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S. M. M. Qureshi

PAKHTUNISTAN, the land of the Pakhtuns or Pathans, lies on both sides of the Durand Line, the frontier between Pakistan and Afghanistan. Since 1947 Afghanistan has consistently repudiated the Durand Line and demanded the right of self-determination for the Pakhtuns because she does not consider them a part of Pakistan. Pakistan refutes this assertion, insisting on the validity of the Durand Line, and considers the Afghan claim a violation of international law.

According to Afghan sources,[1] Pakhtunistan consists of the area west of the river Indus up to the Afghan frontier, a tract of land of 190,000 square miles inhabited by seven million people who are divided into numerous tribes. It extends from Chitral in the north to Baluchistan in the south, both inclusive, and besides them includes the districts of Hazara, Kohistan, Swat, Dir, Buner, Peshawar, Tirah, Bajaur, Kohat, Bannu, Deraghazi Khan, Dera Ismail Khan, Waziristan, Khyber, Pezu, Gomal, Bolan and Malakand. According to the same sources Baluchistan is also inhabited by Pakhtun clans, principally the Shorani in the north and the Kahari, Dunar, and Mandokhel in the south.

This inclusion of Baluchistan is questionable, since its population of about two million consists of Baluchis, Brahuis, Jats and some other Indian elements as well as some negroid people,[2] none of whom is regarded as Pakhtun. Percival Spear, emphasizing the difference between the Baluchis and the Pathans, says: "In dealing with the frontier the distinction must always be remembered between the Baluchis and the Pathans, peoples very different in custom and situation, who require separate treatment."[3] Fraser-Tytler also says that the majority of the Baluchis are not Pathans, but rather of mixed race. Some of them have descended from the old Arab invaders of the ninth century, some are of Persian origin, and there are traces of even older races like the Dravidians.[4]

[1] *Pakhtunistan—The Khyber Pass as the Focus of the New State of Pakhtunistan,* Hove (England), 1952.

[2] H. A. R. Gibb, J. H. Kramers, *et al.* (eds.), *The Encyclopedia of Islam,* new edition, Leiden, 1960, Volume I.

[3] Percival Spear, in V. A. Smith (ed.), *The Oxford History of India,* Oxford, 1958, p. 698.

[4] Sir William Kerr Fraser-Tytler, *Afghanistan, A Study of Political Developments in Central and Southern Asia,* London, 1958, reprint, p. 182.

Ethnically, the Pakhtuns[5] are included in the broad category of Afghans. Territorially they fall in three main groups: (1) the highlanders living in the mountains whose watershed marks the international frontier—the Afridi, Khatak, Orakzai, Bangash, Wazir, Mahsud, and Turi, who are "pre-eminently the Pakhtuns or Pashtuns"[6]; (2) the inhabitants of the western plains and plateau—the Durrani, also called Abdali and Ghilzai—and (3) the residents of the Peshawar plains and the valleys in the east—the Yusufzai and their kin.

While the Afghans in the west have been under Persian rule and also Persian influence in language and culture, those in the east have had close contacts with the Mughal Empire of India and until the end of Shah Jahan's reign formed part of his dominion. The highlanders have never been under the effective control of any government. They have, however, always had trade relations with the Indus towns in the east and never with those in the west. "Consequently," says Sir Olaf Caroe, "their links with the Eastern Afghans of the Peshawar valley have been closer than with the Durranis or other tribes inhabiting the country to the west. . . . In a very broad way, and with some local exceptions, the Eastern Afghans and the high land Pakhtunah, their brethren, all live east of the Durand Line, within Pakistan as the Successor State of the British in India."[7]

Pashtu or Pakhtu, the language of the Pakhtuns, is spoken, according to Afghan sources, by twenty million people in Central Asia, which includes Afghanistan and Pakhtunistan; by over two million Pakhtuns in India and some in Pakistan and Kashmir. As there was no local principality in this area until 1747, there are no local records or coins except of the empires whose fringes these tribal bands formed. The language was not reduced to writing until the fifteenth century, and no literary work in existence recognized as genuine, dates earlier than the seventeenth century. Some attempts have been made to collect literature and some works, going as far back as the eighth century, have been published, but it is hard to prove their authenticity. Pashtu and Pakhtu, although the terms are often used interchangeably, are in reality the two variants of the same language. Pakhtu is spoken by the northeastern tribes and Pashtu by those in the southwest. The line of division between the two runs west from the Indus, just south of Attock through Kohat, up the Miranzai valley to Thal, and from there south of the Kurram river to Hariob and the Shutargardan Pass.[8]

Basically, Pathan society is tribal in structure, although differences in

[5] The words Pakhtuns, Pukhtuns, Pashtuns, and Pathans, are variants of the same word. The hard sound is used in the north, the soft one in the south. The word Pathan is the Indian variant of the same word adopted by the British.

[6] Olaf Caroe, *The Pathans,* London, 1958, p. xv.

