Afghans. The Amir expressed surprise over the incident and claimed that Chageh had always belonged to Afghanistan. In 1888, Amir Abdur Rehman tried to invite the tribal chiefs of Bajour and Swat to

²¹ Singhal, 72.

²² Ibid., 133.

²³ Ibid., 138.

Jallalabad but the strongest tribal chief in Bajour turned down the invitation. On seeing the Amir's moves, Durand, the Foreign Secretary of India, wrote to the Viceroy, saying:

We are getting bad news all along the border, from the Black Mountain to the Waziri territory. The Amir is threatening Kurram, and the Afridis are in a very shaky condition.²⁴

The apparent justification for these actions by the Amir was primarily because the frontiers of Eastern and Southern Afghanistan were not demarcated.

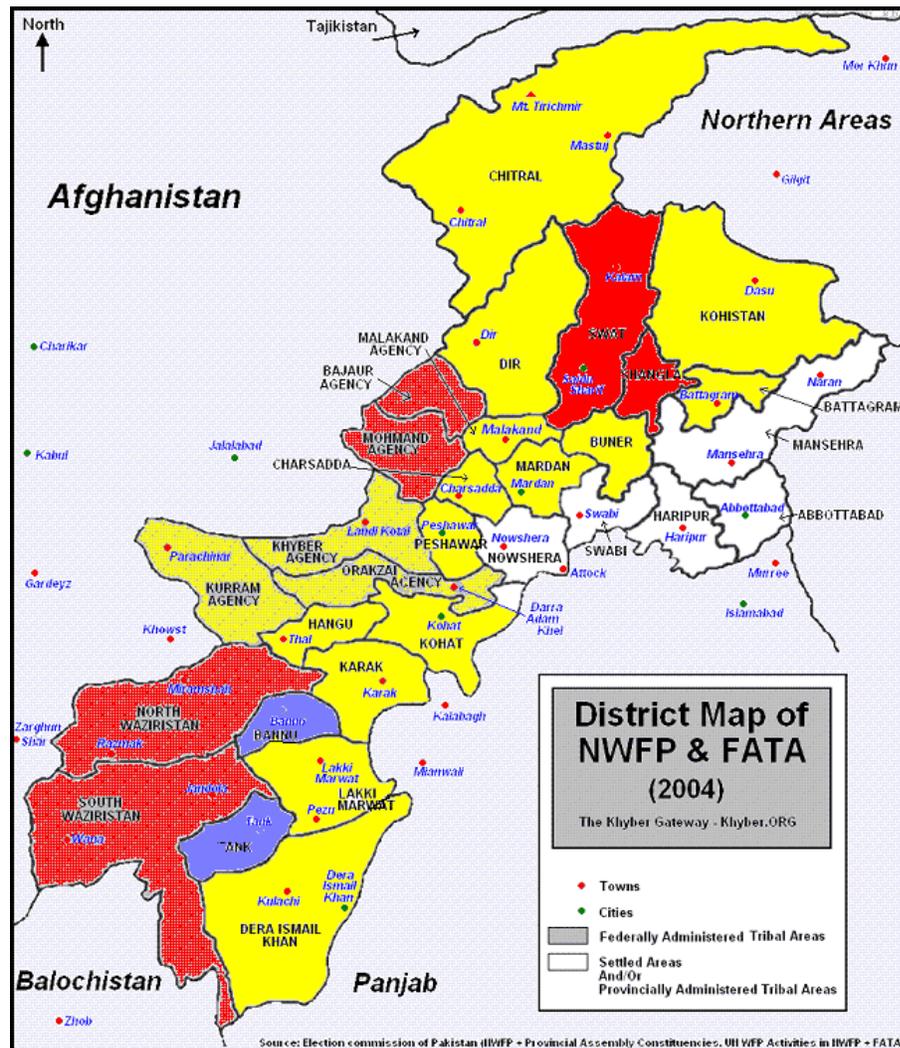


Figure 1. District Map of NWFP and FATA²⁵

²⁴ Singhal, 138–139.

E. THE DURAND COMMISSION AND THE AGREEMENT

Foreseeing problems, both the Amir and the Viceroy requested a meeting to discuss matters of importance but they never met as each expected the other to come to them for discussions. Finally, when the Viceroy felt the need to meet with the Amir, he made an intelligent move and wrote to the Amir, "...whether you accept this offer or not, it will be necessary to decide what territory does, and what does not form part of the kingdom of Afghanistan."²⁶ Due to illness and harsh weather, the Amir appointed his chief engineer, Thomas Salter Pyne, as the representative on the Afghan side to carry his message to India. The representative for British India during the negotiations was Sir Mortimer Durand. After the negotiations, Durand gave a map to Pyne with no definite Indo-Afghan borderline although it vaguely showed the limits of Afghan territory.²⁷

After his return to Kabul, it was believed that Pyne was successful in convincing the Amir of the friendly attitude of the British, as well as spelling out their reservations. In a letter to Durand, Pyne wrote that the Amir had willingly accepted to refrain from interfering in Bajour, Chitral, and Swat and that the Amir was willing to settle all issues and disputes so that misunderstanding could be avoided in the future.²⁸ Abdur Rehman requested the Viceroy send a renowned official who could discuss and solve other problematic areas. The Viceroy, after having consulted with London, informed Abdur Rehman of Durand's selection. The Durand commission left Peshawar in September, 1893, and was escorted from Landi Khana to Kabul. It reached Kabul in October and received due respect from the Amir. On his journey, Durand commented that "the hospitality shown to us was almost embarrassing."²⁹ The commission spent six weeks

²⁵ From: *Long Wars Journal*, <http://www.longwarjournal.org/maps/pakistan-fata-9.php> (accessed Mar 16, 2009).

²⁶ Singhal, 141.

²⁷ *Ibid.*, 144.

²⁸ *Ibid.*

²⁹ *Ibid.*, 145.

settling the frontier disputes that existed between the Afghans, the British, and the Russians. The Northern frontier was settled with slight adjustments. While settling the borders to the Northeast, Abdur Rehman showed his reluctance to accept the Wakhan Corridor, which served only British interests, but later accepted with the condition of maintaining some authority without positioning any troops. On this, Durand wrote, "Nothing that I could say would persuade him to do it, and from his point he is right."³⁰ After some concessions on the Eastern frontier by Durand, Abdur Rehman agreed not to interfere in the Swat, Bajour, or Chitral districts, and conceded Wana as well as his claims over the neighboring plains of Zarmelan. As the plan was made by the British, it was but natural that the control of hilltops along the border and major strategic points like Kyber, Tochi, Bolan, and Kurram were kept on the British side for tactical reasons. The "Durand Line Agreement" between Abdur Rehman and Durand was signed on November 12, 1893, which formulated the formal borders between British India and Afghanistan. The Amir's consent to the Agreement earned him an increase in British aid from 1.2 million to 1.8 million rupees.

After the documents were signed, Abdur Rehman held a durbar that was attended by about four hundred chiefs and his two sons including civil and military officers. In his memoirs Abdur Rehman wrote,

Before the audience I made a speech to commence the proceedings, in which I gave an outline of all the understandings which had been agreed upon and the provisions which had been signed for the information of my nation and my people and all those who were present. I praised God for bringing about the friendly relations which now existed between the two Governments and putting them on a closer footing than they had been before.³¹

Since then, Afghan rulers have been honoring the Agreement from the day of its signing until the creation of Pakistan in 1947. After the creation of Pakistan, successive Afghan governments have insisted that the Durand Line should no

³⁰ Singhal, 145.

³¹ Durand Line, 7.

longer be the formal border between Pakistan and Afghanistan as it was signed under duress, that the agreement was primarily with the British and not any other state, and that Pakistan's claims of inheriting the treaty rights from the British government should be denied.³² This issue has created an atmosphere of misunderstanding, misconceptions, and mistrust over the past 60 years between the two neighboring countries.

F. THE STATUS OF THE DURAND LINE

The Durand Line extends approximately 2,500 km through a rugged and arid mountainous region from the Sarikol range in the north to the Iranian border in the southwest. The area around the Durand Line has scattered villages and is very scarcely populated. The provinces of Baluchistan, North West Frontier Province (NWFP) and Federally Administered Tribal Areas (FATA) are on the eastern side of the Durand Line and form the western border of Pakistan. On Afghanistan's side of the Durand Line are the provinces of Nimruz, Helmand, Kandahar, Zabol, Paktika, Paktia, Nangarhar, Konar, Nuristan, and Badakshan.

The existence of the Durand Line is not as apparent to the local population because it is not very well identified on the ground as it appears on the maps. For this reason, the local population residing along the Durand Line has never paid much attention to it and remains ignorant of its reality. The people of this region cross the Durand Line at will and do not treat it as a boundary since it is not well demarcated. The Durand Line Agreement divided the Pashtun and the Baluch tribes between British India and Afghanistan. In reality, the Durand Line runs through many villages located on the bordering area dividing them between Afghanistan and Pakistan. People here enjoy similar culture, traditions, and customs. They have family bonds extending across the Durand Line due to marriages between the tribes and clans. Many local residents have their homes in Pakistan and land or property in Afghanistan or vice versa.

³² Roberts, 29.

Historically, Afghanistan failed to establish its political control over most of the Pashtun territory before the Agreement. After the Agreement, part of the Pashtun area came under British sovereignty and outside the Amir's colonial administration. In these areas, the British maintained an indirect control by appointing local community leaders as chiefs under the supervision of the British tribal agents. The colonial administrators were given sweeping powers to deal with individuals under the Frontier Crimes Regulations of 1901.³³ The details of the area commonly known as the FATA and its implications on the Global War on Terrorism (GWOT) will be addressed in Chapter IV.

G. DEMARCATION OF THE BORDERS

The delimitation of Afghanistan's southern and eastern border was a priority for the British. The Amir was also anxious to get the frontiers demarcated because he feared the British advancement into Afghanistan and a threat to his own rule. Therefore, a joint British and Afghan Commission was appointed for the demarcation of the border. For the demarcation process to work expeditiously, Amir Abdur Rehman suggested that there be three joint commissions formed to delimit the borders (although the work was finally undertaken by four). The task of the joint commission was to finalize the border according to the map in the Durand Line Agreement while giving due regard and respect to the local rights of the villages adjacent to the border. The Durand Line Agreement had provided the broader boundary lines but minute details were to be finalized by the commission. The delimitation process faced many delays and interruptions caused by the Amir himself and his representatives. Almost all the joint commissions had to make some adjustments and compromises to settle each other's claims of the frontier. In the early part of the demarcation process, Durand, who was the mastermind and had a lot of experience in Afghan affairs, was posted to Persia. However, during the delimitation process, all three

³³ Noor-ul-Haq, Rashid Khan, and Hassan Nuri, "Federally Administered Areas of Pakistan," Islamabad *Policy Research Institute (IPRI) Paper 10* (March, 2005): 11-13. <http://ipripak.org/papers/federally.shtml> (accessed Aug 12, 2008).

commissions faced serious problems and the prospects of an amicable solution seemed bleak because the Amir had given incorrect maps to his representatives. The British Viceroy complained to the Amir about the apparent reasons for delay caused in the demarcation process and warned him of dire consequences if the Amir failed to cooperate. It was after this communication that the Amir provided his representatives with correct maps.³⁴ It is understandable that the problems and hurdles encountered were likely to arise during the delimitation process because, as T. Holdich, the chief British surveyor, commented, "it soon became clear...that, so far as this part of the responsibilities was concerned, the Amir had no intention whatever of adhering to the text of the agreement."³⁵

The different commissions and their designated work during the demarcation process are given in the following paragraphs.

1. The Khyber Demarcation Commission

The first commission, known as the Khyber Demarcation Commission, was designated for the demarcation of the border from the Safed Koh to the Kabul River. This included the boundary from Chandak (the southern territory of Chitral) to the Kabul River and between the British Kurram territory and the Amir's area of Khost. The map of the Durand Line Agreement virtually divided the Mohmand Agency in two during the demarcation process. As this area drew great importance for both the British and the Amir, both the commissioners were replaced by more senior and experienced representatives: Ghulam Haider, the Commander-in-Chief, representing the Afghans and Ugdly, the Commissioner of the Peshawar Division, representing the British. Work on the border demarcation of Jallalabad resumed in October, 1894, when Ghulam Haider informed Ugdly that he had received the genuine map from the Amir. The western line of the Hindu Kush was an obvious and natural demarcation through the mountains that served a strategic objective of overseeing the Afghan territory from such high

³⁴ Singhal, 153.

³⁵ Ibid., 158.

ground. Work was again interrupted after the Amir laid claim to the Bashgal Valley: The Amir claimed the whole of Kafiristan and maintained that Bangsal Valley was a part of it. The British, on the other hand claimed that Bangsal Valley was part of Chitral Valley. The British ended the deadlock after surrendering Asmar and the Bangsal Valley of Kafiristan to the Amir thus finalizing a 130-mile border from the Hindu Kush to the vicinity of Nawa Kotal. However, from Nawa Kotal to Safed Koh (south of Khyber Pass) the work again discontinued as this time the Amir's agent laid claim on all of the Mohmand Agency. He argued that it was the desire of the Durand Line Agreement of 1893 that the entire Mohmand tribe be left to Afghanistan and challenged the drawings on the map.³⁶

2. The Kurram-Afghan Commission

The Kurram-Afghan Commission was represented from the British side by the British Commissioner, J. S. Donald and by Sherindil Khan from the Afghan side. The border demarcation from Sikaram to Laram was done with minor adjustments to the Durand Line map in favor of the Afghans. Both the British and Afghan representatives sanctioned this border in mid 1895.³⁷

3. The Baluch-Afghan Commission

The Baluch-Afghan Commission was responsible for the border demarcation from Domandi to the Iranian border. The British representative for the Commission, Captain McMohan commented about his delayed progress to the Viceroy saying, "The result of our meeting shows clearly that until his Highness, the Amir sends the Sardar a correct map and fresh instructions; it will be useless on my part to discuss the question of the boundary with Sardar Mohammad anymore."³⁸ The work on the Baluch-Afghan border recommenced with satisfaction after the Afghan representative received a correct map of the

³⁶ Singhal, 154-55.

³⁷ Ibid., 155.

³⁸ Ibid., 152.

Durand Line Agreement from the Amir. As a concession to the Amir, the British included the Paha Kotal (near Chaman) within Afghan territory, which was actually part of the British territory according to the Durand Line Agreement map. The boundary from Domandi to Chaman was easily settled by February 16, 1895. Further work toward the west was again interrupted and delayed due to the claims by the Afghan representative over some area for which direct talks between the Viceroy and the Amir took place. Some concessions were made by the Viceroy in the best interests of the British so that work on the delimitation could resume. The border from Domandi to Persia (the top of Koh-i-Malik-Siah Mountain) was finalized in June, 1896.³⁹ Completion of the boundary demarcation by the Baluch-Afghan Commission was regarded as a remarkable achievement as it was drawn through rugged and barren hills, mountain ranges, and vast un-cultivated open plains.

4. The Fourth Commission

After the three main Commissions, a fourth Commission was set up under L.W. King to delimit the Afghan frontier on the border of Waziristan in 1894-95 but the actual work did not start until early 1895. The entire frontier had been demarcated except the area between Nawa Kotal and the area south of Khyber Pass. However, Abdur Rehman did not ratify this section of the border for quite some time due to which many disturbances and violations were seen. The main reason was the non-acceptance by the Amir of the boundary as it appeared on the Durand Line map in this region. He claimed that historically Mitai and Mohmand had always been under Afghanistan's jurisdiction. He further claimed that there was no mention of Mohmand in the Durand Line Agreement. The British had very little knowledge of the Mohmand region but wanted it for strategic reasons. The British wanted to have both sides of the Kabul River that flowed through this region so that they could build a Kabul Valley Railway sometime in the future. The British ultimately had to resort to coercive techniques

³⁹ Singhal, 154.

with the Amir as they anticipated considerable difficulties in delineating this section of the border. The Viceroy consulted with London while facing problems with the delimitation of the border. In his reply, the Secretary of State stated that the boundary south of Kabul was not an urgent issue, proposed the division of Mohmand into two between Afghanistan and British India, and urged that the Amir vacate Mitai.⁴⁰

After the demarcation of the borders was completed, Lord Elgin, the Viceroy of India, in a private letter to Secretary of State Hamilton wrote: "The settlement was satisfactory and the actual placing of pillars could be left for the time being, not only because the task was extremely difficult without the Amir's help and cooperation, but in any case the absence of pillars was unnoticeable since their sites were well known locally."⁴¹ In the Mohmand region, the British had exclusive control and agreement with the Mohmand tribes. During the delimitation process, there were some Mohmand clans known as the 'Assured Clans,' which desired to remain under the political control of the British. The demarcation of this section of the border did not materialize formally. W. R. H. Merk, the commissioner of Dejarat, who had negotiated with the Mohmand clans, remarked that "it can be safely relied on so far as its immediate object, i.e., that of detaching the tribes from the Amir is concerned."⁴² After the demarcation of the frontiers, the Amir tried to arouse the Muslims against the British in Swat, Chitral, and Dir. The agents working for the Amir also tried to create trouble among the Orakzais and the Afridis who were cooperating with the British.

H. VALIDITY OF THE DURAND LINE AGREEMENT

The Durand Line Agreement of 1893 was signed by Amir Abdur Rehman after consultations and deliberate discussions with Durand. Amir Habibullah (1901–19) and Amir Amanullah (1919–29) took it upon themselves to act upon

⁴⁰ Singhal, 159.

⁴¹ Ibid., 157.