[7] *Ibid.*

[8] *Ibid.,* pp. xvi-xxi.

social form can be detected between tribal and settled areas.[9] Generally the social structure is based on patriarchal kinship, in which descent is traced from the common male ancestor. This way of reckoning descent makes every Pathan a cousin of every other. In this large kinship system the tribe, the lineage and the family are the main groupings. The largest unit to which a Pathan gives his allegiance is the tribe; and although occasionally a number of tribes may co-operate for a common purpose, this does not involve an extension of allegiance. The tribes are distinct from each other in name and in the area they own as well as in speech and dress peculiarities. The maintenance of law and order in its territory and defense of the territory is the duty of each tribe, and each tribe has its own code of law.[10]

On early history very little information is available about this area. Pakhtunistan has never had an independent history as a political entity. Its significance derives from its location on the fringes of the great empires founded by the Iranians, Indians and the Central Asians. Herodotus, referring to the people of this area, wrote: "There are other Indians further north, in the neighbourhood of Caspatyrus country of Pactycia, who in their mode of life resemble the Bactrians. These are the most warlike of the Indian tribes. . . ."[11] The names Paktica and Pakti, referring to what today is Afghanistan, have been mentioned in the Hindu scripture, *Rigveda,* besides the Pactycia mentioned by Herodotus. According to Sir Olaf Caroe, the name Paktues disappears for 2,000 years while the name Afghan does not emerge until the beginning of the Islamic era.[12]

From 612 B.C. to 700 A.D. this area was ruled by the Indians, Persians, Macedonians, and the Central Asians in succession; the Indian and Persian empires having sway for the major part. In 700 A.D. it was conquered and incorporated in the Ummayyad Caliphate and thereafter in the Abbasid Caliphate. Though the caliphal suzerainty lasted well into the thirteenth century the effective masters of this region changed several times. By 1230 the Mongols had set themselves up in Central Asia including the present Afghanistan. For the next two centuries the Timurid rule lasted here; thereafter the Mughals of Delhi extended their sovereignty over the whole of northern India and present-day Afghanistan and they maintained their frontier through the sixteenth and seventeenth centuries. In the eighteenth century the Mughal empire broke up and Nadir Shah established his dominion over Persia extending to the western side of River Indus.

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[9] The term tribal society has a sociological connotation, whereas the term tribal areas relates to the territory not subject to the laws or authority of the Government of India (now Pakistan) or of the Government of the N.W.F.P. (now West Pakistan), but having its own code of conduct and its own method of enforcement.

[10] Herbert H. Vreeland III, "Pathans of the Peshawar Valley" in S. Maron (ed.), *Pakistan: Society and Culture,* New Haven, Conn., 1957, pp. 104-134.

[11] Herodotus, *The Histories,* Penguin Classics, 1958, pp. 207-208.

[12] Caroe, *op. cit.,* p. 58.

Afghanistan started its separate and independent history with the assumption of power by Ahmad Shah on the assassination of Nadir Shah in 1747. Ahmad Shah's death in 1773 was followed by wars between his sons lasting until 1810. The ensuing internal weakness of Afghanistan and the British feeling of insecurity with regard to their northwestern frontier in the wake of Russian expansion in turn led to the Anglo-Afghan Wars—the first in 1839, and the second in 1879.

The Afghan Amirs were probably never in a position to stabilize the internal situation and make lasting arrangements in their foreign dealings. They sought help from Russia as well as British India against the more imminent dangers and even entered into agreements they were not really willing to abide by.[13] Moreover, Afghanistan did not have any fixed and demarcated international frontiers until almost the end of the nineteenth century. The most important of Afghanistan's international frontiers were demarcated, not by agreement between Afghanistan and its neighbours, but either by arbitration or by agreements between the neighbours, and to these agreements the rulers of Afghanistan were required to give, either willingly or unwillingly, their formal or *de facto* recognition. The agreements between Russia and England fixed Afghanistan's northern and northwestern frontiers. A series of protocols were signed between England and Russia at London in 1885, at Khamiab in 1886, at St. Petersburg in 1887, and at Chehel Dukhtaran in 1893; it was only at the last one that for the first time an Afghan representative participated. The frontier on the southwest of Afghanistan was fixed by British arbitration in 1872 and 1875. The limits of Afghan sovereignty in the east and southeast were imposed by the British upon Afghanistan when in 1877 the ruler of Afghanistan, Amir Shere Ali, was simply informed by the Government of India that they no longer recognized his claim to Dir, Swat, Chitral, and Bajaur.[14] The formal international frontier between India and Afghanistan was established by negotiations between Sir Mortimer Durand and Amir Abdurrahman in 1893.

In later years Afghanistan saw fit to question the validity of the Durand Line on the grounds that it was imposed by a great power upon its weak neighbour. But the evidence of Sir Percy Sykes, the biographer of Durand, leaves little doubt that the contrary was the case. Durand had led an unarmed mission at the urging of Amir Abdurrahman and he stayed in Kabul for four weeks negotiating the treaty. The Government of India offered an annual subsidy of Rs. 600,000 to the Amir which he accepted.

[13] In 1880 Amir Abdurrahman surrendered the conduct of Afghan foreign relations to the British by the Simla Agreement in return for their support against Russia, but the Third Afghan War showed that the Afghans resented being so tied to Britain. See Fraser-Tytler, *op. cit.*, p. 152, and also, D. N. Wilber, *Afghanistan, Its People, Its Society, Its Culture,* New Haven, Conn., 1962, p. 178.

[14] Wilber, *op. cit.*, pp. 174-175.

Abdurrahman even called a special *durbar* in which he praised the British and asked his *Sardars* and subjects to be good to them as they were their friends.[15] Had the Afghans or their Amir not approved of the treaty they had ample opportunity to show their displeasure violently as they had done in the past, or if really under strong pressure, they could surely have withheld any demonstration of friendship for the British. They did neither.

The Durand Line thus demarcated the frontier in a region which had so far been a kind of no man's land between India and Afghanistan, whose people had owed allegiance to neither of these two countries and had been raiding both sides impartially. Both India and Afghanistan had been competing for influence in this area, but neither had succeeded until the agreement of 1893 created this frontier, which "was freely accepted by both sides, and became one of the best defined and most clearly recognized frontiers in the world."[16] To this agreement each of the signatories, the Amir and Durand—"pledged itself not to 'exercise interference' in the territories of the other lying beyond this line, and each party professed to regard the agreement as a 'full and satisfactory settlement of all the principal differences of opinion which have arisen between them in regard to the frontier.' "[17] The Treaty of 1893 was subsequently confirmed by Abdurrahman's son Habibullah in 1905, and by his son Amanullah in 1919 by the Treaty of Rawalpindi which ended the Third Afghan War.

The relations between the Government of India and Afghanistan were put on a formal basis, granting Afghanistan full internal and external sovereignty, by the Anglo-Afghan treaty of 1921, by which the Afghans "undertook to respect the independence and the frontiers of India."[18] On Amanullah's abdication in 1929 his successor Nadir Shah, father of the present King Zahir Shah, reaffirmed the treaty on May 6, 1930. According to Fraser-Tytler this treaty provided, at least in theory, a basis to assume that the frontiers between India and Afghanistan would be governed and regulated according to the principles of international law. The British Government affirmed the Durand Line to be the international frontier and Pakistan to be the successor state of British India in these areas as recognized in international law, through her Secretaries of State for Commonwealth Relations (Noel-Baker on June 30, 1950, and Lord Home on November 3, 1955). Anthony Eden, the then Prime Minister, also affirmed on March 1, 1956, the position of the British Government.

With the demarcation of the frontier between India and Afghanistan arose the problem of the political assimilation of the tribes, particularly on

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[15] Sir Percy Sykes, *Sir Mortimer Durand, A Biography,* London, 1926.

[16] L. F. Rushbrook Williams, *The State of Pakistan,* London, 1962, pp. 62-63.

[17] *Aitchison's Treaties,* Vol. XIII, No. XII (Afghanistan), referred to in Fraser-Tytler, p. 188.

[18] *Ibid.,* p. 261.

the Indian side, with their country. For in spite of homogeneity in race, religion, customs and language, they have never been politically organized and as regards their loyalties, it has rightly been said that "of such loyalty to either government (Delhi or Kabul) there is very little evidence. To the fanatical tribesmen militant Islam is the greater loyalty; any kind of control even from Kabul is hateful to them. They will fight the infidel for the Amir, but object to paying taxes and admitting Afghan officials to interfere in tribal life."[19]

The British did not succeed in subjugating the tribes and in occupying the tribal area themselves, while they denied the Amir of Afghanistan, the nominal head of all the Afghan people, any power or right to exercise influence over or to interfere with the tribal people. The tribal territory thus has never known political stability; it has always been a "prickly hedge" quite unfit to serve as the frontier area between two friendly states. Disturbances and uprisings continued to take place in one or the other sector; most of these were directed against the British, but at times even against Afghan rule.[20]

The period after the Second World War brought new developments in the foreign relations of Afghanistan. When the Afghan Government realized that Britain was going to withdraw from India, it began to question the validity of the Durand Line, which according to one source had left three million Pathans in Afghanistan and five and a half million in the Northwest Frontier Province (NWFP),[21] and according to another, six million Pathans in Afghanistan and five million in Pakistan,[22] and claimed a new international frontier. Afghanistan sent a note to Delhi and London on July 3, 1947 declaring that the people of the NWFP and Baluchistan should be given the option of becoming independent or of joining Pakistan or Afghanistan. On rejection of their claim the Afghans proposed a separate Pathan state called Pakhtunistan. Afghanistan "was confident that before long it would be able to incorporate a state of this kind in its own territory."[23]