⁴² Ibid.

agreements and treaties made between their predecessors and the British government in 1905, 1919, 1921, and 1930.⁴³ Later, King Zahir Shah also accepted the Durand Line as the legal Indo-Afghan frontier by unambiguously reaffirming the 1921 Treaty.⁴⁴ The ratification of these agreements can be clarified from Article V of the 1919 Treaty which states, “The Afghan Government accepts the Indo–Afghan frontier accepted by the late Amir” and an extract from Article II of the 1921 Treaty which states that “The two high contracting parties mutually accept the Indo-Afghan frontier as accepted by the Afghan Government under Article V of the Treaty concluded on August 8, 1919.”⁴⁵ The International Law in Article 62 of the Vienna Convention, on the Law of Treaties states, “It is accepted by all that whenever a new country or state is carved out of an existing colonial dominion; all the international agreements and undertakings that the previous ruler of the region had entered into would be transferred to the new independent national government.”⁴⁶ The Commonwealth’s view is reflected in a speech given by the Secretary of State for the Commonwealth, Noel Baker, to the House of Commons on June 30, 1950:

His Majesty’s Government in the United Kingdom has seen with regret the disagreements between the Governments of Pakistan and Afghanistan about the status of the territories on the North West Frontier. It is His Majesty’s Government’s view that Pakistan is in international law the inheritor of the rights and duties of the old Government of India and of his Majesty’s Government in the United Kingdom in these territories and that the Durand Line is the international frontier.⁴⁷

⁴³ Roberts, 121.

⁴⁴ *Durand Line*, 9-10.

⁴⁵ *Ibid.*, 9.

⁴⁶ United Nations, “*Vienna Convention on the Law of Treaties*,” *International Law Commission*, <http://www.un.org/law/ilc/texts/treaties.htm> (accessed Feb 20, 2009).

⁴⁷ *Durand Line*, 12.

An extract from the SEATO (Southeast Asian Treaty Organization) Ministerial Council Meeting held at Karachi on March 8, 1956 reinforces this when it states, "The members of the Council declared that their governments recognized that the sovereignty of Pakistan extends up to the Durand Line, the international boundary between Pakistan and Afghanistan, and it was consequently affirmed that the Treaty area referred to in Articles IV and VIII of the Treaty includes the area up to that Line."⁴⁸

I. AFGHANISTAN'S STANCE

In 1949, at a UN General Assembly meeting, Afghanistan unilaterally declared the Durand Line Agreement to be invalid; however, under international law this declaration had no binding effect. Afghan leaders have long argued that the agreements between British India and Afghanistan, including the Durand Line, lapsed when the British left South Asia, and that the Durand Line remained illegitimate because it was established under duress.⁴⁹ Jeffery Roberts writes that the signatures of the Amir were based on two factors: first, the British offered an increase in the allowances of money and weapons and secondly, he felt it was obligatory to comply. On the other hand Sir W. Kerr Frazer-Tyler, suggests that the Amir "did not really take in all the implications of the line drawn on the map before him, but was too conceited to say no."⁵⁰ After the Agreement was signed, the Amir addressed a large gathering, publicly expressing his satisfaction of the outcome of the Agreement. It seems unlikely that it was signed under duress.⁵¹ The involvement by the Amir in the demarcation of the borders is a

⁴⁸ *Durand Line*, 13.

⁴⁹ Agha Amin, "Resolving the Afghan-Pakistan Border Question," *Journal of Afghanistan Studies*, Kabul, November, 2004 <http://www.chowk.com/ilogs/65724/47736> (accessed August 10, 2008).

⁵⁰ Roberts, 29.

⁵¹ *Durand Line*, 6.

clear indication that the delimitation of the border was done with the consent of the Amir and not under duress. Sir Mortimer Durand's comments on the accession were:

He (Amir Abdur Rehman) made a first class speech beginning, 'confidence begets confidence'...he said that we [the British] did them nothing but good, and had no designs on their country...there were shouts of 'Approved, Approved.'⁵²

In his own memoirs, Abdur Rehman stated after the Agreement, "The misunderstandings and disputes which were arising about the frontier matters were put to an end...a general peace and harmony reigned which I pray God may continue forever."⁵³

J. PAKISTAN'S STANCE

Since its independence, Pakistan has always maintained that the Durand Line is the internationally-recognized western border with Afghanistan. Pakistan contends that the Durand Line Agreement was signed on request by the Amir of Afghanistan-Amir Abdur Rehman and a British official of his own choice. The Kabul government claims that Afghans had historically controlled the region. On the contrary, the Pakistanis supported by the British maintain that in earlier times Afghanistan had been under Indian control and Durrani's control over Indian areas had been weak and lasted only a few years. For the purpose of provincial administration, trade, and establishing formal border crossings, Afghanistan gives the Durand Line a *de facto* recognition. The Durand Line has served to generate revenue since it became a center for marketing smuggled goods into Pakistan.

K. PAK-AFGHAN RELATIONS

Afghanistan has displayed hostile behavior since Pakistan's independence. In 1948, Faqir of Ipi who started a Jihad and highly effective

⁵² *Durand Line*, 6.

⁵³ *Ibid.*

guerilla warfare against the British Empire in the 1930s and 1940s, attacked areas in North Waziristan in the early 1950s but was bounced back successfully by Pakistani scouts and local tribesmen. In another incident, the Prince of Kalat attacked areas in Baluchistan but failed and was captured.⁵⁴ In 1950, King Zahir Shah made an anti-Pakistan speech during a celebration in Kabul. In 1955, when Pakistan decided to merge NWFP with West Pakistan province, the outcome was an attack and looting of the Pakistani embassy in Kabul, as well as consulates in Kandahar and Jalalabad. This resulted in a brief suspension of diplomatic ties between the two countries. In 1956 and 1958, visits by the Presidents and Prime Ministers of both countries helped in diffusing some bitterness. In 1960-61, the Afghan army and locally trained troops penetrated the Durand Line into Bajaur agency north of Peshawar, which again led to the closure of Pakistani consulates in Afghanistan.⁵⁵ Ahmed Rashid offers the view that Pakistan had ample opportunities for insisting the Afghan Mujahideen and the Taliban governments, which depended on Islamabad's support, sign the Durand Line Agreement but they never raised the issue.⁵⁶

L. THE DURAND LINE AND THE SOVIET INVASION OF AFGHANISTAN

The Soviet invasion of Afghanistan on December 28, 1979, although driven in significant measure by the splintering of the communist government then in power in Afghanistan was widely seen as being driven by a Russian desire to control Afghanistan and beyond. At its most alarmist if not ridiculous--at least in retrospect--there were concerns that after Afghanistan had been occupied and stabilized, the Kremlin would look for an opportunity for further expansion into Iran, which would provide control of oil reserves, or into Pakistan, which would give access to the warm waters of the Indian Ocean. This would

⁵⁴ Tariq Mahmood, *The Durand Line [Electronic Resource]: South Asia's New Trouble Spot*, <http://www.ccc.nps.navy.mil/research/theses/Mahmood05.pdf> (accessed Mar 23, 2008), 46.

⁵⁵ *Ibid.*, 46-48.

⁵⁶ Ahmed Rashid, *Descent into Chaos: The United States and the Future of Nation Building*, (Viking, New York, 2008), 267-268.

also enable the Soviets to pose a threat to India's and China's vital western oil supply lines.⁵⁷ During the Afghan War in the 1980s, the Soviets maintained that the resistance groups fighting against them were being trained in Pakistan and widely supported by the U.S., China, Iran, and some of the Arab countries. The Soviets also blamed Pakistan for giving safe haven to these groups and supplying them with arms and ammunition. Pakistan tried to control all known routes of infiltration but the nature of the terrain and the extent of the border (Durand Line) defied all efforts. Sealing off the entire border for Pakistan was an impossible task. Pakistan, mainly funded and encouraged by the U.S. and Saudi Arabia, supported the Mujahideen to wage a whole-hearted jihad against the Soviet invasion. The primary aim of Pakistan was to create goodwill among the Afghans to strengthen ties between the two countries in the future and this would have helped Pakistan concentrate energy and resources on the eastern border.

The porous nature of the Durand Line was fully exploited and intelligently used by the U.S. and Muslim countries against the Soviet invasion, which ultimately led to the latter's withdrawal. With reference to the Soviet invasion and the GWOT, the problem of refugees and their role in Pakistan's tribal areas and adjoining provinces directly related to the Durand Line will be discussed in the upcoming chapters.

M. CONCLUSION

In light of international rules, reinforced by the Commonwealth, and SEATO, the dominant view was that the agreements made under the British flag should be inherited by the Government of Pakistan. This clearly meant that the Durand Line was not, or would not be, an exception. Prior to 1947 successive Afghan governments recognized the Durand Line as the international border between Afghanistan and British India for almost fifty years. Its post-1947 shift may mean that Afghanistan has expansionist designs on or wants an approach

⁵⁷ Pervaiz Iqbal Cheema, "The Afghanistan Crisis and Pakistan's Security Dilemma," *Asian Survey* 23, no. 3 (Mar., 1983), 227-243, <http://www.jstor.org/stable/2644271> (accessed Oct 6, 08).

to the warm waters of the Indian Ocean for trade through the shipping lanes. The question that arises, of course, is how can a country defy international laws, rules, and treaties so bluntly? The only reason that suggests itself is that the international community, especially the super-powers, has other strategic goals and does not want to address this sensitive issue for fear of destabilizing the region further. While this may or may not be the view of influential external actors, as this thesis has sought to argue, there can be no real security, stability, and development until the border issue is resolved. The United States and some Muslim countries, specifically Saudi Arabia and Pakistan, have misused this disputed border for their own purpose and strategic goals. Even today, when the international community is facing problems due to the porous borders, it has no intention of solving this problem, evidenced by a statement by Richard Boucher, the US State Department's spokesman for South Asia:

Frankly, we haven't taken on the issue of the Durand Line, a problem that goes back to 1893, to the colonial period,...I think both sides do operate with that as the border; they shoot across it to protect it. They operate border posts on it, and our goal has been to try to reduce those tensions and get them to work in a cooperative manner across that line.⁵⁸

It makes no sense when Afghan leaders continuously complain of incursions from Pakistan across a border they do not accept and recognize.⁵⁹ Unless the border between the two neighbors is demarcated, problems will continue to arise and this region will remain unstable as it has been for so many years. The international community, especially the UN and the U.S. being the only super-powers today, should ensure that this border issue is resolved amicably by both governments through international laws, dialogue, and reconciliation.

This chapter has discussed the history Afghanistan's politics and British involvement in the late nineteenth century and the factors that led to the

⁵⁸ "Durand Line De Facto Border," *The Dawn*, Feb 16, 2006. <http://www.dawn.com/2008/02/16/top3.htm> (accessed Aug 8, 2008).

⁵⁹ Ahmed Shaye Qassem, *Pak-Afghan Relations: The Durand Line Issue*, Special Issue Afghanistan, Institute of Policy Studies, 2008 <https://ips-pk.org> (accessed Apr 24, 2009).

delimiting of Afghanistan's borders, as they more or less are today. The conditions and atmosphere that prevailed during the Durand Line Agreement and the demarcation period were also highlighted. The validity of the Durand Line under different treaties and rules was addressed. The significant issues, like Pastunistan and Baluchistan's border region with Afghanistan, that have triggered tensions between the two countries in the past are discussed in the next chapter.

III. THE HISTORY AND SIGNIFICANCE OF PASHTUNISTAN AND THE STRATEGIC IMPORTANCE OF BALUCHISTAN

A. INTRODUCTION

Having set the scene in the previous chapter with a general discussion of the imperial and post-imperial history of the Durand Line and its legitimacy, this chapter turns to a historical examination of the question of Pashtunistan; particularly how it is linked to wider regional politics generally and the Durand Line specifically. It also attempts to clarify why, how, and when the “Khudai Khidmatgar” and the “Pashtunistan Issue” were raised and to examine the way different governments in Afghanistan and Pakistan have handled the problem down to the present. The second part of the chapter deals with the strategic importance of Baluchistan with respect to the Durand Line, the interference in Baluchistan by outsiders, and the ongoing “War on Terror” spearheaded by the United States. A brief history of how the Baluch people have been governed in the past is necessary to understand the historical and contemporary dynamics of the region and its inhabitants. The new stance of the U.S. administration and advisors of extending drone attacks into Baluchistan and its implications for the security and stability of Pakistan and the region will also be discussed. Afghan interference in Baluchistan has important political and strategic implications. The chapter concludes by arguing that Kabul’s support for an independent Pashtunistan, as well as its alternative proposal in favor of its incorporation into Afghanistan lacks credibility and is part of the wider problem of getting both sides to agree on the border between their respective nation-states.

B. BACKGROUND

Since the mid-eighteenth century, the Pashtuns have been the dominant ethnic group within the emergent modern polity of Afghanistan. Their territory runs from the Peshawar Valley to Kabul in the east and from Qandahar and the Helmand Valley to Quetta in the south. Although Afghan rulers have often

portrayed themselves as the historic leaders of all Pashtuns, they have never actually ruled over all the Pashtuns in the region. As shown in the previous chapter, the Durand Line of 1893 cuts directly through the middle of the region where the Pashtuns, along with other tribes, have long intermarried, traded, fought, and celebrated with one another. These tribes have all lived in accordance with the Pashtunwali tribal code of honor and behavior which includes melmastia (hospitality), nanawati (forgiveness/the notion that hospitality can never be denied to a fugitive), and badal (the right of revenge).⁶⁰

Historically, the Pashtuns were also the dominant ethnic group in the North Western Frontier Province (NWFP) during British rule. A key figure in this period was Abdul Ghaffar Khan, who was a Pashtun political and spiritual leader and a disciple of Mohandas K. Gandhi. Like Gandhi, he was against British rule in India and opposed to the partition of the Indian sub-continent. When he realized that partition was imminent, he sought to establish a separate Northwest Frontier State: an autonomous Pashtunistan to avoid the absorption of old Pathan provinces into Pakistan. He took up the issue with Lord Mountbatten (the last Viceroy of British India) but Mountbatten felt that NWFP would not be able to stand on its own and rejected the proposal. Mohammad Ali Jinnah (leader of the Pakistan Muslim League and the first Governor-General (1947–48) of Pakistan) and Jawahar Lal Nehru (a key leader in the Indian National Congress and Prime Minister (1947–64) of India) were also against the idea of giving independence to the provinces; therefore, a referendum was held in Peshawar in June 1947. The NWFP, which was under the domain of the British prior to partition, was given a choice to be part of Pakistan or India. The Pashtuns of NWFP voted for Pakistan.⁶¹

The Pashtunistan Issue has always been widely seen as the biggest threat to Pakistan and it is a major source of strained relations with Afghanistan.

⁶⁰ Shahid Afsar, Samples A. Christopher, *The Evolution of the Taliban [electronic resource]*. Monterey, Calif: Naval Postgraduate School, 2008. 26-28. <http://bosun.nps.edu/uhtbin/hyperion-image.exe/08June%5FAfsar.pdf> (accessed Mar 2, 2009).

⁶¹ Roberts, 101-107.

For example, Barnett Rubin, an expert on Afghanistan based at New York University's Center for International Cooperation observed that:

[Afghanistan] voted against the admission of Pakistan, on the grounds that it had not given the right of self determination to its Pashtun inhabitants... Afghanistan has been closer to India, which it uses to balance Pakistan.⁶²

He also noted that “Hamid Karzai has also followed the policy of the Afghan governments that preceded him maintaining direct relations between the Afghan government and Pashtun political leaders and tribes within Pakistan.”⁶³

The Pashtunistan Issue has been misunderstood by many in Afghanistan and Pakistan due to lack of information and knowledge on the matter. The issue has often been raised in both countries but with different objectives. Afghanistan’s most radical objection is that Pashtun regions should have been given the right of self-determination for an independent state or an option to merge with Afghanistan, rather than choosing between India and Pakistan. The Pashtuns of NWFP in Pakistan have also raised their voice too at different times, but their main ambition has focused on renaming the NWFP to “Pashtunistan” or “Pakhtunkhwa.” The Pashtuns of NWFP justify their demand on the grounds that if the province of Punjab was so named because the Punjabi population dominates the province, (similarly Baluchistan for the Baluchis, and Sindh for the Sindhis), then why not Pashtunistan for the Pashtuns? The reasoning is logical and justified, but it has been challenged recently by other factions living in the NWFP. This fact can be analyzed by statements lately made by many District Nazims (Mayors):

The people of Hazara belt [in NWFP] actively took part in the historic referendum in 1947 to make NWFP part of Pakistan, and they will resist the move to rename the province...the government must hold a referendum if it is keen on changing the name of the

⁶² Ron Synovitz, *Afghanistan: 'Pashtunistan' Issues Linger Behind Afghan-Pakistan Row*, March 24, 2006. <http://www.rferl.org/content/article/1067048.html> (accessed Mar 26, 09).

⁶³ Ibid.

province. ... It is the decision of one political party which had opposed the inclusion of NWFP in Pakistan during the referendum in 1947.⁶⁴

For the last three decades, this threat has faded away from the Afghan side as the Afghan population and politicians are busy trying to establish political control, security, and stability within Afghanistan, and seem to have no time to exploit this issue at this juncture. It can thus be concluded that Afghanistan's claims and support for Pashtunistan lack reason and credibility.

C. HISTORY OF NWFP

In the years between 1895 and 1901, British-led forces in India faced many uprisings in the tribal areas. The Viceroy, Lord Curzon, created the NWFP on November 9, 1901, by detaching it from the Punjab province and dividing NWFP between the settled districts and the tribal areas. British garrisons were then removed from the tribal areas and handpicked political agents were given powers to administer and maintain peace in their own regions. The British, however, maintained large garrisons near the frontier belt which served three purposes: to be a deterrent to Russian ambitions in Afghanistan, to guard settled areas from tribal uprising, or to be able to be called to fight against a unanimous cause like jihad by the tribal or frontier population.⁶⁵

The Afghan government maintained a policy of non-interference in the tribal areas and NWFP while the British remained in India. In 1945, Prime Minister Hashim's government spoke to the British against the annexation of the tribal areas and proposed that NWFP be allowed to join Afghanistan if partition of the Indian sub-continent materialized.⁶⁶ However, both demands were turned down by the British. The Viceroy feared that after partition of the Indian sub-continent, uniting NWFP with India, as it is a Muslim dominated province led by a

⁶⁴ Hazara Nazims "Want Referendum on Naming NWFP," *The News*, Jan 24, 2009. http://www.thenews.com.pk/daily_detail.asp?id=158815 (accessed Mar 21, 2009).

⁶⁵ Roberts, 31.

⁶⁶ *Ibid.*, 87.