On the partition of India the Pathans were given the option of choosing, in a plebiscite, between India and Pakistan. "Duly held, the plebiscite resulted in an overwhelming victory for Pakistan, 289,244 voting for union with that country and only 2,874 for union with India."[24] This plebiscite, however, was boycotted by the *Khudai Khidmatgar* movement, which had been affiliated with the Indian National Congress and was led by Khan Abdul Ghaffar Khan (brother of the Congress Premier of the NWFP), firstly

[19] Sir William Barton, *India's North-West Frontier*, London, 1939, p. 6.
[20] Wilber, *op. cit.*, pp. 177-183.
[21] "Pathans on Warpath," *Newsweek*, December 29, 1952.
[22] Arnold Fletcher, "Afghanistan: Highway of Conquest," *Current History*, June, 1950.
[23] Rushbrook Williams, *op. cit.*, p. 66.
[24] Fletcher, *op. cit.*, p. 338.

on the grounds that the Congress Party had not recognized the principle of the partition of India, and secondly because the choice was limited only to India and Pakistan and did not include complete independence or joining Afghanistan. As a result of the boycott only 55.5 per cent of the electorate participated in voting on July 20, 1947.[25] Moreover, the plebiscite was held only in the settled areas; the tribal territories did not express themselves in it. In 1947 Afghanistan protested twice against the terms of this plebiscite but received no satisfaction. She did not accept the plebiscite because the choice offered was only between Hindu India and Muslim Pakistan, and it was obvious that the Pathans would choose Islam. Afghanistan interpreted the voting by only 55 per cent of the electorate, though overwhelmingly in favour of Pakistan, as showing that the Pathans were not happy with the choice offered. The *Khudai Khidmatgar* also did not accept the result of the referendum as final.

By 1948 strong separatist tendencies had manifested themselves; the *Khudai Khidmatgar* was accused of spearheading these, while the *Faqir* of Ipi was leading an underground movement for an independent Pathan nation called Pakhtunistan with boundaries corresponding to those of the NWFP.[26] The *Faqir's* acts of sabotage led to reprisals by the Government of Pakistan that strained its relations with Afghanistan to the brink of war. It seems, however, that "the uncertainty of the Afghan Government as to the response of the trans-border Pathans acted as a peace-maker."[27] And though the *Faqir* was ceremoniously received by the Afghan Governor of Gardez in July 1949, his chances of being accepted as a leader on the Pakistan side of the border were slight.[28] Another group, the Young Afridi Party, called Sarishta, announced the formation of an independent Pakhtunistan in 1949. Most of the Afridi elders were opposed to this defiance of Pakistan, but Wali Khan, one of their three leaders, had been in collaboration with the *Faqir* of Ipi in his acts of destroying communication lines, and finally had to fight against his own tribesmen.

The plan of the Pakistan Government to merge in one unit the provinces and states in West Pakistan was criticized by the Afghan Prime Minister, Sardar Daud, in a speech broadcast over Radio Kabul on March 29, 1955. Demonstrations, reported to be officially inspired, followed in Kabul, Jalalabad and Qandahar; Pakistan flags were pulled down and insulted and the Pakhtunistan flag was hoisted on the chancery of the Pakistan Embassy in Kabul.[29] Although King Zahir was, according to reports, so disturbed that he was prepared to replace Daud with his predecessor,[30] Radio Kabul now

[25] Wilber, *op. cit.*, p. 183.
[26] "Pathans on Warpath," *op. cit.*, p. 31.
[27] Fletcher, *op. cit.*, p. 339.
[28] Lord Birdwood, *India and Pakistan, A Continent Decides*, New York, 1954, p. 77.
[29] *Economist* (London), May 14, 1955.
[30] *New York Times*, May 13, 1955.

called certain age-groups to report to recruiting offices, which Pakistan interpreted as the start of a general mobilization. Afghanistan's refusal to provide satisfaction to Pakistan on the flag incident led to the withdrawal of ambassadors in October 1955 and full diplomatic relations were not resumed until after the Prime Minister of Pakistan, Suhrawardy, paid a visit to Kabul in June 1957.

In the meantime, the provinces and the states in West Pakistan had been merged into one unit, with Dr. Khan Sahib as the Chief Minister. Khan Abdul Ghaffar Khan again headed an agitation against the One Unit, but he was arrested in 1956 by the government of his own brother. At his trial on September 3, 1956, Ghaffar said that he was advocating an autonomous Pathan province of Pakhtunistan, not an independent state.[31]

The visit of Prime Minister Suhrawardy was returned by King Zahir, who visited Karachi in January 1958. An agreement for the improvement of relations between Pakistan and Afghanistan, and for transit facilities for Afghan goods through Pakistan, was signed on May 29, 1958. But in the later part of 1959, relations between the two again deteriorated. Pakistan protested in September 1959 against the speeches of King Zahir and Prime Minister Daud supporting Pakhtunistan, and also against the flight of an Afghan plane over Pakistan on November 23, 1959. The Afghan Government refused, as a result of this protest, to renew the visas of Pakistanis living in Afghanistan. On August 4, 1960 Pakistan protested against the maltreatment of Pakistanis in Afghanistan.

At this time of strained relations a communiqué issued on Mr. Khrushchev's visit on March 2, 1960 expressed the hope that the principle of self-determination would be applied to the Pakhtun people. On his return to Moscow on March 5, 1960, Khrushchev, during a speech, mentioned that "historically Pushtunistan has always been a part of Afghanistan."

So far the Pakistan-Afghanistan dispute had mostly remained confined to international bickering, inciting speeches on state-controlled radios on both sides of the frontier, harassment of each other's nationals and the withdrawal of diplomatic representatives. But in 1960-61 the dispute grew hotter. The first skirmish took place inside Pakistan in the state of Dir resulting from a dispute between the Nawab of Dir and his feudatory the Khan of Khar. Afghanistan tried to take advantage of this situation by bribing Dir and attacking Khar with irregulars in the Bajaur area in September 1960. But the Khan of Khar raised his own forces and beat the attackers.[32] Radio Kabul in March (and also an article in *Pravda* in April 1961) alleged Pakistani brutalities against the Pathans, while Pakistan claimed on April 6, 1961, that she had been forced to bomb two houses in the Bajaur area which were, according to her, used by Afghan agents. Pakistan also announced the

[31] *Dawn* (Karachi), January 25, 1957.

[32] Rushbrook Williams, *op. cit.*, pp. 74-75.

arrest of several Afghan agents, who admitted to being commissioned by the Afghan Government for creating unrest and trouble in Pakistan. It was again in the Bajaur area that in May 1961 fighting broke out between Pakistan and Afghanistan. Pakistan accused Afghanistan of intruding on her territory, while Afghanistan blamed Pakistan for using armed force against the discontented Pathans.

By August 1961 relations had so deteriorated that on the 23rd Pakistan announced the closing of her consulates in Qandahar and Jalalabad, and demanded the same of Afghanistan by September 6, 1961, alleging her officials in Afghanistan were being harassed by the Afghan Government, but indicating that she would still continue to provide transit facilities to Afghanistan. The Afghan Government threatened to sever diplomatic relations if Pakistan's demand was not withdrawn. Pakistan refused to comply and Afghanistan broke off diplomatic relations on September 6, 1961, closed the border and stopped the flow of her transit trade through Pakistan.

The Shah of Iran offered to mediate the dispute; as a result direct talks were held in Teheran between Pakistan and Afghan representatives on May 26, 1963, and two days later the two countries agreed to re-establish diplomatic relations. However, on May 29, 1963, the Afghan Minister, Sayyid Rashtyia, was reported to have said in Teheran that Afghanistan had never recognized the Durand Line as the frontier between herself and Pakistan and that Pakhtunistan continued to divide the two countries, while the Pakistan delegate, Zulfiqar Ali Bhutto, said in Rawalpindi that Pakhtunistan was a dead issue and Pakistan would continue restrictions on the entry of Afghan nomads, called Powindhas. The border was finally opened on July 20, 1963, and the same day Afghan consuls took up their posts at Quetta and Peshawar.

According to Afghanistan, the two main points of dispute between her and Pakistan are: (1) that the Durand Line is not the legitimate international frontier between them, and (2) that the trans-border Pathans are not a part of Pakistan, and, therefore, should form a separate nation of their own. The first point was illustrated by Abdul Hadi Dawi, Afghan Ambassador to Egypt in Cairo on May 27, 1952: "I am pleased to say that Afghanistan considers Egypt's problem similar to her own. You are clamouring for the unification of Egypt and the Sudan, while we are clamouring for the unification of Pakhtunistan with us." Another example is the announcement on Radio Kabul on October 31, 1955: "Had this Durand Line not been in force, Sindh, Punjab and Kashmir would have been included in Afghanistan." Sardar Najibullah Khan, the Afghan Ambassador to the U. K., presented the second point in a letter to *The Times* (London) on November 8, 1955, stating: (1) until 1947 the Pakhtuns' relations with the British were uneasy and occasional outbursts had to be settled by resorting to arms; (2) Pakhtuns of Pakistan are different from the rest of the Pakis-

tanis; as such, they are a separate nation and should be independent; (3) Pakhtuns were compelled to join Pakistan in 1947; (4) the Durand Line is not the real frontier, since the British writ never had any validity in the tribal area, and (5) the support that Afghanistan gives to the Pakhtuns is purely altruistic and based on ethnic grounds.[33] The Afghans have always been resentful that, by the treaty of 1894 and by the British pressure on the Khan of Kalat to transfer his allegiance to the Government of India, Afghanistan was deprived of access to the sea.[34]