Hindu dominated government, would lead to violence and carnage. Citing this, Mountbatten's inclination was that the Muslim majority areas should go with Pakistan. Sir Olaf Caroe, the last Governor of the NWFP, proposed elections but feared this would stir up resentment on the part of the Congress Party, which enjoyed support in the province. Nehru, the leader of Indian National Congress as it transformed itself from an independence movement to the ruling political party, rejected the idea of elections. This means that the Viceroy had no other option but to go for a referendum.⁶⁷

D. KHUDAI KHIDMATGAR AND THE PASHTUNISTAN ISSUE

The name *Khudai Khidmatgar* means "servants of God."⁶⁸ The aim of the movement was a non-violent freedom struggle by the Pashtuns of NWFP against the British rule. The Pashtunistan issue was raised by the Khudai Khidmatgar in 1945 by two brothers, Khan Abdul Ghaffar Khan and Dr. Khan Saheb, for non-inclusion of NWFP into Pakistan.⁶⁹ *Pathanistan*, *Pakhtunistan* or *Pashtunistan* means the land of the *Pathans*, *Pakhtuns* or the *Pashtuns*. For the purpose of maintaining uniformity, the terms "Pashtuns" and "Pashtunistan" are used in this research.

Khudai Khidmatgar leader Ghaffar Khan forwarded a request to Lord Mountbatten for the establishment of a separate Northwest Frontier State an autonomous Pashtunistan, to avoid the old Pathan province's absorption into Pakistan. His brother, Khan Saheb was heading the NWFP government when he discovered a referendum. He sensed defeat and feared that the Pashtun areas would be swamped in the Punjab province, and the option of voting for India was out of question. Citing unfavorable results, the Khudai Khidmatgar demanded that Pashtuns of NWFP be given the choice to vote for an independent "Pashtunistan." According to Jeffery Roberts, during discussions over the

⁶⁷ Roberts, 103-4.

⁶⁸ Amitabh Pal, "A Pacifist Uncovered," *The Progressive*, February 2002. http://www.progressive.org/mag_amitpalabdu (accessed Apr 2, 2009).

⁶⁹ Ali Tayyeb, *Pakistan: A Political Geography*, 1966, 195.

Cabinet Mission Plan, the idea of an independent Pashtunistan was proposed by Caroe to Ghaffar Khan so that Congress and Muslim League leaders would come to an accord.⁷⁰

Mountbatten was opposed to the idea of an independent Pashtunistan. He thought it could not survive economically without Indian subsidies and would be a security risk to the region. Mountbatten wrote to the Secretary of State for India asserting, "I do not consider that Frontier Province should be given [the] option of remaining independent since obviously it could not possibly stand by itself."⁷¹ During a meeting on provincial independence, Mountbatten observed that the:

The question of whether a province could decide her independence was not raised specifically in the case of NWFP when the plan was drawn up. It was raised as a matter of general principle by the leaders of both parties....If they [Pashtuns] can get the High Commands of the two parties [Congress and Muslim League] to agree to it, and if they want to vote for independence, I will agree.⁷²

On June 4, 1947, at a press conference in New Delhi, Mountbatten's comment on the independence of provinces and states was:

After discussing this particular point with the leaders of both the parties, I find that the leaders do not wish to have any other option than to join one or the other of the constituent assemblies for the good and sufficient reason that they do not wish this plan to encourage what I might call 'Balkanization.'⁷³

The Khudai Khidmatgar members, meanwhile, boycotted the referendum. Results indicated that 289,244 votes were cast for Pakistan whereas 2,874 were cast for India. This clearly indicated that the people of NWFP desired to stay with Pakistan.⁷⁴ When Pakistan gained independence, Khan Saheb was the Prime Minister of NWFP but declined to take an oath of allegiance to Pakistan and

⁷⁰ Roberts, 106.

⁷¹ Ibid., 104-105.

⁷² Ibid., 106.

⁷³ Ibid., 112.

⁷⁴ Ibid., 108.

Ghaffar Khan kept pressing for Pashtunistan. As a result, both of the brothers were imprisoned for disloyalty.⁷⁵ Khan Saheb was released from prison in 1953. At this point, he not only accepted allegiance to Pakistan but organized the Republican Party. He was active in politics in Pakistan and by 1955 his stance on Pashtunistan had changed as is evident from his statement:

You think that the men of tribal areas on our [Pakistan] side of the Durand Line would declare for Kabul; test the feelings of your 3 million Afghans first. I guarantee that practically all of them would vote for inclusion for Pakistan.⁷⁶

In the years after independence in 1947, successive governments in NWFP were consistently patriotic towards Pakistan, which led to the gradual decline in the importance of the “Pashtunistan Issue.”

E. INDIAN INVOLVEMENT

Nehru had also criticized the idea of giving the option of independence to provinces and princely states claiming that the “Balkanization of India would lead to a complete breakdown of authority.”⁷⁷ When Mountbatten turned down Ghaffar Khan’s request for an independent Pashtunistan, he claimed support of the Congress for Pashtunistan. He expressed alarm for Congress’s support for Pashtunistan since Nehru agreed that NWFP could not survive on its own. In his memoirs, Mountbatten wrote, “It was on his [Nehru] request that the option of provinces to vote for independence was taken out.”⁷⁸ In a report to U.S. Secretary of State George Marshall on June 26th, 1948, Howard Donovan, the Counselor for the U.S. Embassy in Delhi, pointed out that:

Observers in New Delhi believe that the Muslim League will win the forthcoming referendum and that it is a foregone conclusion that the NWFP will join Pakistan. This is unpalatable to Khan Abdul Ghaffar

⁷⁵ Tayyeb, *Pakistan: A Political Geography*, 195.

⁷⁶ *Ibid.*, 198-99.

⁷⁷ Roberts, 105.

⁷⁸ *Ibid.*, 103-107.

Khan and his recent talks with Jinnah and Gandhi in Delhi were an effort to forestall...Gandhi has supported Ghaffar Khan...Ghaffar Khan's action will further complicate the situation in the North West Frontier Province and it will in all probability lead to further strife and bloodshed.⁷⁹

After Pakistan's independence, India believed that Pakistan would collapse, thus further tried to weaken Pakistan by supporting the Pashtunistan movement. President Ayub asserted that it was India's propaganda that Pakistan would not be able to survive as a separate state. The Afghans held the misconception that Pakistan would not survive in the years ahead so they laid claim on the Frontier areas. The Afghans believed that if Pakistan disintegrated, its stance on the Frontier region would strengthen its position of claim.⁸⁰

Louis Dupree describes the Indian involvement in the following words:

I am among those who were in Pakistan and Afghanistan almost after partition in 1947; I looked into what was happening in Kabul. There was a group of Indians there controlling Kabul Radio, and they are the ones who even invented the term Pashtunistan.⁸¹

In 1951, the Indian government allowed the "Pashtunistan Jirga" to be convened in Delhi and allowed Afghan President Sardar Najibullah Khan to make an anti-Pakistan speech on All India Radio also.⁸² The United Pashtunistan Front (UPF) was also formed in New Delhi in 1967 under Chand Khanna, an ex-minister of the Indian government. The sole purpose of the UFP was to demand a homeland for the Pashtuns. Indian support was portrayed as if New Delhi owed a debt of gratitude to the Pashtuns who had struggled for freedom.⁸³ While addressing the Indian Parliament, Indian Foreign Minister Swaran Singh said

⁷⁹ Yasser Latif Hamdani, "Referendum and the Pashtunistan Demand," July 8, 2008. <http://en.wordpress.com/tag/pakhtunistan/> (accessed Mar 30, 2009).

⁸⁰ Noor-ul-Haq, "Pak-Afghan Relations." *Islamabad Policy Research Institute (IPRI) Fact File* 83 (2007): 37. <http://ipripak.org/factfiles/ff83.shtml> (accessed Aug 12, 2008).

⁸¹ Khawar Hussain, *Pakistan's Afghanistan Policy*. Unpublished Thesis, Naval Postgraduate School, <http://bosun.nps.edu/uhtbin/hyperion-image.exe/05Jun%5FHussain.pdf>, 20.

⁸² Ibid., 20.

⁸³ Mahmood, *Durand Line: South Asia's New Trouble Spot*, 54.

We are fully aware of the fundamental freedoms and natural aspirations of the brave Pashtuns [that] have been consistently denied to them, and their struggle has got our greatest sympathy and we will certainly support the efforts that Khan Abdul Ghafar Khan might undertake in that direction.⁸⁴

India's relations with Afghanistan have been based on the "Kautilya theory" which means that an enemy's enemy is a friend. For India, a hostile Afghanistan held strategic importance, which meant no support from Afghanistan in terms of territory and tribesmen to fight against India when at war with Pakistan or giving support for the Kashmir cause.⁸⁵ The Pashtunistan Issue has provided India with the option of cornering Pakistan at two borders and the possibility of conflict along the Durand Line and along the India-Pakistan border.

F. AFGHANISTAN'S INTEREST

Three years before the partition of the British Empire in 1947, the Afghan government showed concern over the future status of the tribal areas, and, as already noted above asked the British for an independent NWFP or its unification with Afghanistan. On getting a negative reply, Afghan Foreign Minister Mohammad Ali warned, "If successor governments would try to coerce the tribes then Afghanistan would be involved in conflict, 'with consequences no one could foresee.'"⁸⁶ Later, an Afghan mission was sent to India to discuss the matter with the External Affairs Department to which they replied that the inhabitants of the frontier lands were not under Afghan rule and that the fate of the province was not Afghanistan's concern but that of the government of India. They asserted that "India is more entitled to expect Afghan goodwill than Afghan intervention in her internal affairs."⁸⁷

⁸⁴ Owen Bennett Jones, "Nationalism," *Pakistan: Eye of the Storm* (New Haven: Yale University Press, 2002), 139.

⁸⁵ Mahmood, 53.

⁸⁶ Roberts, 107.

⁸⁷ Ibid.

In June 1947, Afghan Prime Minister Hashim Khan said, “If an independent Pashtunistan cannot be set up, the Frontier Province should join Afghanistan...our neighbors will realize that our country needs an outlet to the sea which is very essential.”⁸⁸

In 1947, the Afghan delegation to the United Nations (UN) voted against Pakistan’s admission to the new international organization until such time as the Pashtunistan problem was solved. However, the Afghan representatives at the UN withdrew the negative vote after they received instructions from the Afghan government to do so. In July 1949, the Afghan government convened the grand tribal assembly (Loya Jirga) and declared support for Pashtunistan after Pakistan’s bombing on an Afghan border village. Additionally, the jirga decided to nullify the status of the border and all treaties pertaining to it that had been made with the British. These included the Durand Line Agreement of 1893, the Anglo-Afghan Pact of 1905 and 1921, and the Treaty of Rawalpindi in 1919.⁸⁹

Afghanistan showed disagreement over the authenticity and validity of the referendum by violent demonstrations, raids, and protests. During the same period, the Pashtunistan Issue in Afghanistan gained force after it got strong unofficial support and sympathy from the Indian press. After Sahib’s government was replaced in NWFP, Afghanistan sensed that the Pashtunistan movement was dying in NWFP. The Afghan government revived it with the aim that the tribal areas that had been divided by the Durand Line would rise and try to remove the boundaries that divided them (see Figure 2).⁹⁰

⁸⁸ Roberts, 123.

⁸⁹ Noor-ul-Haq, “Pak-Afghan Relations,” 17, 37.

⁹⁰ Tayyeb, 196.



Figure 2. Areas showing Pashtun population in Afghanistan and Pakistan⁹¹

In 1950, King Zahir Shah made an anti-Pakistan speech during a celebration in Kabul and anti-Pakistan leaflets were dropped by the Afghan Air Force. In the 1960s and 70s, Mohammad Daud, a diehard Afghan Pashtun nationalist, claimed that Afghanistan's borders were extended up to the River Indus (this included the present day provinces of NWFP, Baluchistan and FATA in Pakistan).⁹² When Daoud became President in 1973 by overthrowing King Zahir Shah, he re-raised the Pashtunistan Issue and moved Afghan armed forces

⁹¹ From: Yale University, "Pashtun Dominated Areas," <http://yaleglobal.yale.edu/display.image?id=2385> (accessed Mar 21, 2009).

⁹² Rashid, *Descent into Chaos*, 267.

close to Pakistan's border. Pakistan reciprocated. On the political front, religious leaders like Gulbadin Hikmatyar and Rabbani opposed Soviet intervention in Afghan affairs and resisted the government. This led to their exile to Peshawar from where they continued their operations. Prime Minister of Pakistan, Zulfikar Ali Bhutto used Hikmatyar and Rabbani to destabilize Daoud's regime as a reaction to Daoud's support for Pashtunistan.

G. PAKISTAN'S STANCE

Pakistan claims that the Pashtuns were given an option to vote for Pakistan or India in the referendum held in Peshawar in 1947 and they voted for the former. Pakistan also claims that under international law and as a result of recognition by different agencies, it too possesses the legal rights over the NWFP. In its early days, to gain Pashtun support in the NWFP, Pakistan's government employed the Pashtuns to safeguard their own tribal areas without damaging their tribal pride, which remains the practice up to the present. Noting their bravery and warlike skills, the Pashtuns were also encouraged to join the Armed Forces.⁹³ In a statement released on July 30, 1947, Jinnah said that Pakistan would honor all arrangements with the Pashtuns until the new government met with the tribal jirgas. He guaranteed non-interference and appealed "To all the different elements in the Frontier Province and in the Tribal areas to forget past differences and join hands with the government of Pakistan in setting up a truly democratic state...[Jinnah had] every intention and desire to have most friendly relations with the government of Afghanistan."⁹⁴

In the past there have been some efforts to settle the dispute. In 1976, Prime Minister Bhutto of Pakistan and President Daoud of Afghanistan were close to an amicable solution but Bhutto was overthrown by General Zia-ul-Haq. General Zia continued the process with the Afghan President but this time the Afghan President was overthrown and the problem remained unresolved.

⁹³ Tayyeb, 198.

⁹⁴ Roberts, 110.

President Noor Mohammad Taraki also proposed to General Zia that Afghanistan was willing to accept the Durand Line as the formal border between the two countries only after Pakistan stopped supporting the Mujahideen.⁹⁵ Since then, successive Afghan governments have been struggling to maintain stability and control within their own borders and have had little time for pushing forward with the Pashtunistan Issue.

H. BALUCHISTAN

Baluchistan is in the south of FATA and shares approximately half the length of the Durand Line with Afghanistan (see Figure 3). Pakistan and Afghanistan have always blamed each other for supporting sabotage across the Durand Line. The porous nature of the Durand Line has facilitated insurgents from both countries to move across from time to time and create instability and insecurity by harboring each other's fugitives on a *tit for tat* basis. This has created an atmosphere of strained relations between the two countries over the years especially after the emergence of the Taliban and the ongoing GWOT in southern Afghanistan.

⁹⁵ Frederic Grare, "Pakistan-Afghanistan Relations in the Post 9/11 Era," *Carnage Papers, South Asia Project 72*, (October 2006). <http://www.carnegieendowment.org/publications/index.cfm?fa=view&id=18740&prog=zgp&proj=za> (accessed Feb 10, 2009).



Figure 3. The Durand Line between Baluchistan and Afghanistan⁹⁶

During the military operation against the Baluch insurgency in the 70s, Afghanistan welcomed the insurgents and provided them sanctuaries, arms, and training camps. This provided strategic depth and refuge to thousands of insurgent Baluchis. Conversely, during the Soviet invasion in 1979, the Taliban rule, and OEF in 2001, a huge number of Pashtuns, Tajiks, and Hazara entered into Baluchistan as refugees.⁹⁷ The cross-border movement of thousands of insurgents and refugees from Afghanistan was possible due to the porous nature of the Durand Line.

⁹⁶ From: "Durand Line," <http://www.economist.com/images/20060722/CAS962.gif> (accessed Mar 31, 2009).

⁹⁷ Justin S. Dunne, *Crisis in Baluchistan: A Historical Analysis of the Baluch Nationalist Movement in Pakistan*, 12. <http://www.nps.edu/Research/ThesisAbst/thesisab06sp.pdf> (accessed Oct 13, 2008).

I. HISTORY OF BALUCHISTAN

Traditionally, the Baluch have been as difficult to govern and control as the Pashtuns. The Durand Line also divided the Baluch much as it did the Pashtuns. Presently, the Baluch are divided between Pakistan, Iran, and Afghanistan. Between 1848 and 1947, the British employed different strategies to control the Baluch dominated regions. Some of these methods included the “Frontier of Separation,” in which a combination of direct control and allegiances of tribes took place; the “Closed Border System,” which gave direct control over local tribes; the “Forward Policy,” which conferred control through peaceful penetration to control the tribes; and the “Sandeman System,” which aimed at the welfare of the people.⁹⁸ Like the Pashtunwali code among the Pashtuns, the Baluch also have a similar code known as “Ryvaj.”⁹⁹ Its key characteristics are revenge, hospitality, refuge, and suspicion of outsiders. A nineteenth century British officer, Henry Pottinger, while commenting on the Baluch code of honor and hospitality said, “When they once offer, or promise to afford protection to a person who may require or solicit it, they will die before they fail in their trust.”¹⁰⁰ It is this code of honor that has frustrated foreigners and invaders throughout Baluchistan’s history.

After independence, Pakistan continued to follow the British system of governance by providing subsidies to the Khan of Kalat and the Sardars but used the military to maintain law and order in Baluchistan. In April 1948, the Pakistan Army was ordered to take over Kalat and arrest the Khan of Kalat. The Khan showed allegiance to Pakistan but his younger brother resorted to revolt. According to the Baluch nationalist Nisar Bizenjo, Abdul Karim, the Khan’s brother, expected support from the Afghans who had opposed the inclusion of

⁹⁸ Dunne, *Crisis in Baluchistan*, 12.

⁹⁹ *Ibid.*, 14.

¹⁰⁰ *Ibid.*, 15.