Pakistan rejects both Afghan claims, arguing that Afghanistan wants to annex the areas west of the River Indus and east of the Durand Line, and that the professedly altruistic interest in the right of self-determination of the Pakhtuns is a pretext to start a process of disintegration in West Pakistan. She considers Pakhtunistan "a figment of the Afghan ruling clique's imagination," because she sees no genuine demand for Pakhtun independence anywhere among the tribesmen, and in order to retain control of the tribal areas she does not even have to maintain regular armed forces there but relies upon locally recruited militia. Regular forces are employed only at the Afghan border to protect Pakistan against Afghan attacks rather than to force the tribesmen into submission. "There seems to be no question of a united demand by the tribes themselves for a separate state which would have few resources and would lose subsidies and benefits from Pakistan."[35] Ian Stephens, a former editor of the Indian newspaper, *The Statesman,* observed no sign of Pakhtunistan activity during his travels to the tribal areas in 1948 and 1951 and found the Pathans very peaceful ever since the British left.[36] Hugh Tinker supports Pakistan's viewpoint and says that Afghanistan's claim has only a cardboard quality.[37] James W. Spain noticed that the movement for Pakhtunistan has created a common cause among the individual members of the important tribes and has succeeded in bringing them together, "but this harmony seems to exist primarily in Kabul where the movement is centered," and in spite of the emotional factor in the appeal which racial and linguistic affinity could arouse, "Pushtunistan has had relatively little attraction in the tribal area."[38]

There is a marked difference between the approach of the Government of India under Britain and the Government of Pakistan towards the tribesmen. The British looked upon the tribesmen as a problem and dealt with them accordingly during most of their rule in India. They believed in a constant military presence and even at the height of war with the Japanese maintained 57 infantry battalions and four armoured regiments in the

[33] *The Pakhtunistan Stunt,* Karachi, April 1956, p. 4.
[34] *Pakhtunistan, op. cit.,* p. 77.
[35] Wilber, *op. cit.,* p. 184.
[36] *The Pakhtunistan Stunt, op. cit.,* p. 7.
[37] H. Tinker, *India and Pakistan,* London, 1962, p. 215.
[38] J. W. Spain, "Pathans of the Tribal Area," in S. Maron (ed.), *op. cit.,* p. 147.

Northwest Frontier area.[39] The tribesmen regarded the British as infidels, but with the appearance of Pakistan the religious animosity has disappeared. The confidence that Pakistan has reposed in the tribes has paid dividends, as the withdrawal of her regular forces has not led to the extension of Afghan influence in the tribal area; on the contrary the Pathans have even condemned Afghan propaganda against Pakistan in resolutions passed in tribal meetings from Chitral southwards, rejecting Afghan espousal of their cause and emphasizing their loyalty to Pakistan.[40] From the outset of Pakistan's independence the tribes had expressed allegiance to Pakistan at various *Jirgas* (assemblies) held by the NWFP Governor, Sir George Cunningham, and the Political Resident of the NWF Agency in late 1947. The distribution in 1949 of land fit for agriculture in the Indus valley to Mahsud tribesmen and, in the Bajaur area, the construction of schools, hospitals and roads, the distribution of buses and trucks, along with soil conservation have further demonstrated Pakistan's sincerity.

Pakistan considers baseless the claim of Kabul that the Pathans are a part of Afghanistan. The Pathans of Khyber, historically, were no more under the Amir of Kabul than they were under the British; they never paid any revenues to the Amir and he could deal with them only by bribing and blackmailing them. The British refrained from imposing their authority upon the tribes, because it would have led to war with Afghanistan, resulting in its disintegration and would have ruined the whole frontier arrangement for Central Asia. The strong bond of relationship between the Pathans and Afghanistan was based upon the fact that the Pathans used Afghan territory for launching raids upon India, and subsequently retiring to safety.[41]

By rejecting the Durand Line and insisting that the River Indus is "the natural and historical border of the Indian sub-continent" and "today the eastern frontier of Pakistan,"[42] the Government of Afghanistan implies that northwestern and western Kashmir, the NWFP, Baluchistan, and some parts of Sind have never belonged to India. Historically, Sind had been a part of the Mughal Empire, became independent at its decline and was conquered by Ahmad Shah in 1773. In 1793 it again became independent and in 1843 the British brought it into British India. Similarly Kashmir remained under Mughal sovereignty until 1712; thereafter it passed under the suzerainty of the Sikhs who ceded it to the British in 1846. Since 1948 the claim to Kashmir has been contested by India and Pakistan but not by Afghanistan. Likewise, Baluchistan never belonged to Afghanistan. The frontier of India has historically been the line running from Ghazni to Qanda-

[39] Tinker, *op. cit.*, p. 216.

[40] Fraser-Tytler, *op. cit.*, p. 309; Birdwood, *op. cit.*, p. 77; Rushbrook Williams, *op. cit.*, p. 76; and Barton, "The North West Frontier," *The Fortnightly*, August 1949, p. 106.