Baluch and Pashtun areas in Pakistan but never got it.¹⁰¹ Many westerners believe that the Baluch insurgency in 1973 was similar to the Pashtunistan Issue. However, Tom Johnson, in his article “No Sign Until the Burst of Fire,” comments that the insurgency has nothing to do with a separate state; rather it was for greater autonomy, reinstatement of the Baluchi tribal rights, and the distribution of resources in Baluchistan to the population of Baluchistan.¹⁰² Seling S. Harrison, in his book “In Afghan’s Shadow,” comments that the Baluch insurgency of 1973 was because “the Baluchis were fighting for regional autonomy within a radically restructured, confederal Pakistan constitutional framework.”¹⁰³ Violence and uprising in Baluchistan have been primarily linked to socio-economic underdevelopment: political dissatisfaction and historical grievances based on feelings of disloyalty and mistreatment by the Pakistani government.¹⁰⁴

J. STRATEGIC IMPORTANCE OF BALUCHISTAN

Baluchistan has historically, and continues to have considerable strategic or geographical value, due to its 900 miles of coastline along the Arabian Sea. The region is also rich in energy resources and has the important Gwadar port. For many, Baluchistan is viewed as a gateway to the Arabian Sea for China, Russia, the Central Asian Republics (CARs), and Afghanistan. After the Soviet invasion of Afghanistan, it was perceived by many analysts that if Russia had stayed in Afghanistan and been able to bring some semblance of order to the country, its next possible target was Baluchistan. This would have served two purposes: first, it would have given Moscow access to the warm waters of the

¹⁰¹ Seling S. Harrison, *In Afghanistan’s Shadow: Baluch Nationalism and Soviet Temptations* (New York: Carnegie Endowment for International Peace, 1981), 25–26.

¹⁰² T. Johnson and C. Mason, “No Sign until the Burst of Fire: Understanding the Pakistan-Afghanistan Frontier.” *International Security* 32 (4): 50.

¹⁰³ Harrison, 3.

¹⁰⁴ Dunne, 57.

Arabian Sea; second, to exploit the regional balance in the Middle East.¹⁰⁵ Gwadar, the newly-constructed sea port near the Strait of Hormuz, is seen as an economic base for Pakistan. China, Russia, CARs, and Afghanistan could easily benefit through economic activities and trade there, and in return, Pakistan would benefit from transit fees. Gwadar would also provide strategic depth for the Pakistan Navy, like Karachi, (the only other port), which has had tactical problems in the past. Indian Naval Chief, Admiral Sureesh Mehra, observed recently that:

[Gwadar Port] has serious implications for India...being only 180 nautical miles from the exit of Strait of Hormuz...[Gwadar] would enable Pakistan take control over the world energy jugular and interdiction of Indian tankers.¹⁰⁶

Iran, India, and the local Baluch population had long opposed the construction of the Gwadar port. The Baluch feared that people from other provinces would monopolize jobs being offered at Gwadar and the local population would be left deprived of its rights in the province. The deep-sea port of Chabahar in Iran is currently being developed with Indian support for the purpose of providing a gateway for Russia, CARs, and Afghanistan. A highway has also been built to link Chabahar with Iran, Afghanistan, Turkmenistan, and India.¹⁰⁷ Iran and India are surely to have an economic clash with Pakistan on the construction of Gwadar Port.

K. AFGHANISTAN'S INTEREST IN BALUCHISTAN

Afghanistan has always encouraged the Baluch nationalist approach but the Baluch fear that the Afghans that are Pashtuns do not primarily favor an independent Baluchistan, rather they want an amalgamation of Baluchistan to

¹⁰⁵ Dunne, 57.

¹⁰⁶ Malik Siraj Akbar, *Gwadar Port: Reaction from India, Pakistan and Baluchistan*, Jan 26, 2008. <http://gmcmising.wordpress.com/2008/01/> (accessed Mar 31, 2009).

¹⁰⁷ Dunne, 58.

make a Greater Afghanistan.¹⁰⁸ Until the Soviet invasion of Afghanistan, Baluchistan had been an unknown region for the world except anthropologists, explorers, and adventurers. However, the importance and desire of Baluchistan for the Afghans has been present for decades. Amir Abdur Rehman said,

Afghanistan ought to secure a footing upon the ocean, and have a port for its own steamers...I always had a fancy for a little piece of this sandy desert (Baluchistan), unimportant at present but of great value if annexed to Afghanistan...there is no doubt that the country would soon grow rich and prosperous.¹⁰⁹

During his reign and after the Durand Line Agreement, Abdur Rehman tried to exert pressure and maintain limited control and restoration of Baluchistan to his territory to acquire access to the sea. Despite written assurances of non-interference and friendship with the British, Abdur Rehman constantly conspired with the tribesmen and prompted unrests, raids, and sometimes full-scale uprising. Before the partition of British India, Hashim's government asked the British for an access to the sea through Baluchistan but was turned down on the basis of being impractical and unwarranted.¹¹⁰

President Daoud's government supported the Nationalist movement in Baluchistan, which led to an insurgency in Baluchistan. From 1973–77, Pakistan used its armed forces to counter the insurgency in Baluchistan during which many Baluch leaders fled to southern Afghanistan and continued their struggle from across the Durand Line. In the past, dissident leaders and the porous nature of the Pak-Afghan border have been used by both countries against each other for the purpose of creating destabilization and disorder.¹¹¹ The Afghan government's support of Baluchistan can be analyzed from statements made by various leaders. President's Dost Mohammad's regime permitted Mir Hazar's Pararis (a Baluch word meaning militants) to set up camps close to the Pak-

¹⁰⁸ Harrison, 141.

¹⁰⁹ Roberts, 34.

¹¹⁰ Ibid., 87.

¹¹¹ Mahmood, 49.

Afghan border during the Baluch insurgency and declared them official refugees. Khair Bux Marri, Sardar (leader/head) of the Marri tribe and a militant Baluch nationalist said that due to sanctuaries provided by Afghanistan to Hazar's guerillas, "the Baluch feel a strong sense of obligation to Kabul."¹¹² Hazar kept the Parari Movement alive by operating from sanctuaries in southern Afghanistan. While under refuge, Hazar received \$875,000 per year from President Daoud's government. One reason for the Afghan support of Hazar was retaliation by Afghanistan against late King Reza Shah Pahlavi's pressurizing tactics for Afghanistan to make peace with Pakistan in the 70s.¹¹³

On July 29, 1979, Prime Minister Hafizullah Amin declared that:

All nationalities from the Oxus to the Abasin [the Pashtun word for the Indus River in Pakistan] are mingled in revolutionary cascades with the waves of the Oxus. The waves of bravery of the Pashtuns and Baluchis of the whole region are reflected in the revolutionary emotions of the toilers...from the Pamir to the beaches of Gwadar in Baluchistan.¹¹⁴

Feroz Ahmed, an editor of the Pakistan Forum quoted Amin as saying,

Afghan leaders at the time of Pakistan's independence were not patriotic. Had they been patriotic, this problem would have been solved a long time ago, and today there would have been one country.¹¹⁵

Nur Mohammad Taraki's government kept the option of a Greater Afghanistan open. He called for "the solution of the national issue of the Pashtuns and Baluch people... Afghanistan and Pakistan should settle their differences in the light of historical background."¹¹⁶ By 1980, President Babrak Karmal's government's stance on the Baluch and Pashtun cause had softened, exemplified by the

¹¹² Harrison, 50.

¹¹³ Ibid., 181.

¹¹⁴ Ibid., 144.

¹¹⁵ Ibid., 145.

¹¹⁶ Ibid., 143.

comment that there should be “the right of the Pashtun and Baluch brethren to express their will and to decide for themselves about their own future destiny.”¹¹⁷

L. THE INDIAN INVOLVEMENT

Many analysts, including some within the Pakistan government, believe that the insurgency and instability in Baluchistan is being sponsored by India and its consulates in southern and eastern Afghanistan, as depicted in Figure 4. In Pakistan, instability in Baluchistan is seen as a countermeasure to Chabahar Port in Iran.¹¹⁸ Pakistan has blamed India for its clandestine activities all along the Pak-Afghan border especially in Baluchistan. Pakistan’s claims can be verified from the following official Indian statement in January 2006:

The Indian government has been watching with concern the spiraling violence in Baluchistan and the heavy military actions, including helicopter gunships and jet fighters by the government of Pakistan to quell it. We hope the government of Pakistan will exercise restraint and take recourse to peaceful discussions to address the grievances of the people of Baluchistan.¹¹⁹

India wants to see a destabilized Baluchistan for three reasons: first, countries interested in trade through the Arabian Sea should prefer Chabahar over Gwadar; second, if it is destabilized, Pakistan can be categorized as a destabilized state; and finally, the current instability in southern Afghanistan can be attributed to the Taliban sponsored from sanctuaries in Baluchistan, thus pushing Pakistan further towards the status of a failing state.

¹¹⁷ Harrison, 146.

¹¹⁸ Mariana Baabar, “How India is Fomenting Trouble in Pakistan via Afghanistan,” *News International*, Apr 16, 2006. (accessed Mar 21, 2009).

¹¹⁹ Dunne, 60.



Figure 4. Indian Consulates in Afghanistan¹²⁰

In 2006, President Musharraf provided “proof” to President Karzai of Indian involvement from bases within Afghanistan to “foment trouble in Baluchistan.”¹²¹ Additionally, in an interview with the Pakistani paper, *The News*, Senator Mushahid Hussain accused the Indians of establishing training camps near the Pak-Afghan border to train Baluch dissidents in explosives and weapons. He also accused the Indians of using their consulates in Afghanistan as “launching pads for undertaking covert operations.”¹²²

¹²⁰ From: “Indian Consulates in Afghanistan,” <http://moinansari.files.wordpress.com/2008/07/indian-consulates-in-afghansitan.jpg> (accessed Mar 31, 2009).

¹²¹ Baabar, *Formenting Trouble*.

¹²² *Ibid.*

M. BALUCHISTAN, THE GWOT, AND THE CURRENT SITUATION

After the U.S. forces started operations in Afghanistan, Taliban and Al-Qaeda operatives used the porous nature of the Durand Line and took refuge in FATA, NWFP, and Baluchistan. Pakistan is making considerable efforts to stop infiltration but cannot do so as the terrain, economic conditions, resources and expertise are not favorable. Air bases like Jacobabad, Pasni, and Dalbadin in Baluchistan were used as staging grounds for logistic support for U.S. forces and intelligence gathering in the earlier years of OEF and the GWOT. The people of Baluchistan blame the central government for using their land to support the GWOT and for getting aid from the United States. On the other hand, Iran fears that the U.S. operations from Baluchistan are a means for gathering intelligence on its nuclear installations for future operations. Seymour Hersh, an intelligence reporter writes, "The U.S. Special Forces have infiltrated into Iran through Baluchistan for a possible future strike against Tehran."¹²³

In recent developments, the U.S. administration and advisors are considering options of extending drone attacks into Baluchistan. Taliban and Al-Qaeda suspects are presumably hiding in sanctuaries like the Afghan refugee camps or in Afghan neighborhoods near Quetta. Ashley Boomer writes that President Karzai and intelligence sources believe that Taliban leader Mullah Omar is operating from Quetta and is supporting the insurgency in southwest Afghanistan.¹²⁴ President Musharraf denied such allegations and said,

So, let's nail these people, like President Karzai, who think they are coming from Pakistan. And I am suggesting we will mine the borders. Let anyone who's going from here get into the mines. We will fence the borders. Let's fence the borders.¹²⁵

Many analysts believe that the aerial attacks in FATA have compelled the Taliban and Al-Qaeda operatives to flee southward into Baluchistan. Gen. David

¹²³ Dunne, 55-56.

¹²⁴ Ashley Bommer, "Inspect Baluchistan," *Carnegie Council*, December 18, 2006. http://www.cceia.org/resources/ethics_online/0004.html (accessed Apr 2, 2009).

¹²⁵ *Ibid.*

H. Petraeus, commander of American forces in the region, and Lt. Gen. Douglas E. Lute, a top White House official on Afghanistan, have recommended expanding American operations into other areas close to the border if Pakistan cannot eliminate the insurgents.¹²⁶ Many in the U.S. administration believe that the U.S. is deepening further into the conflict by extending the sphere of operations into Baluchistan.

Pakistan, on the other hand does not believe that Taliban and Al-Qaeda operatives have moved towards Baluchistan, due to the aerial attacks in FATA. Pakistan feels that drone attacks in Baluchistan will further fuel insecurity and instability in Pakistan and the region.¹²⁷ Richard Habrooke, U.S. special representative to Pakistan and Afghanistan, has hinted at Quetta being the headquarters of the Taliban and said,

The number one problem in stabilizing Afghanistan was the Taliban sanctuaries in Western Pakistan, including its tribal areas and border cities like Quetta. Quetta appears to be the headquarters of Taliban leaders, who are some of the worst people in the world.¹²⁸

Baluchistan's Chief Minister, Nawab Mohammad Aslam Raisani has hinted at two types of Taliban in Baluchistan: the militant Taliban, and those studying in Madrassas.

Ours are peaceful Taliban. If the CIA has proof about the presence of Mullah Omar in Baluchistan, his hideout may be disclosed, and we will hand him over to the CIA.¹²⁹

¹²⁶ David E. Sanger and Eric Schmitt, "U.S. Weighs Strike option in Baluchistan," *New York Times*, March 18, 2009 <http://query.nytimes.com/gst/fullpage.html?res=9C04E1DC1F39F93BA25750C0A96F9C8B63> (accessed Apr 3, 2009).

¹²⁷ Pamela Hess, "Pakistan: Al-Qaeda, Taliban Are Not in Baluchistan," *The Associated Press*, March 18, 2009, <http://washingtontimes.com/news/2009/mar/18/pakistan-al-qaida-taliban-are-not-in-baluchistan/> (accessed Mar 28, 2009).

¹²⁸ Ayaz Ahmed Khan, "Drone Attacks Will Continue," *The Nation*, March 26, 2009, <http://www.nation.com.pk/pakistan-news-newspaper-daily-english-online/Opinions/Columns/27-Mar-2009/Drone-attacks-will-continue> (accessed Mar 28, 2009).

¹²⁹ Ibid.

If the U.S. extends its operation into Baluchistan, not only will it make things worse for Pakistan but for itself as well. The long outstanding sentiments of the Baluch against the central government of Pakistan will resurface and stability and security is likely to deteriorate further.

N. TERRORIST / BOMB BLASTS IN BALUCHISTAN

Baluchistan has experienced a mixed trend of ups and downs in terrorist-related incidents since 2003, as can be analyzed from Figure 5. These incidents have been mainly attributed to the local population supporting the Taliban, Al-Qaeda, and Afghan refugees living in Quetta and its suburbs, and to the government's support of the GWOT.

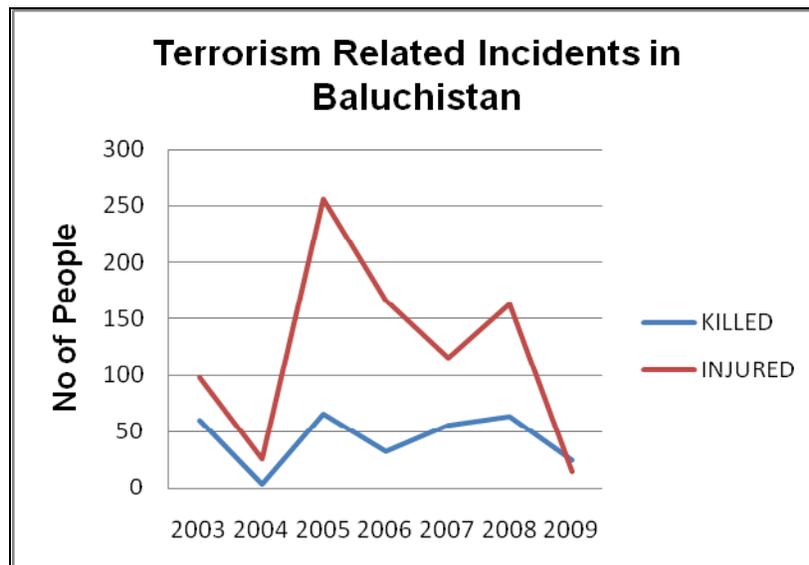


Figure 5. Terrorism Incidents in Baluchistan¹³⁰

Analyzing Figure 6 below, we see that bomb blasts have risen sharply in recent years. The insurgents are destabilizing Baluchistan with the aim to terrorize a maximum number of citizens either by killing or injuring them. This serves two purposes: one, diverting the government's efforts and resources from

¹³⁰ From: "Balchistan: Terrorist Related Incidents," <http://satp.org/satporgtp/countries/pakistan/Balochistan/index.html> (accessed Apr 1, 2009).

FATA by increasing the area of operations for the security agencies and the Pakistan army and weakening the insurgency efforts in FATA; and two, sending a message to the central government and the U.S. for rethinking the taking of action in Baluchistan through drone attacks.

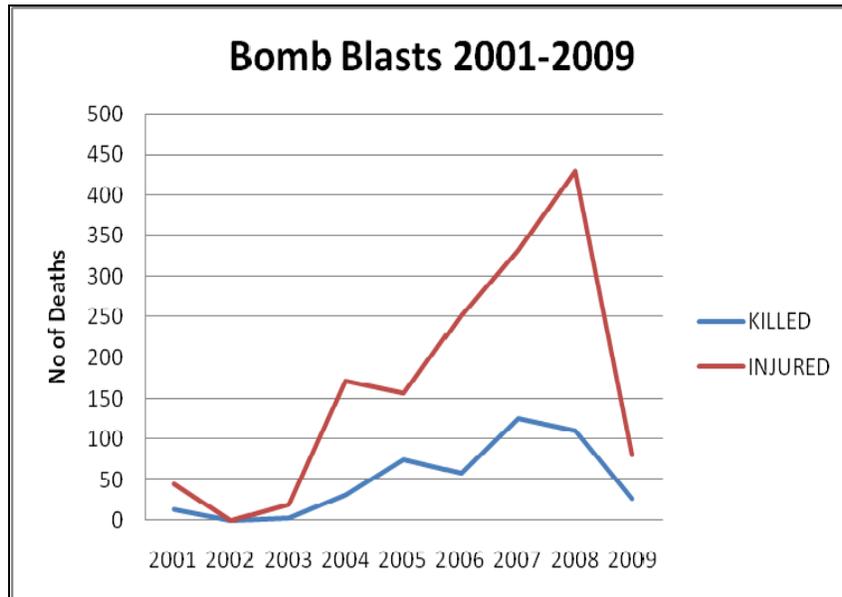


Figure 6. Bomb Blasts in Baluchistan¹³¹
 (The data for 2009 is until March 24)

O. CONCLUSION

Afghanistan does not want its Pashtun population to merge with the Pashtuns of Pakistan to form a greater Pashtunistan. Assuming that an independent Pashtunistan somehow came into existence on the Pakistani side, does this unite all the Pashtuns living in Afghanistan and Pakistan? The answer is a simple “no.” This stance of the Afghan government is not only misleading with regard to the legal aspects of the border issue, but is an ongoing source of instability and insecurity in the region, especially in NWFP and FATA. It is fair to say that in strategic and geopolitical terms, the government of India has far more to gain from continued instability in Afghanistan and on Pakistan’s eastern border

¹³¹From: “*Balchistan: Bomb Blasts*,” <http://satp.org/satporgtp/countries/pakistan/Balochistan/index.html> (accessed Apr 2, 2009).

and has over the years clearly operated covertly and overtly in the pursuit of this objective. Another question that comes to mind is, do all the Pashtuns in NWFP share the same opinions and attitudes, and are they in sync with the Afghan government? The divided Pashtuns may have similarities but both sides have lived and prospered or suffered under different circumstances over a long period (even given the relatively porous character of the border. Most of the Pashtuns on the Afghan side have lived in despair and conflict for decades, while the Pashtuns on the Pakistani side generally lived better lives until 9/11. The government of Afghanistan does not want the portion of the Pashtun-dominated area of Afghanistan to merge with that in Pakistan, nor do they want to see the creation of an independent Pashtunistan, as more than half of Afghanistan would be lost if such a project came to pass.

Meanwhile, instability and terrorist attacks are on the rise in Baluchistan and adjoining parts of southern Afghanistan. The U.S. is pressuring the central government in Pakistan to do more, or else it will expand its drone attacks in Baluchistan. This may help in killing a few Taliban and Al-Qaeda high-value targets but will surely increase public resentment and further destabilize the region.

We now turn to the next chapter, which provides further details on the historical background of the FATA region including the increase in insecurity and instability since 9/11 down to the present. It also discusses the wider implications of a rising insecurity and a large Afghan refugee population in relation to the goals of the GWOT in the region.

IV: AFGHAN REFUGEES, FATA, THE GWOT AND STABILITY AND SECURITY ON THE PAKISTAN-AFGHANISTAN BORDER

A. INTRODUCTION

The previous chapter aimed at clarifying the relevance of Pashtunistan to any discussion of the Pak-Afghan border. It also highlighted the strategic importance of Baluchistan, and its further geo-political importance as a result of the construction of Gwadar port. This chapter is divided into two parts: 1) the problems caused by Afghan refugees in Pakistan and their role in rising levels of instability and insecurity in FATA and NWFP and 2) analyzing why these areas of the Pak-Afghan border, specifically FATA, are safe havens for Al-Qaeda and the Taliban and a security threat to Pakistan, Afghanistan, and the region. The question posed in this chapter is: if FATA and other bordering areas are safe havens for insurgents, will fencing the border and reconstruction efforts help in eliminating or reducing safe havens in FATA, and the presence of recruiting/breeding ground for militants, and cross border insurgency? A part of this chapter will be an analysis of the unilateral drone attacks by the U.S. in the bordering region, which clearly alienated the population in FATA resulting in increased insurgent activity in Pakistan and Afghanistan. Furthermore, the study of the Pak-Indian border fencing in Kashmir along the LoC (Line of Control) is discussed to help justify the argument that cross-border insurgency can be more effectively controlled than it currently is in the FATA, but cannot be totally eliminated.

B. AFGHAN REFUGEES

1. Background

Afghans have migrated to Pakistan long before the two polities existed in their modern form. The population movement was due to crop failure, droughts,

and natural calamities.¹³² Moving to the contemporary period, the migration has continued but the dynamics driving it have changed dramatically. Afghans began fleeing in large numbers in 1978 after President Daoud's government was overthrown. The process gained pace after the Soviet invasion in 1979. Since then, most of the refugee camps have been established in the provinces of NWFP adjacent to FATA, and a few in Baluchistan (see Figures 7 and 8). By beginning in 1981, approximately 3.7 million refugees had fled to Pakistan and Iran. As political unrest continued in Afghanistan in the 90s, Afghans continued to flee. During the Taliban rule, the educated and moderate class also fled fearing their Fundamental Islamic Approach. In 2001, yet another wave of approximately 200,000 to 300,000 Afghans fled to Iran and Pakistan to avoid U.S. air assaults.¹³³

¹³² Margesson, Afghan Refugees.

¹³³ Ibid., 2-3.

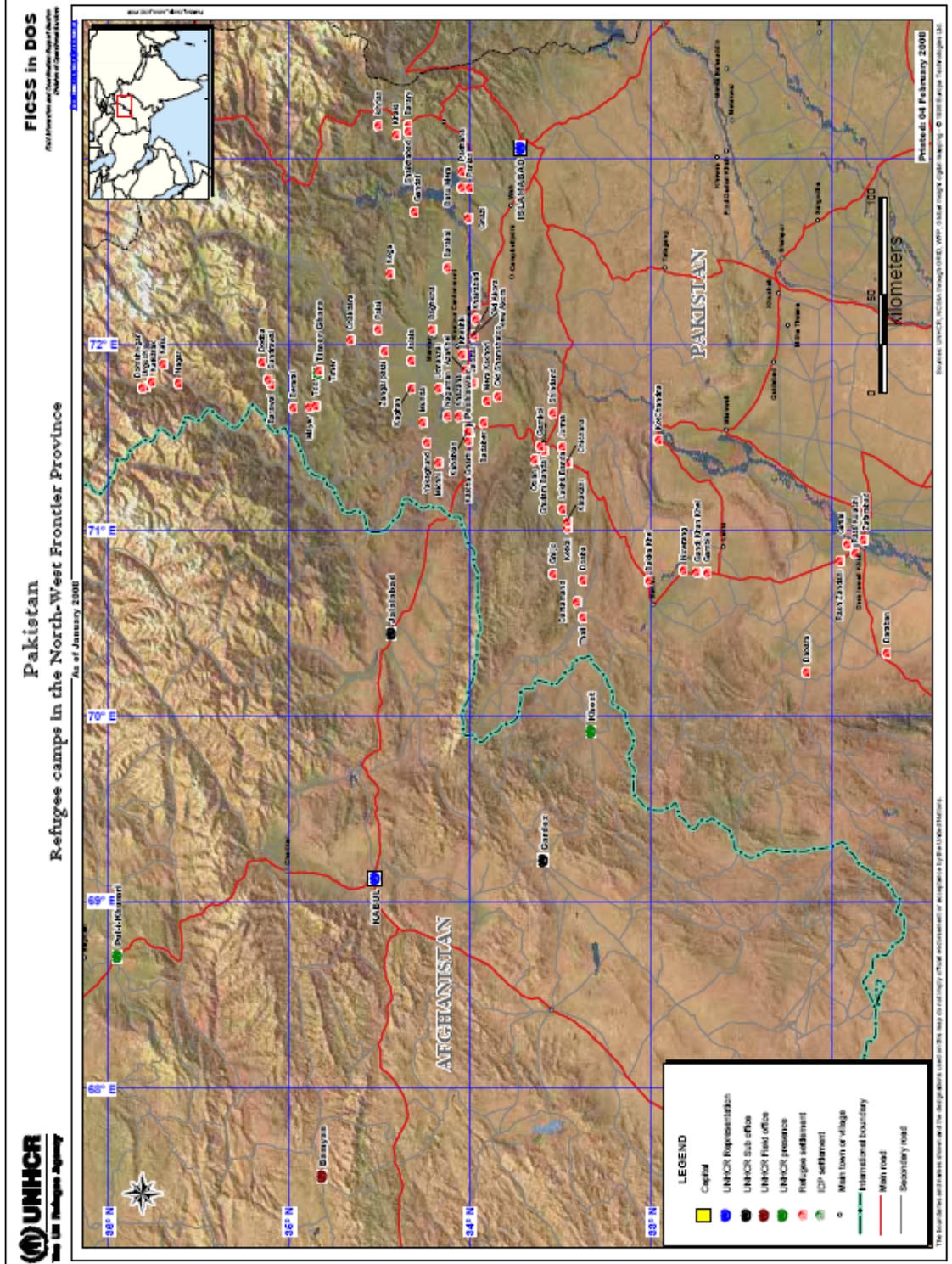


Figure 7. Refugee Camps in NWFP¹³⁴

¹³⁴ From: "Pakistan, Refugee Camps in North West Frontier Province- Jan 2008"
<http://www.unhcr.org/publ/PUBL/3cc91a0b2.pdf> (accessed Feb 6, 2009).

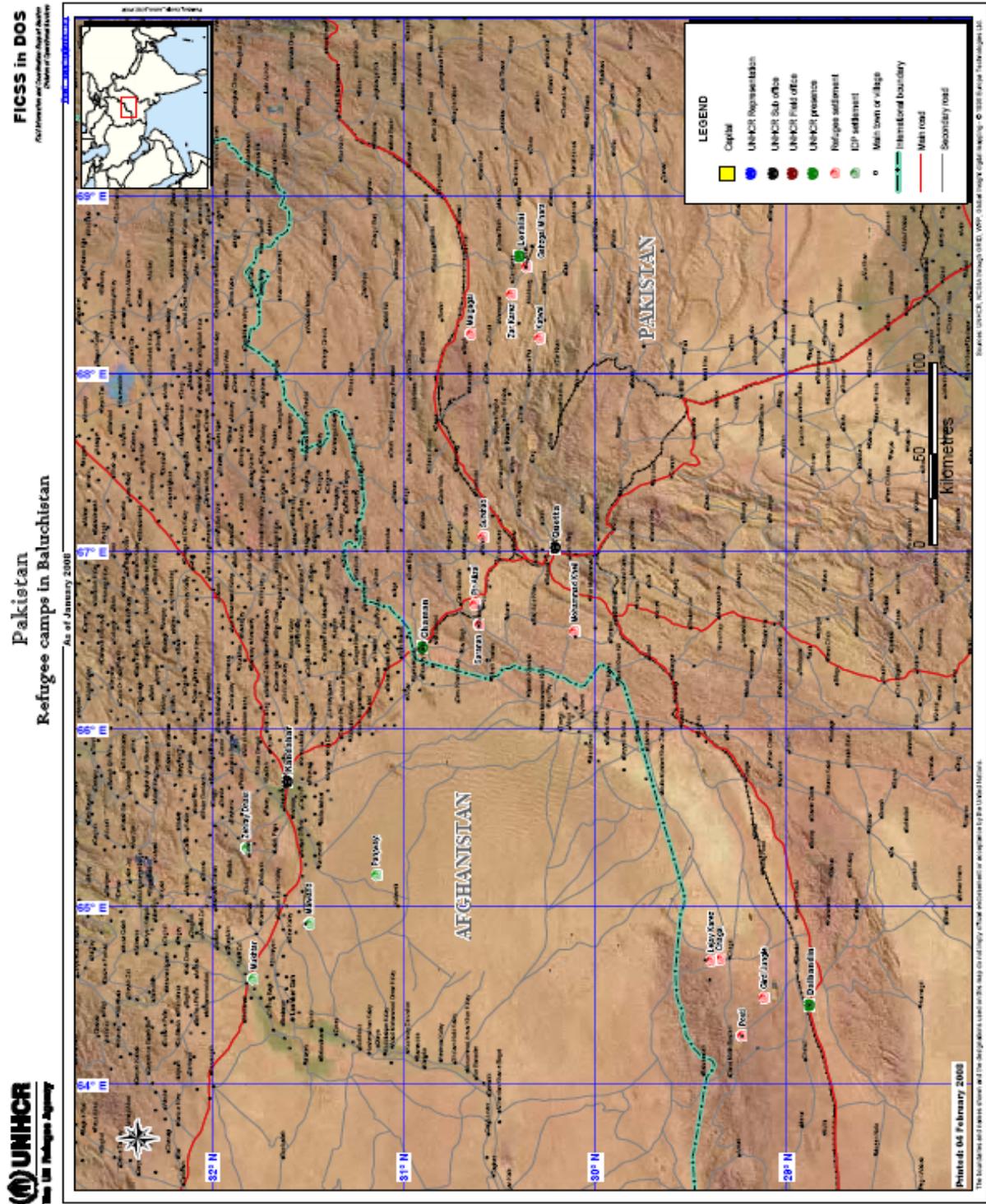


Figure 8. Refugee Camps in Baluchistan¹³⁵

¹³⁵ From: "Pakistan, Refugee Camps in Baluchistan- Jan 2008"
<http://www.unhcr.org/publ/PUBL/40c0a4f74.pdf> (accessed Feb 6, 2009).

Since March 2002, UNHCR (United Nations High Commissioner for Refugees) has helped 4.8 million refugees to repatriate; however, 2.46 million registered and un-registered refugees still remain in Pakistan.¹³⁶ Presently, the refugee aid from the West is reducing due to the declining world economy, and Pakistan's economy can in no way support the refugees. The only viable solution is their repatriation with honor and dignity; however, the new generation of Afghan refugees, born and raised in such camps in Pakistan, has nothing to look forward to in Afghanistan. Over the years, the flow of Afghan refugees in Pakistan can be analyzed from the following chart:

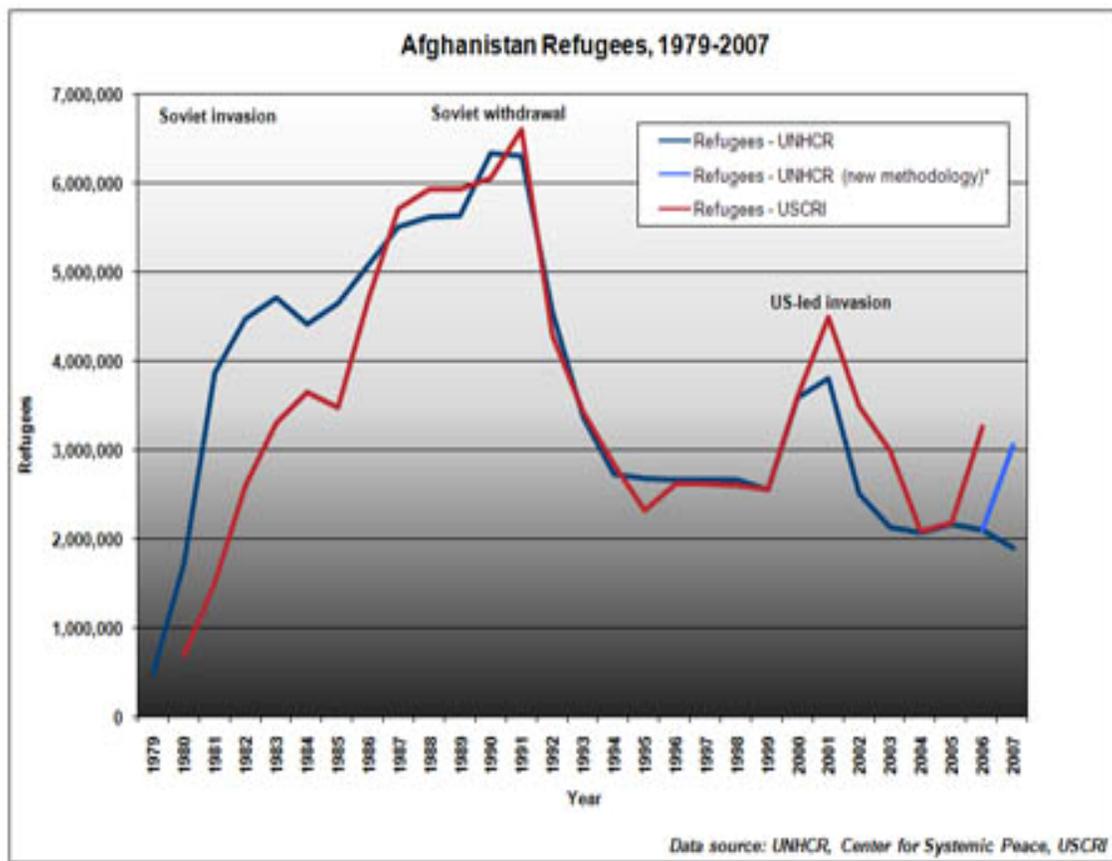


Figure 9. Trend of Afghan Refugees in Pakistan¹³⁷

¹³⁶ Margesson, 7.

¹³⁷ From: "Refugee Trends, 1979-2007," *Afghan Conflict Monitor*.
<http://www.afghanconflictmonitor.org/refugee-trends.html> (accessed Feb 6, 2009).

2. Ethnicity

There are Pashtuns in both Afghanistan and Pakistan with approximately 14 million in Afghanistan (42% of the population) and 27 million in Pakistan (15.42% of the population).¹³⁸ Out of the 27 million Pashtuns in Pakistan, 2.6 million are Afghan refugees of which about 81.5% are Pashtuns. Out of all the Afghan refugees in Pakistan, 42% live in rural areas, while 58% live in urban areas or are scattered throughout Pakistan.¹³⁹ (See Figure 10.)

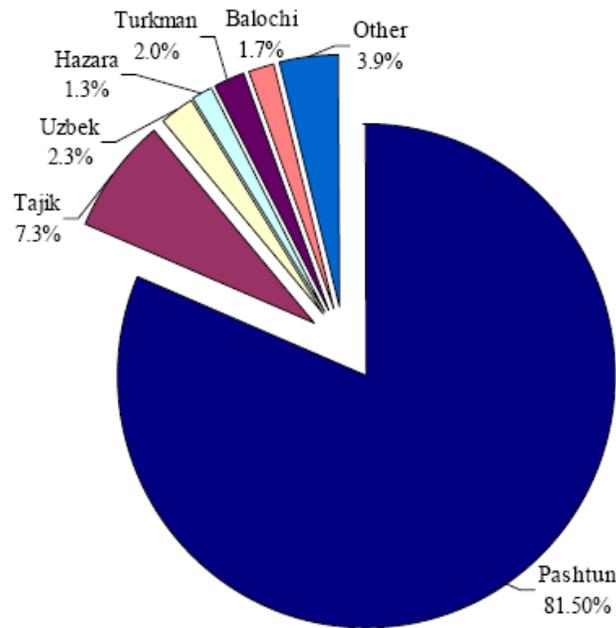


Figure 10. Afghans in Pakistan: Ethnicity¹⁴⁰

Afghan refugees in Pakistan are generally free to seek jobs in their neighborhoods, which gives the Pakistani population access to cheap labor. Ethnicity, culture, customs, and traditions being the same for refugees and the Pashtuns in NWFP and FATA, makes it nearly impossible for anybody to

¹³⁸ "Pakistan: Ethnic Groups," <https://www.cia.gov/library/publications/the-world-factbook/geos/pk.html> (accessed Apr 20, 09).