[41] Fraser-Tytler, *op. cit.*, pp. 184-185, 262-263.

[42] *The Pakhtun Question*, Hove (England), p. 2.

har: "This was in fact the Mughal frontier until Kandahar was lost in the reign of Shah Jehan."[43]

The assertion of the separate ethnic identity of Pakistani Pakhtuns would hardly provide any basis for resolving the problem since India, Pakistan, and even Afghanistan are states composed of heterogeneous ethnic groups. If a solution were to be sought in a plebiscite to determine the free choice of the Pathans, then this principle should be applied to the Pathans on both sides of the Durand Line. Manzur Qadir, Pakistan's former Foreign Minister, disclosed on March 8, 1960, that he had suggested to Sardar Naim, the Afghan Foreign Minister, in January of that year to hold a plebiscite on both sides of the frontier in order to ascertain whether the tribesmen want to join Afghanistan or Pakistan.[44] But the Afghan Foreign Minister showed no interest in Manzur Qadir's proposal; indeed, he could scarcely afford to do so. Once the principle of self-determination by plebiscite was accepted, a chain reaction of similar demands could develop among the other ethnic, linguistic and cultural groups living on Afghanistan's border, e.g., the Turkmens, the Tadzhiks, etc., all of whom have strong ties with groups living in neighbouring countries: the Persians with their kinsmen in Iran and Soviet Russia, the Uzbeks with the people of Soviet Uzbekistan, etc. If taken seriously, self-determination by plebiscite could disrupt all political stability in the region.

The two contentions of Afghanistan—that the Durand Line be revoked, and that Pakistani Pakhtuns be given freedom—seem to be incompatible. Theoretically, the Afghan claim would have more weight if the line of argument followed were that the Durand Line is the frontier of Afghanistan, but that the Pakhtuns, who are not Pakistani, should have the right of self-determination and Afghan interest in their fate is purely altruistic. Alternatively, Afghanistan should seek a re-demarcation of her frontier with Pakistan on the grounds that the Durand Line was never recognized by her but merely accepted under the pressure of superior British arms. In this case, Afghanistan should not have any interest in Pakhtunistan and the Pakhtuns. That Afghanistan has chosen neither of these courses, but a combination of both, is confusing.

Afghanistan has not been able to prove that the Pathans really want either to join Afghanistan or to gain their independence from Pakistan with the help of Afghanistan. Rather, there is evidence that they have historically been fearful of Afghan designs. In 1876 the ruler of Chitral offered voluntary allegiance to the ruler of Kashmir and also tried to persuade the rulers of Swat, Bajaur, and Dir to follow suit. Since various other tribes and mountains intervene between all these states and the state of Kashmir, the

[43] H. H. Dodwell (ed.), *The Cambridge History of India,* Cambridge, 1929, Vol. V, pp. 483-486.

[44] *Afghan Chronology, From Khrushchev to Present,* Pakistan Embassy, Washington, D.C.

only reason for this voluntary vassalage seems to be the fear of the ruler of Chitral against a possible attack by the Amir of Kabul.[45]

The weakness in Pakistan's claim arises out of the heavy emphasis placed upon the referendum of 1947 and the *Jirgas* held shortly after. The referendum was held only in the settled areas where less than one quarter of the Pathans live while the tribal area was left out. Pakistan discounts tribal consultation because of the absence of representative government in those areas, but the argument is weak since a referendum needs no legislative assembly. The whole adult population could have been consulted. Of the limited electorate only 55 per cent participated in a referendum already limited in choice to joining India or Pakistan. To be fair, it should have offered union with Afghanistan, Pakistan or India as well as complete independence. If it is true that the Pathans considered themselves separate from the rest of the Pakistanis and close to the Afghans, then they really did not get the opportunity to exercise the right of self-determination. The inadequacy of the referendum was confirmed by Khan Abdul Ghaffar Khan, who, "addressing a public meeting at Bannu on the 22nd of June, 1947, said that the Pathans were prepared to contest the Frontier referendum on the issue of Pakhtunistan and Pakistan but not on the issue of Pakistan and Hindustan."[46]

As to the *Jirgas,* it is difficult to establish their authenticity, since they were held under the auspices of British representatives, though now serving Pakistan, just as they used to be in the days of the British viceroys. There is no convincing evidence to show that the tribes fully comprehended the changed political situation and its implications.

In conclusion, it can be said that Afghanistan did certainly have genuine grievances against the British, yet in all fairness, those grievances cannot be transferred to Pakistan because Pakistan is the successor state to British India. Afghanistan's arguments are confusing and she has failed to establish her *bona fides.* On the other side, Pakistan's arguments are also not strong enough to establish her claims *prima facie.* Moreover, the weakness of Afghanistan's case is not necessarily proportionate to the strength of Pakistan's case.