¹³⁹ Margesson, 4.

¹⁴⁰ From: Ibid.

differentiate between the two categories. Looking at the current security situation in these regions, it is very evident that the Pashtun ethnicity is being manipulated for facilitating the insurgency, creating resistance and instability against the COIN (Counter Insurgency) operations. Controlling the movement and identifying the refugees has posed serious challenges for the law-enforcement agencies in the already deteriorating security situation in Pashtun-dominated areas.

3. Security

During the Soviet invasion of Afghanistan, refugee camps were used as recruiting bases to wage jihad against the Soviets. These camps were intentionally built in areas easily accessible to the Pak-Afghan border to supplement jihadists from Pakistan to serve U.S. interests, verified by this statement of the U.S. State Department:

Assistance to the refugees serves important U.S. interests in the region including stability in Pakistan, assurance of continuity for [Pakistan's] role in giving haven to the refugees, and the viability of the resistance in Afghanistan.¹⁴¹

George Reid of the Red Cross also commented that, "[The refugee villages] are part supply bases and clearing stations for the Mujahideen guerilla fighters."¹⁴² Analysts in Pakistan argue that Afghan refugee camps and concentration areas in Pakistan pose a security threat, and are responsible for the rise in criminal and terrorist activity. Poor economic conditions and social deprivation in the Afghan refugee camps makes them fertile for recruitment as insurgents and suicide bombers.¹⁴³ The Western media has also reported that terrorists like Ramzi

¹⁴¹ As cited in Sarah Keylon Lischer, *Dangerous Sanctuaries: Refugee Camps, Civil War, and the Dilemmas of Humanitarian Aid*. (Cornell University Press, 2005), 56. http://books.google.com/books?id=DgSaWJ2WB7QC&dq=Dangerous+Sanctuaries:+Refugee+Camps,+Civil+War,+and+the+Dilemmas+of+Humanitarian+Aid.&printsec=frontcover&source=bn&hl=en&ei=doPzSfvdEoeltAOy8fHPCg&sa=X&oi=book_result&ct=result&resnum=4#PPR12,M1 (accessed Feb 27, 2009).

¹⁴² Ibid., 53.

¹⁴³ Marvin Weinbaum, "Counter Terrorism, Regional Security, and Pakistan's Afghan Frontier," 4. http://armedservices.house.gov/pdfs/FC101007/Weinbaum_Testimony101007.pdf (accessed Feb 18, 2009).

Yousaf, the mastermind of the attacks on the World Trade Center (WTC) in 1993, and Khalid Sheikh Mohammad, another mastermind of 9/11 attacks have lived and have been looked after in these camps.¹⁴⁴

In 2005, Pakistan planned to close some refugee camps in FATA due to the impression that these camps were being used as sanctuaries for militancy against Pakistan and Afghanistan. The plan failed, however, because of concerns raised on humanitarian grounds by the UN and human rights agencies. Munir Akram, Pakistan's permanent envoy to the UN said, "The problem of cross-border militancy is closely related to the presence of Afghan refugees in Pakistan...these camps have often given rise to complaints that they provide shelter to undesirable elements and Taliban."¹⁴⁵ The UNHCR also fosters blame to the refugee camps by stating,

Increasingly refugees are equated with threats to national and regional security...Many refugee-hosting countries have legitimate security concerns, including cross-border incursions, infiltration of refugee camps, and the fear of conflict spilling over from neighboring refugee-producing countries.¹⁴⁶

The refugee camps were exploited and used as safe havens and supporting bases in the 80s against the Soviets in Afghanistan. Today, the same camps are being manipulated and used against the U.S. and the GoP by Al-Qaeda, the Taliban, and the local Pakistani Taliban.

4. Repatriation

A ruined and destabilized Afghanistan affects the security of Pakistan both directly and indirectly. There are only a few refugees willing to return to Afghanistan because of a lack of shelter or livelihood, or having family in Afghanistan. Many refugees that had repatriated earlier may have had

¹⁴⁴ David Montero, "To Root Out Taliban, Pakistan to Expel 2.4 Million Afghans," *Christian Science Monitor*, February 14, 2007, <http://www.csmonitor.com/2007/0214/p06s02-wosc.html> (accessed Feb 16, 2009).

¹⁴⁵ Ibid.

¹⁴⁶ Lischer, 56.

connections in Afghanistan, and it was beneficial to them. For those refugees who have spent more than two decades in Pakistan, it is difficult for them to repatriate as they see no hope in Afghanistan against what they earn, and how they live in refugee camps or elsewhere in Pakistan.¹⁴⁷ Many refugees come back to Pakistan because they cannot survive the challenges faced in Afghanistan.

Repatriating refugees forcibly or voluntarily will aggravate economic and social problems in Afghanistan. Refugees without homes and living facilities will be easy targets for the Taliban out of bitterness or for survival. As time passes, it will become increasingly difficult to encourage refugees to voluntarily return to Afghanistan, which is one of the reconstruction aims of the U.S. in Afghanistan.¹⁴⁸ Aimal Khan, a political analyst who studied the Afghan refugees said,

The Afghan government is not capable...of providing for their rehabilitation. It will be a source of more conflict inside Afghanistan.¹⁴⁹

Behroz Khan, a prominent journalist believes that, "If these families [refugees] are sent back by force...these people will turn toward those forces that are against Pakistan."¹⁵⁰

C. FATA AND THE GWOT

1. Background

Regions with strategic importance have been exploited by stronger powers in the world for a long time. Similarly, the Pak-Afghan bordering region was exploited by the U.S. and other Muslim countries to fight the Soviet forces in

¹⁴⁷ "Afghan Refugees," *Islamabad Policy Research Institute - Fact Files*. <http://www.ipripak.org/factfiles/ff11.shtml> (accessed Feb 6, 2009).

¹⁴⁸ Margesson, 14.

¹⁴⁹ Montero, To Root Out Taliban.

¹⁵⁰ Ibid.

Afghanistan. The problematic nature of this region was felt by the U.S. forces and allies when they faced difficulties in achieving their objectives in Afghanistan. After the ousting of the Taliban government in Afghanistan, this region has posed maximum challenges for the GWOT and COIN operations on one hand and has provided opportunities for the Taliban and Al-Qaeda operatives as safe havens on the other. After seven years of military intervention and operations against the Taliban and Al-Qaeda in Afghanistan, it is believed that the mission of building a new, democratic, and stable Afghanistan seems impossible without stabilizing the Pak-Afghan bordering region. A major problem that the U.S. faces for stabilizing Afghanistan is an unstable Pakistan, which in turn has problems in FATA and the bordering region with Afghanistan, an increasing radical insurgency in parts of NWFP opposing government support for the GWOT, and tense relations with arch rival India, especially after the Mumbai attacks.¹⁵¹

Since 1947, the Durand Line has been problematic for both Afghanistan and Pakistan. Anti-State elements, militants, and smugglers from Afghanistan and Pakistan have misused the porous Pak-Afghan bordering region for their ill designs in the past. Similarly, Al-Qaeda and the Taliban are using this bordering region to their benefit. Afghanistan and Pakistan do not have the means and lack the ability to control the to and fro movement. The U.S.-led coalition has also failed to stop this movement of the Taliban and Al-Qaeda operatives with all available technology and resources. They are working with Afghanistan so that it may be capable of governing its own territory and border, diminish insurgent capacity, maintain security, and build infrastructure and human resources.¹⁵²

The ineffectiveness of the U.S./NATO forces to tackle the Taliban and Al-Qaeda insurgents in Afghanistan and FATA has led the international community to realize the hidden importance of the Durand Line. After September 11, 2001,

¹⁵¹ Ashley Bommer, "Hearts and Minds Along the Durand Line; A Tribal Fund for the Pakistan-Afghanistan Border Is Critical to Winning the War on Terror," *The Washington Post*, February 18, 2008 <http://www.washingtonpost.com/wp-dyn/content/article/2008/02/17/AR2008021701735.html> (accessed April 14, 2009).

¹⁵² "Progress towards Security and Stability in Afghanistan", *U.S. DoD*, 7.

the Arab World's financial support to Al-Qaeda and the Taliban, particularly from Islamists, has allowed these groups to have influence in FATA, thus setting their own plan against Islamabad and the U.S. forces in Afghanistan. Shuja Nawaz, a political analyst views that,

In recent years, FATA has become a bone of contention between the United States and Pakistan, as U.S. incursions into FATA have produced a war of words and even direct confrontation between U.S. and Pakistani forces on the border.¹⁵³

2. The Blame Game and Mistrust

U.S. commanders and analysts believe that the current rise in attacks on U.S. and NATO forces in Afghanistan is by militants from Pakistan. They have also blamed Pakistan for being unhelpful in stabilization efforts in Afghanistan. Defense Secretary Robert Gates commented that, "The border area is a problem...attacks were coming across the border and from Al-Qaeda networks operating across the border."¹⁵⁴ Afghanistan has also blamed Pakistan for supporting the Taliban and reiterated that Pakistan should do more to control Taliban and Al-Qaeda operations from its side of the Durand Line. There has also been an exchange of words between the Presidents of Pakistan and Afghanistan over who was to be blamed for the resurgence of the Taliban in the hilly terrain and mountains of the Pak-Afghan border.¹⁵⁵ President Karzai has

¹⁵³ Shuja Nawaz, "FATA-A Most Dangerous Place," (Center for Strategic and International Studies, January 2009), 1. <http://www.scribd.com/doc/12626704/FataPAKISTANA-Most-Dangerous-Place-JANUARY-2009CSIS> (accessed Mar 14, 2009).

¹⁵⁴ David S. Cloud, "As Raids on Afghan Border Increase, U.S. Military Seeks More Troops," *The New York Times*, Jan 17, 2009, <http://www.nytimes.com/2007/01/17/world/asia/17gates.html?partner=rssnyt&emc=rss> (accessed Apr 18, 2009).

¹⁵⁵ Husain Haqqani, The Wind Blows Another Way at the Durand Line, *The Indian Express*, March 15, 2006. <http://www.indianexpress.com/columnist/husainhaqqani/3> (accessed Feb 10, 2009).

accused Pakistan of being a source of terrorism and of providing a haven to insurgent groups who recruit, organize, and train fighters and suicide bombers.¹⁵⁶

In June, 2008, Pakistan blamed the U.S. and Coalition Forces for bombing a military post within Pakistan's territory and killing 11 paramilitary troops. The U.S. administration clarified that the American troops were firing in self defense against Taliban fighters crossing into Afghanistan. On another occasion, Pakistan complained that no resolve was shown by the U.S. military and CIA in taking down Baitullah Mehsud (a key Al-Qaeda facilitator and the most wanted in Pakistan) when accurate information about his whereabouts were provided to the NATO's top brass in Afghanistan. Pakistan also provided proof of Brahamdagh Bugti (son of Akbar Bugti) staying in an Afghan intelligence house in Kabul, photographs proving his visit to New Delhi, and some orders which speak of his involvement in violence in Baluchistan.¹⁵⁷ Considering this proof, Pakistan blames the U.S. for not showing resolve in its internal security concerns.

At a top-level meeting in July, 2008, Pakistan's comments on the general trust with the U.S. were:

We wanted to know when our American friends would get interested in tracking down the terrorists responsible for hundreds of suicide bombings in Pakistan and those playing havoc with our natural resources in Baluchistan while sitting in Kabul and Delhi.¹⁵⁸

The blame game between the U.S., Pakistan, and Afghanistan has reached a stage where all are blaming each other for not doing enough in the COIN operations because of the environment and conditions that the porous borders provide to the insurgents and terrorists.

¹⁵⁶ Fazlul Rahim, "Karzai Threatens To Invade Pakistan: Afghan President Warns Insurgents, and Pakistani Government, of Retaliation Over Cross-Border Attacks," *CBS News*, June 15, 2008, <http://www.cbsnews.com/stories/2008/06/15/world/main4181691.shtml> (accessed Apr 18, 2009).

¹⁵⁷ Kamran Khan, "U.S. Told Not to Back Terrorism in Pakistan." *The News*, August 5, 2008. http://www.thenews.com.pk/top_story_detail.asp?id=16421 (accessed Aug 15, 2008).

¹⁵⁸ *Ibid.*

3. Safe Havens

As previously stated, during the U.S. invasion and bombing campaign of Afghanistan, thousands of Taliban and Al-Qaeda operatives migrated to FATA, NWFP, and Baluchistan for safety and refuge. The porous Pak-Afghan border has been and continues to be a major transit route for outlaws, thieves, fugitives and smugglers. FATA has served as both a haven and a base for Al-Qaeda leaders and Afghan Taliban to conduct cross-border attacks against the U.S.-led coalition and Afghan forces. In the last few years, the Pak-Afghan bordering region has become a center of instability and a haven for Islamist and anti-state actors keen to disrupt the existing international political order through terrorism. Weak control of the GoP in FATA and the predominant Pashtuns have assisted the Taliban and Al-Qaeda militants find safe haven in the region. The presence of the Taliban, Jalaluddin Haqqani, and Gulbadin Hikmatyar with Al-Qaeda in the tribal belt has assisted the radicalization and insurgency both in Pakistan and Afghanistan.¹⁵⁹

Ashley Boomer, an analyst, believes that the headquarters of the Taliban and Al-Qaeda operatives are in Baluchistan, NWFP, and FATA along the Pak-Afghan bordering region.¹⁶⁰ Leading Al-Qaeda and Taliban fighters like Osama, Al-Zawahiri, Jalaluddin Haqqani, and Hikmatyar are believed to be operating from FATA, whose unstable environment facilitates setting up camps for training and recruiting volunteers for their insurgency and suicide attacks.¹⁶¹ General Patreaus also commented that

The extremists that have established sanctuary in the rugged border areas not only contribute to the deterioration of security in

¹⁵⁹ Weinbaun, *Counter Terrorism*, 4.

¹⁶⁰ Bommer, *Hearts and Minds*.

¹⁶¹ *Ibid.*

eastern and southern Afghanistan, they also pose an ever more serious threat to Pakistan's very existence.¹⁶²

4. Border Security

Pakistan's responsibility for not maintaining order in its own territories has acquired international significance after the worsening situation in FATA. The old political compromise of administering the bordering region has left the area unpatrolled and ungoverned. This compromise has facilitated the emergence of violent and radical Muslim extremists thus creating instability and insecurity in the region and massive problems for both the governments in Kabul and Islamabad. The inhabitants of the bordering areas are happy to see the border issue remain unresolved as such ungoverned territories are a source of attraction for anti-state elements, as well as foreign and local Islamist radicals.

In 2005, Pakistan had 665 checkpoints along the 1519-mile Pak-Afghan border whereas the U.S.-led forces and the Afghan National Army manned only 69 combined posts. Additionally, Pakistan had deployed 75,000 troops along the border compared to 25,000 on the opposite side.¹⁶³ In essence, Pakistani and Afghan armed and security forces lack the training, quality of equipment, and capacity to prevent and respond to the on-going insurgency within Pakistan and on the bordering region. With the increasing U.S. pressure to stop the cross-border infiltration, Pakistan decided to erect a fence and plant mines to secure the Afghan border and minimize infiltration from or into Afghanistan. Pakistan's Foreign Secretary, Riaz Muhammad Khan said,

¹⁶² Deborah Tate, "Top U.S. Commander Says Sustained Commitment Needed in Afghanistan," Capitol Hill, *April 1, 2009* <http://www.voanews.com/english/2009-04-01-voa50.cfm> (accessed Apr 17, 2009).

¹⁶³ "The Durand Line: History, Consequences and Future." *The American Institute of Afghan Studies*, Nov 2007. http://www.hollingscenter.org/Reports/07-2007_Durand_Line.pdf (accessed Aug 8, 2008).

The Pak Army has been tasked to work out the modalities for relatively fencing and mining the Pakistan-Afghanistan border...these measures will supplement the measures which are already in force.¹⁶⁴

In reaction to this, Karzai responded,

We are strongly against the idea...mines will not prevent terrorism crossing the border into Afghanistan, or militants who come and kill our people. Laying mines or fencing the border will only separate people and families from each other. Rather than helping, it will cause people difficulty.¹⁶⁵

Humanitarian groups have also raised concerns regarding Pakistan's fencing and mining plans. To deny safe haven in FATA, Pakistan believes that it is necessary to strengthen border security and control/stop cross-border movement by Taliban and Al-Qaeda operatives.¹⁶⁶

By fighting the GWOT, the GoP has used this opportunity to expand its authority in the tribal areas. There has been a severe backlash against the GoP from the people of FATA because of the tribal leaders/elders having lost autonomy in these areas. The operations in FATA have led to easing the pressure and concerns shown by the U.S.; however, internally this has created more harm than good, building hatred for the Pakistan's military and security forces. As a result, Pakistan is facing resistance against its own forces from within its own FATA region, causing security concerns leading to an insecure and unstable NW Pakistan. Afghanistan's vehement opposition to a 2006 Pakistani proposal to fence the border is in recognition of the fact that probably it is not interested in settling the issue. The difficulty here is that such a soft border requires strong states on either side to prevent security problems or criminal

¹⁶⁴ Salman Masood, "Pakistan Plans to Reinforce Long Afghan Border," *The New York Times*, December 26, 2006 <http://www.nytimes.com/2006/12/27/world/asia/27pakistan.html> (accessed Aug 4, 2008).

¹⁶⁵ Carlotta Gall, "Afghan Angry at Pakistan's Plan for Mines and Fence on Border," *The New York Times*, December 26, 2006 <http://www.nytimes.com/2006/12/29/world/asia/29afghan.html> (accessed Aug 4, 2008).

¹⁶⁶ Margesson, 17.

activity. Today, neither state is in a position to secure the region in a way that would allow this.¹⁶⁷ Pakistan's claim to fence the border to stop infiltration and cross-border attacks can be supplemented by analyzing the fencing along the Pak-India border along the LoC (Line of Control) in Kashmir, which is discussed in the latter part of the chapter.

One country with an example of successful border fencing is the United States, who resorted to fencing the U.S.-Mexico border in 2005 to stop illegal immigration and drug smuggling. Dave Stoddard, a former Border Patrol supervisor who served for 27 years remarked, "Every place where a fence has been put up it has worked; there should be a fence from San Diego to Brownsville."¹⁶⁸

5. Cross-Border Attacks

The distinct challenges faced on the Pak-Afghan border are by far beyond the control of Pakistan's government. Pakistan lacks the capacity to solve the political, developmental, and security issues of this region that have given rise to radicalism, extremism, and terrorism. The increase in violence and the state of insecurity and instability in the east and south of Afghanistan are believed to originate in FATA and Baluchistan across the Durand Line.¹⁶⁹ Statistics show that the number of deaths of coalition forces in 2008 compared to 2007 in these areas has increased. The insurgent attacks have increased by 33% in 2008, which can be attributed to a weak Afghan government, the lack of motivation and will of coalition forces to fight insurgents, and cross-border attacks from the safe havens in the bordering region between Pakistan and Afghanistan (see Figures

¹⁶⁷ "The Durand Line: History, Consequences and Future." *The American Institute of Afghan Studies*, November 2007. http://www.hollingscenter.org/Reports/07-2007_Durand_Line.pdf (accessed Aug 8, 2008).

¹⁶⁸ Brandy McCombs, "New Border Fence Rising Despite Opposition Groups' Objections, Federal Officials are Fast-tracking Construction of Barriers," *Arizona Daily Star*, September 9, 2007. <http://www.azstarnet.com/dailystar/200429> (accessed Apr 21, 2009).

¹⁶⁹ "Progress Towards Security and Stability in Afghanistan," *U.S. DoD*, 7.

Figure 11 and Figure 12).¹⁷⁰ Many analysts see the rise in violence in eastern and southern Afghanistan as retaliation to the drone attacks in FATA.

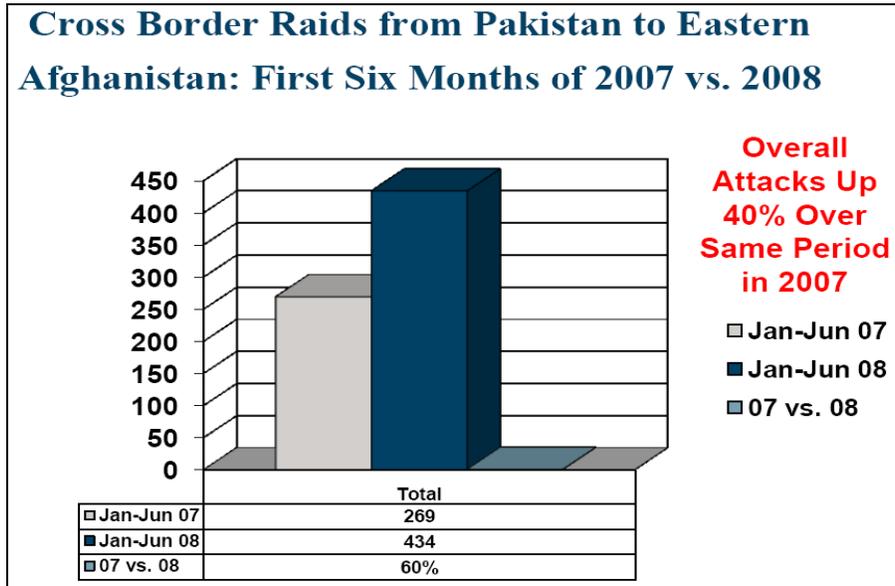


Figure 11. Cross Border Raids from Pakistan¹⁷¹

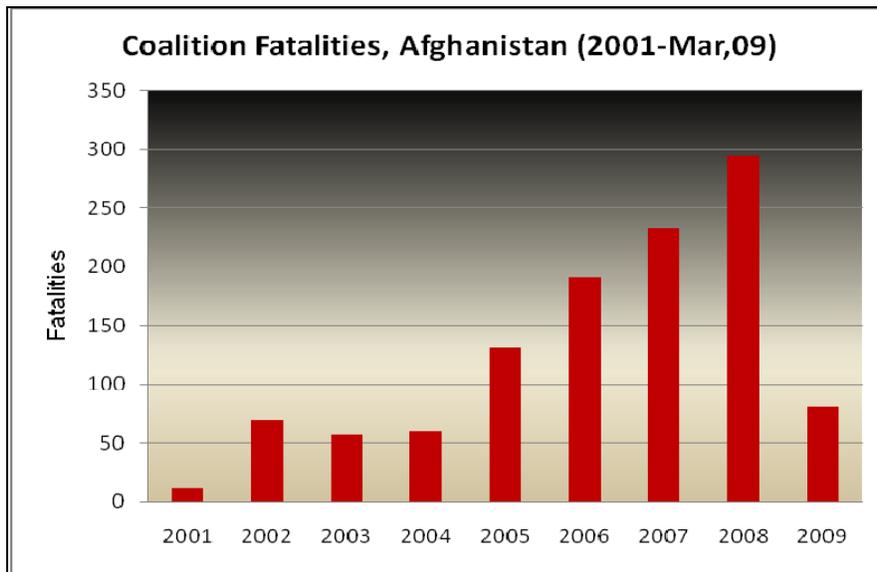


Figure 12. Coalition Fatalities (until March 2009)¹⁷²

¹⁷⁰ "Progress Towards Security and Stability in Afghanistan," U.S. DoD, 7.

¹⁷¹ From: Anthony H. Cordesman, "The Pak-Afghan War: The Rising Threat: 2002-2008," Centre For Strategic and International Studies, http://www.csis.org/media/csis/pubs/090211_afghanthreat.pdf (accessed Apr 18, 2009).

The American commander of ISAF (International Security Assistance Force), General McKiernan believes that:

Militant insurgents are firing almost daily across the border from Pakistan at Afghan, American and NATO military border posts. Those attacks are a main factor in the sharp increase in combat violence in Afghanistan in the last few months.¹⁷³

In August 2007, President Musharraf acknowledged,

There is no doubt Afghan militants are supported from Pakistani soil. The problem that you have in your region is because support is provided from our side.¹⁷⁴

The belief that the U.S. will not strike into Pakistan has led the insurgents to strengthen their attacks against U.S., NATO, and ANA forces. The ease with which these religious, radical, and extremist fighters conduct their attacks reveals confidence and reflects the coordination between the Taliban commanders in Afghanistan and Pakistan. The U.S. and Afghanistan also believe that the current peace deals between the Government of Pakistan, TTP (Tehrik-e-Taliban-e-Pakistan), and Baitullah Mehsud are short-term solutions. These deals will provide an opportunity to the militant groups to raise their stature, help them re-group, re-arm, and train. It is also feared that when there is no insurgent activity in Pakistan, these groups are likely to divert their efforts against U.S. and NATO forces in Afghanistan.¹⁷⁵

¹⁷² From: From [iCasualties.org](http://www.casualties.org) in "Military Casualties, International Forces," *International Security Forces, Total by year*, <http://www.afghanconflictmonitor.org/military.html> (accessed Apr 18, 2009).

¹⁷³ Carlotta Gall, "9 U.S. Soldiers Killed in Attack in Afghanistan," *New York Times*, July 13, 2009. <http://www.nytimes.com/2008/07/14/world/asia/14afghan.html> (accessed Apr 18, 2009).

¹⁷⁴ William Maley, "Stabilizing Afghanistan: Threats and Challenges," *Carnegie Endowment for International Peace*, October 2008. http://www.carnegieendowment.org/files/stabilizing_afghanistan.pdf (accessed Apr 18, 2009).

¹⁷⁵ Zahid Hussain and Matthew Rosenberg, "Pakistani Peace Deal Gives New Clout to Taliban Rebels," *The Wall Street Journal*, April 14, 2009. <http://online.wsj.com/article/SB123963706622913745.html> (accessed Apr 18, 2009).

6. Drone Attacks

The insurgency in Pakistan and Afghanistan is largely dependent on the military events taking place along the Pak-Afghan border. Aerial attacks by the Pakistani military to fight the insurgency have not only alienated the populace by killing innocent civilians but by damaging property as well.¹⁷⁶ Fifty-five unilateral drone attacks by the U.S. within Pakistan's airspace have also alienated the local population where 14 Al-Qaeda or Taliban High Value Targets (HVT) and 701 innocent civilians have been killed, as depicted in the figure below. The rise in cross-border attacks in 2008 can be attributed to the rise in drone attacks in the same year. U.S. Assistant Secretary of State for South and Central Asian Affairs Richard Boucher said that drone attacks were a compulsion for U.S. and allied forces as attacks on the U.S., NATO, and ANA forces in Afghanistan had increased and were essential to counter them.¹⁷⁷

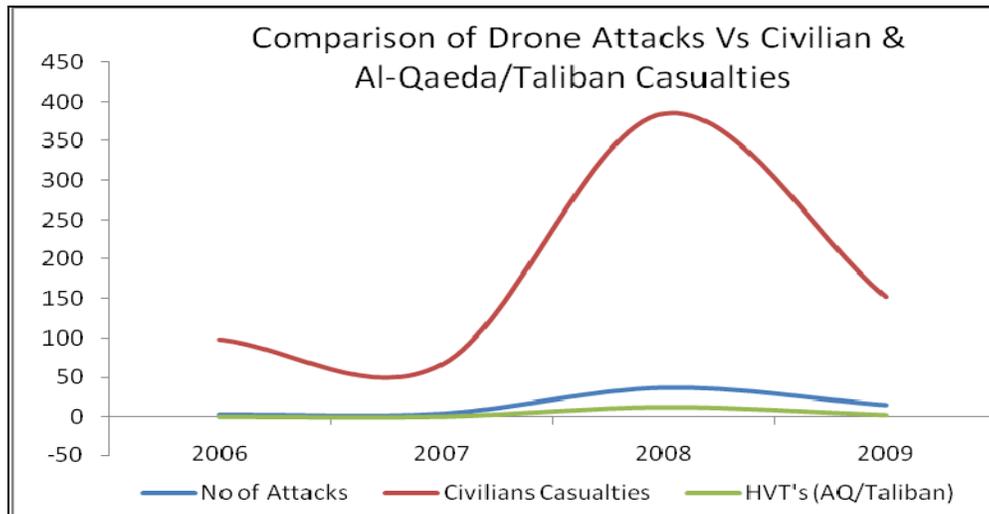


Figure 13. Drone Attacks in Pakistan and Number of Casualties¹⁷⁸

¹⁷⁶ Bommer, Hearts and Minds on the Durand Line, (accessed April 19, 2009), A.17.

¹⁷⁷ "Drone Attacks a Compulsion: Boucher," *The Daily Jang*, January 6, 2009 <http://thenews.jang.com.pk/print3.asp?id=19425> (accessed Apr 19, 2009).

¹⁷⁸ From: Amir Mir, "60 Drone Attacks Kill 14 Al-Qaeda Men, 687 Civilians," *The News*, April 10, 2009. http://www.thenews.com.pk/top_story_detail.asp?Id=21440 (accessed Apr 17, 2009).

Pakistan's President Asif Zardari has strongly condemned the U.S. drone attacks and stated,

I cannot condone violations of our sovereignty, even when they are done by allies and friends...These drone attacks are counterproductive.¹⁷⁹

Conversely, CIA Director Leon Panetta said that:

Despite the Pakistani backlash, drone attacks against Taliban and Al-Qaeda hideouts in Pakistan would continue...Nothing has changed our efforts to go after terrorists, and nothing will change those efforts...¹⁸⁰

Owais Ahmed Ghani, the governor of NWFP, said, "These strikes are counterproductive...this is looking for a quick fix, when all it will do is attract more jihadis."¹⁸¹ The terrorists, extremists, and radicals are all pressuring the GoP to call an end to drone attacks in FATA by increasing the number of suicide attacks and bomb blasts in FATA and NWFP. This region has become very unstable and insecure for the local population as is evident from the following charts. (Figures Figure 14-Figure 17) Relations between Pakistan and the U.S. are suffering because of Pakistan's inability to control cross-border terrorism and the continuation of drone attacks by the U.S. on Pakistan's soil. Baitullah Mehsud, presently the most wanted man in Pakistan by the U.S., admitted to a journalist that he faced a lot of difficulties in recruiting people for his movement: in three months' time he was able to recruit 10-15 people. After one U.S. drone attack,

¹⁷⁹ "Zardari Seeks U.S. Drones, Missiles To Fight Insurgents," *The Daily Jang*, April 9, 2009 http://thenews.jang.com.pk/top_story_detail.asp?id=21415 (accessed Apr 17, 2009).

¹⁸⁰ Karen DeYoung and Joby Warrick, "Drone Attacks Inside Pakistan Will Continue, CIA Chief Says," *Washington Post*, February 26, 2009, A10 <http://www.washingtonpost.com/wp-dyn/content/article/2009/02/25/AR2009022503584.html> (accessed Apr 13, 2009).

¹⁸¹ Eric Schmitt and Jane Perlez, "U.S. Unit Secretly in Pakistan Lends Ally Support," *New York Times*, February 22, 2009 <http://www.nytimes.com/2009/02/23/world/asia/23terror.html> (accessed Apr 13, 2009).

however, he got 150 volunteers.¹⁸² David Kilcullen, a key advisor to General Petraeus while briefing the U.S. Congress admitted that

We need to call off drone attacks...the drone strikes are highly unpopular. They are deeply aggravating to the population. And they've given rise to a feeling of anger that coalesces the population around the extremists and leads to spikes of extremism. The current path that we are on is leading us to loss of Pakistani government control over its own population.¹⁸³

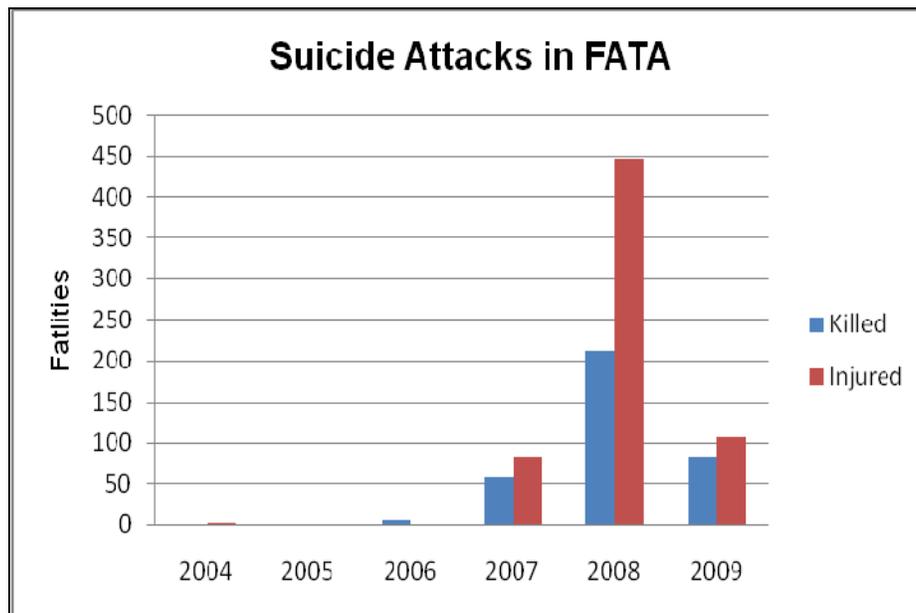


Figure 14. Suicide Attacks in FATA¹⁸⁴
(Data until March 27, 2009)

¹⁸² Nawaz, "FATA-A Most Dangerous Place."

¹⁸³ Doyle McManus, "U.S. Drone Attacks in Pakistan Backfiring," *Los Angeles Times*, May 3, 2009, <http://www.latimes.com/news/opinion/commentary/la-oe-mcmanus3-2009may03,0,7133284.column> (accessed May 3, 2009).

¹⁸⁴ From: "UNHCR: Suicide Attacks in FATA," <http://www.satp.org/satporgtp/countries/pakistan/Waziristan/datasheet/suicideattack.htm> (accessed Apr 10, 2009).

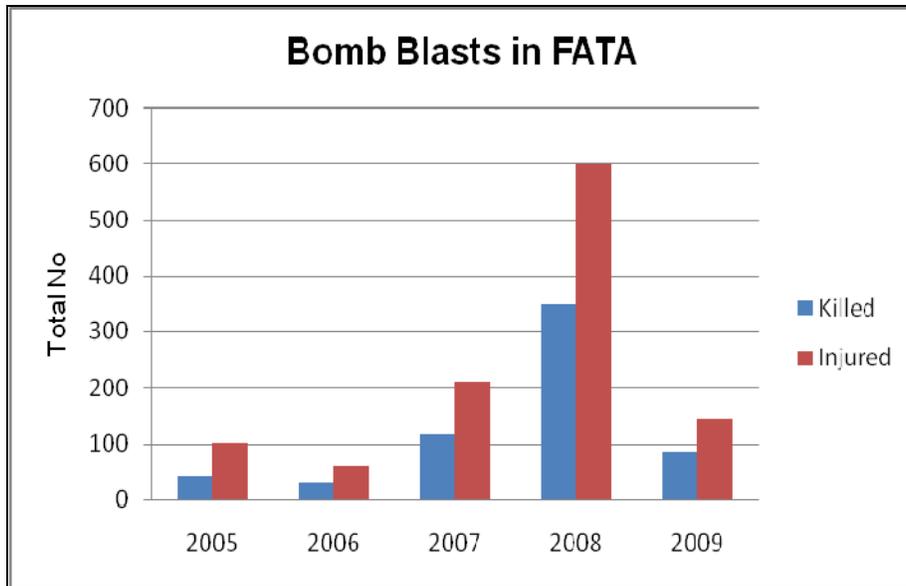


Figure 15. Bomb Blasts in FATA¹⁸⁵
(Data until March 27, 2009)

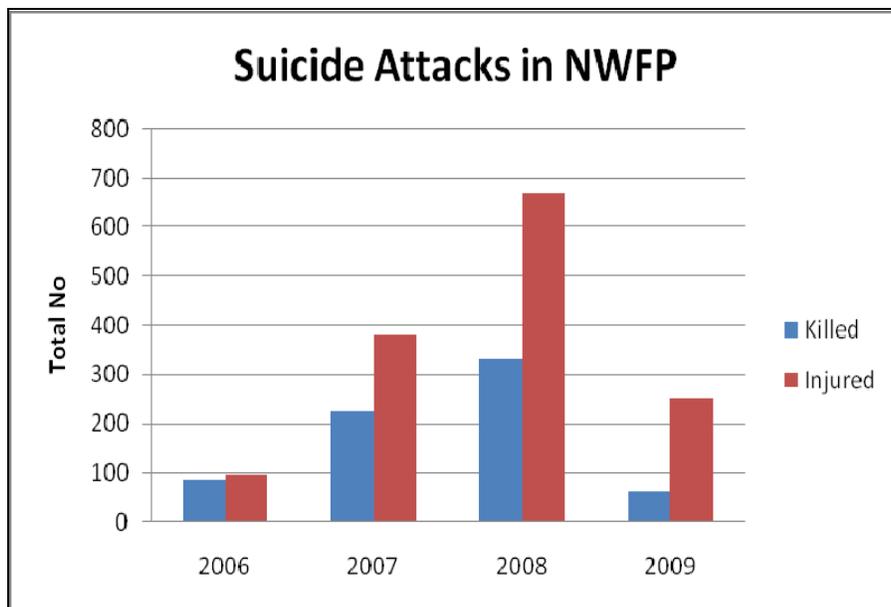


Figure 16. Suicide Attacks in NWFP¹⁸⁶
(Data until March 27, 2009)

¹⁸⁵ From: "UNHCR: Bomb Blasts in FATA," <http://satp.org/satporgtp/countries/pakistan/Waziristan/datasheet/index.html> (accessed Apr 10, 2009).

¹⁸⁶ From: "UNHCR: Suicide Attacks in NWFP," <http://satp.org/satporgtp/countries/pakistan/nwfp/datasheet/suicideattack.htm> (accessed Apr 10, 2009).

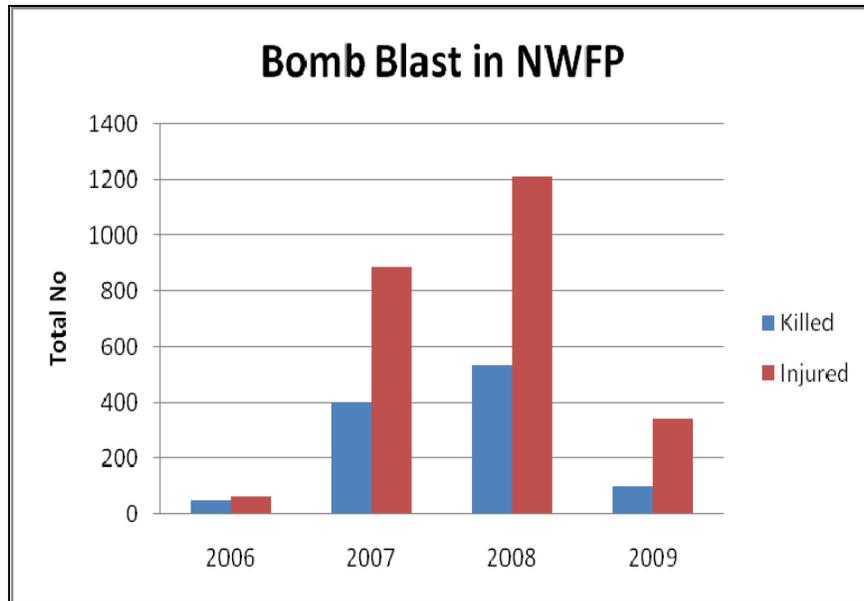


Figure 17. Bomb Blasts in NWFP¹⁸⁷
(Data until March 27, 2009)

7. Indian Interest

India is strengthening civilian and military co-operation with Afghanistan in retaliation to Pakistan's support for the freedom struggle of Muslims in Indian-held Kashmir.¹⁸⁸ Over the years, the Indian government has been busy fighting and trying to control infiltration from the LoC in Kashmir, and thus began fencing the LoC in the mid 1990s. Stephen P. Cohen, a senior fellow in Foreign Policy Studies at the Brookings Institution in Washington, said,

Frankly, I'm surprised the Indians didn't build it earlier...It will help prevent infiltration and aid in interception.¹⁸⁹

While commenting on the effectiveness of the fence, Dilip Trivedi, head of India's Border Security Force in Jammu and Kashmir, said, "The fence will be a

¹⁸⁷ From: "UNHCR: Bomb Blasts in NWFP," <http://satp.org/satporgtp/countries/pakistan/nwfp/datasheet/blast.html> (accessed Apr 10, 2009).

¹⁸⁸ Nawaz, 11.

¹⁸⁹ Krishnadev Calamur, "India's Fence Sparks Little Debate," *Space Daily*, March 10, 2004 <http://www.spacedaily.com/news/nuclear-india-pakistan-04d.html> (accessed Apr 12, 2009).

permanent barrier at the border to prevent militants from entering.”¹⁹⁰ K.P.S. Gill, head of Institute of Conflict Management in New Delhi and a retired counter-terrorism police officer, said of the fence,

A fence can only make infiltration of militants difficult, not impossible. After all, even the Berlin Wall was breached.¹⁹¹

From the following charts, (Figures Figure 18. Trends of Violence in Jammu & Kashmir and Figure 19. Estimated Infiltration in Jammu & Kashmir), it is very evident that after the erection of the fence along the LoC, the number of incidents of violence and infiltration has reduced considerably as compared to previous years. Since the erection of a fence, the fatality rate of civilians, personnel of the security forces, and terrorists in Kashmir have also seen a declining trend.

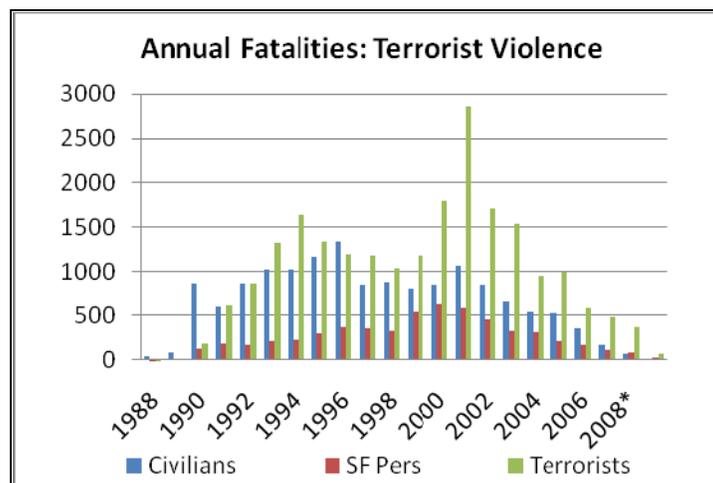


Figure 18. Trends of Violence in Jammu & Kashmir¹⁹²

¹⁹⁰ Raman Lakshmi, "India's Border Fence Extended to Kashmir: Country Aims to Stop Pakistani Infiltration," *Washington Post*, July 30, 2003 <http://www.genocidewatch.org/IndiaJuly30BorderFence.htm> (accessed Apr 14, 09).

¹⁹¹ Ibid.

¹⁹² From: "India: Trends of Violence in Jammu & Kashmir," *South Asian Terrorism Portal*. http://satp.org/satporgtp/countries/india/states/jandk/data_sheets/trendsofviolence.htm (accessed Apr 12, 2009).

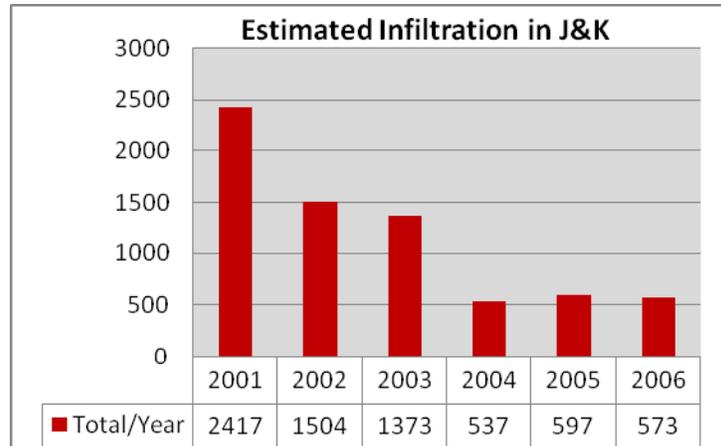


Figure 19. Estimated Infiltration in Jammu & Kashmir¹⁹³

D. CONCLUSION

The UNHCR should work with Pakistan for a viable solution and early repatriation of the Afghan refugees to Afghanistan instead of waiting until the repatriation planned for 2011. Of these refugees, it is mostly the Pashtuns who pose the greatest threat and challenge to the security and stability in NWFP and FATA. Cutting job opportunities for Afghans in Pakistan will have negative consequences on the security aspect in these regions. Those deprived of jobs and unable to feed their families would resort to other sources of income like robbery, target killings, recruiting for insurgency, and suicide missions. One of the U.S. objectives is to make Afghanistan capable of governing its own territory and border. Presently, Afghanistan faces a greater threat and thus a challenge to eliminate cross-border attacks and increased insurgent activity from the eastern and southern border with Pakistan. The U.S. cannot achieve its objective and help Afghanistan secure its borders when Kabul does not recognize the border where it is threatened the most. The U.S. is keeping a blind eye to this fact and trying to achieve an objective that seems impossible at present. To make progress on reducing cross-border attacks and Al-Qaeda and Taliban militants from entering into Afghanistan, recognition of the Pak-Afghan border is the first

¹⁹³ From: "India: Estimated Infiltration in J&K."

and fundamentally necessary step. The border dispute between the two neighboring countries has to be resolved for the U.S. to make some progress in the GWOT. If the Durand Line is formally accepted as a border by both Afghanistan and Pakistan, the blame game that the U.S., Afghanistan, and Pakistan are playing with each other will move toward a conclusion, and hopefully the GWOT will be fought more effectively. Pakistan's stance of fencing the Pak-Afghan border will reduce cross-border terrorism hence reducing the number of suicide attacks and saving many precious lives. Security and stability in both Afghanistan and Pakistan will surely improve, thus compelling both countries to solve their own internal security problems independently.

Different insurgent groups fighting in the bordering region do not seem to have a unified goal: the Afghan Taliban aims at attacks on the ISAF and U.S. forces; Al-Qaeda has a global agenda; some of the other groups are more politically driven and sectarian focused; and the TTP (Tehrik-e-Taliban-e-Pakistan) has its own agenda of implementation of Sharia in parts of NWFP.¹⁹⁴ Coercive threats of sanctions and the unilateral drone attacks have alienated the population in Pakistan and have proved counter-productive and against U.S. interests in the region. The U.S. administration must work with the Pakistani leaders and the military to make progress in FATA. The U.S. should use confidence-building techniques for better and closer collaboration by providing Pakistan-specific equipment, material, and financial resources to fight the terrorists, militants, and extremists.

¹⁹⁴ Fredrick Barton, Mehlagha Samdani, and Karin von Hippel, "A New Course for Pakistan," *Center for Strategic and International Studies*, May 2008, 5. http://www.csis.org/media/csis/pubs/080514_sb_pakistantrip.pdf (accessed Apr 12, 2009).

V: CONCLUSION

The British desire to protect its Empire in the Indian sub-continent in the nineteenth century against advancing armies led it to view Afghanistan as a buffer state, particularly between British India and Imperial Russia. The Amir of Afghanistan, citing the “Forward Policy” of the British toward Afghanistan forced the Amir to delimit the borders between Afghanistan and the British Empire. Sir Mortimer Durand may have done a great service for the British by signing the Durand Line Agreement in 1893 but this Agreement has generated controversy and animosity between Afghanistan and Pakistan for the last six decades. This study looked at the history of the signing of the Durand Line Agreement. It emphasized that subsequent Afghan governments down to 1947 ratified the Agreement; however, after the independence of Pakistan, almost all Afghan governments have refused to recognize the Durand Line as the formal border between the two countries. This study also endeavored to clarify circumstances under which the Pashtun Issue was raised, showed how it has been handled by both governments in the past, and brings to light Afghanistan’s apparent use of Pashtun issue as a propaganda exercise to weaken the bargaining position of the Pakistani government. The study has also shown the importance of FATA and the bordering Pak-Afghan region as a safe haven for members of Al-Qaeda and Taliban and as a base for cross-border attacks into Afghanistan, resulting instability, and insecurity in both Pakistan and Afghanistan. Furthermore both governments tend to blame the other for the problem

Afghanistan’s borders were delimited in the second half of the nineteenth century. Its borders with Iran, Russia, and China were determined between the British and these countries with no Afghan input. The Durand Line (Pak-Afghan border) is the only boundary that was determined by the Amir of Afghanistan and the British, yet the Afghans have more problems with this border than any of those in which the Amir was not involved. Relations between Pakistan and Afghanistan as they pertain to the Durand Line have been, and continue to be

fragile. The porous Pak-Afghan border was effectively used to defeat the Soviets in Afghanistan in the late 1980s, and by Al-Qaeda and the Taliban after 9/11 for fleeing and for conducting operations, but the same border has proved counter-productive for the U.S. and Allied forces in Afghanistan to fight the GWOT. It has helped the Pakistani and Afghan Taliban to unite against a common cause: fighting the U.S. and Allied Forces, the GoA, and the GoP because of its support of the GWOT, as well as the occupation of Pashtun territory by the U.S. Unless there are defined borders with entry points and security posts, neither Afghanistan nor Pakistan has the capability to ensure national security, control cross-border insurgency and movement, and stop illegal trade. The Durand Line should thus be at the center of a formal settling of where the border between Pakistan and Afghanistan actually is. Ironically, for provincial administration, transit trade, and formal border crossings, Afghanistan has maintained the Durand Line as its *de facto* border but fails to recognize it otherwise. A definitive resolution of this dispute would make it easier to deal with the other major issues, especially the struggle against the Taliban and Al-Qaeda in the region.

FATA and the bordering areas of the Pak-Afghan border are accepted as one of the most dangerous places in the world. These areas have remained autonomous throughout much of their history. Pakistan's failure to govern the tribal areas and support the Afghan war against the Soviets has led to the radicalization of the region that we see today. It has paved the way for radical jihadi movements to operate freely from these regions. The U.S. and Afghanistan have blamed Pakistan for harboring Al-Qaeda and Taliban militants in FATA and the region bordering Pakistan and Afghanistan and for cross-border attacks into Afghanistan resulting in an increase in fatalities of U.S. and Allied Forces. Because of this mistrust, the Taliban and Al-Qaeda operatives have benefitted more and unified their interests against the key players in the GWOT: the U.S., NATO forces, Afghanistan, and Pakistan. The cross-border attacks from Pakistan and increased U.S. fatalities in eastern Afghanistan have led the U.S. to undertake unilateral drone attacks in FATA against the wishes of the government

and sentiments of the people of Pakistan due, in particular to collateral damage and deaths of innocent civilians. These drone attacks have raised public resentment against the actions of the U.S. and lowered the stature of the GoP in the eyes of the Pakistani public, allowing Al-Qaeda and the Taliban to take full advantage of the situation and build up anti-U.S. support and gain new recruits for their insurgency. The attacks on the NATO supply base in Peshawar, Pakistan are viewed as a backlash to the U.S. drone attacks within Pakistan and increased military operations by the Pakistani Army and Air Force in FATA. The insurgent groups operating from FATA and the bordering region led by Haqqani, Hekmatyar, and Baitullah Mehsud are a threat to the governments in Kabul and Islamabad and a challenge to the stability in the region. Terrorist and suicide attacks by the insurgents, terrorists, and some radical organizations on personnel in Pakistan's armed forces, Para-military, and security forces reflect a dislike against the GoP's stand on fighting the GWOT and its action in FATA. Such acts were never witnessed prior to 9/11. These acts have made space for anti-U.S. and anti-state elements in Pakistan, and weakened the stature of the armed forces leading to the deterioration of security and stability in Pakistan.

Although the Kashmir dispute between India and Pakistan may not be of direct relevance to the GWOT in Afghanistan, it cannot be ignored. Indian involvement in the region and the latter's bitter relations with Pakistan since independence cannot be overlooked. First, for India, an unstable Afghanistan is of benefit as Pakistan's army needs to remain committed on the country's western border thus diluting its forces. Second, if Afghanistan becomes stable, India predicts that the Pashtuns in NWFP will support the freedom struggle in Indian-held Kashmir as they did in 1947.¹⁹⁵ Third, Pakistan is highly skeptical of activities of nine Indian consulates in Afghanistan and has blamed them for anti-Pakistan activities and supporting the instability in Baluchistan; furthermore, India having nine consulates in a war-torn Afghanistan seems excessive. Fourth, an

¹⁹⁵ Victoria Schofield, "Kashmir: The origin of the Dispute," *BBC News*, January 16, 2002, http://news.bbc.co.uk/2/hi/south_asia/1762146.stm (accessed Apr 27, 2009).

unstable Baluchistan would favor India and Iran, as it would downplay the Gwadar Port. It is high time that the international community realized the importance of the deteriorating state of security in Pakistan and Afghanistan and it should step forward to resolve regional issues, especially the Kashmir dispute. Meanwhile, India's main objective is to deny Pakistan "strategic depth" in Afghanistan. Pakistan's support for the Taliban and the Taliban hosting Al-Qaeda with links to radical organizations in Pakistan that support the freedom struggle in Kashmir is seen as a major threat to India.

While, all of these issues are of great importance, the unwillingness of Afghanistan to accept the Durand Line as the formal border with Pakistan and the inability of the two countries to agree on where their border is an issue that acts as a further impediment to nearly all the problems that exist between the two neighbors. With the present unrest and instability in Afghanistan and Pakistan's western border region, this is the right time for the U.S. and the UN to pressure Afghanistan and Pakistan to come up with a solution to the border issue. If the Durand Line, with or without some variation, was accepted as the formal border by both sides then the Pashtunistan issue would fade. It would also provide the framework within which a much better coordinated struggle against the use of the border region as a safe haven by the Taliban and Al-Qaeda. Potentially, cross-border insurgency from FATA and Baluchistan would decrease and the current unhindered flow of refugees could be controlled. While, settling the border dispute would not immediately solve the crisis in the border region it would help reduce friction between the two countries and aid in fighting the GWOT with more commitment.

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