Most of the frontiers in Asia have not been established by the Asians but by the imperial powers of Europe. It is, therefore, difficult to insist on the authenticity and inviolability of any frontier, including the Durand Line. Most are atlas decorations. Thus Tinker calls the Pak-Afghan frontier "an imaginary frontier, . . . traced across the barren hills, to determine the respective sovereignty of the British Raj and of the Amir of Afghanistan."[47]

Only Afghanistan has been loud in championing the cause of the Pathans; the Pathans themselves have, for the most part, remained silent on

[45] Gen. Sir John Adye, *Indian Frontier Policy,* London, 1897, p. 51.
[46] *Pakhtunistan, op. cit.,* p. 115.
[47] Tinker, *op. cit.,* p. 142.

this issue. They are not habitually silent; on many occasions they have very clearly demonstrated what they are against. They have been noted through all their history for the highly individualistic character of their life. Their political organization, if they can truly be said to have such, does not go beyond the tribe. It is, therefore, difficult to ascertain what the Pathan stands for, besides his personal freedom. So far the Pathan has not shown any irrevocable antagonism and hostility toward Pakistan, but equally, has shown no special attachment for Afghanistan. Most incidents disturbing the peace of the area—which is nothing unusual in a tribal territory—seem to have been provoked by a particular government policy or functionary rather than by mass rebellion. At no time during periods of Pakistani military or internal weakness—particularly in 1947-48—did the Pathans attempt to secede, although they could have done so easily.

Historically, the Pathans have not been antagonistic to the Indian Muslims, but whenever the occasion arose they identified themselves with them. In their attempt to codify the Pathan law (*rawaj*) the British failed largely "because the Muslim Pathans early became aware of their identity with other Muslims of the sub-continent"[48] and told the British interrogators that they had no *rawaj* but only *Sharia,* the universal Muslim personal law. Again, in 1946, when Pandit Nehru, then Vice-President of the Viceroy's Executive Council, visited Waziristan, he received a very chilly reception despite the fact that the Congress Ministry of the Frontier Province had assured the Pathans that the era of punitive expeditions was over. "After firing on his plane, the *Jirgah* at Miranshah told him they would avenge the ill-treatment of Moslems in India."[49] Further proof of Pathan solidarity with Pakistan can be seen in their spearheading the clash with Indian troops in Kashmir even before the Government of Pakistan could send regular forces. Some tribesmen had come from within Afghanistan, but the majority came from the tribal territory.

In addition, the Pathan, realizing that his land cannot support him, is quite willing to accept financial assistance and other aid for the development of his region provided it does not infringe upon his cherished values. Pakistan, besides continuing the financial subsidy started by the British, is also giving the necessary money and materials for improvement, but has been careful to provide only what is asked for. This has often resulted in unplanned development, but there is little doubt that with the expansion of welfare schemes and with economic advancement "the Pathans in turn will meet their obligations, and gradually assume a full place in the national life of Pakistan."[50] Moreover, to reassure the Pathans at the time of the merger of the Frontier Province in West Pakistan the Warsak Dam was

[48] Spain, *op. cit.,* p. 143 .
[49] Birdwood, *op. cit.,* p. 30.
[50] Spain, *op. cit.,* p. 149.

built close to Peshawar; thereafter the University of Peshawar received expanded facilities and funds, and its higher positions were filled by Pathans. Also, the Ministry of Tribal Areas was established in Peshawar. It might even be said that the appeasement of the Pathans has gone to the extent that now, as Tinker says, Pakistan has "Pathan Raj" because the President of Pakistan, the Governor of West Pakistan, and the Commander-in-Chief of the Pakistan Army all are Pathans.

One of the possible solutions to the problem of the Pakhtun tribes, the Powindahs, and the conflicting Pak-Afghan claims, can be the creation of a larger political unit encompassing Afghanistan and Pakistan. With the elimination of the Durand Line as the international frontier the Pak-Afghan conflict on this ground would cease to exist; enforcement of law and order would improve since offending tribesmen would no more escape justice by merely crossing the frontier, and the Powindahs—the seasonal migrant tribes—would be saved the inconvenience of entering a new state each time. In addition to political considerations, there is a great possibility of mutually advantageous economic and military prospects.[51]

The idea of a union between Pakistan and Afghanistan as the best solution to the problem of the tribes was first broached by Fraser-Tytler in 1954. This proposal did not long remain confined to the realm of academic speculation but was given a more concrete shape in the statement of Malik Feroz Khan Noon, then Prime Minister of Pakistan, who said on August 21, 1958: "Pakistan is prepared for a federation with its Muslim neighbours, Iran and Afghanistan, if they so desire." Iran also showed interest with the Shah of Iran proclaiming that the formation of an "Aryan Confederation" composed of Iran, Pakistan and Afghanistan was "under careful study."[52] However, not much could be accomplished in this direction so long as Pak-Afghan relations were on the verge of war, or, at best, remained cool. On August 6, 1962 President Ayub took the initiative by proposing the "fusion of the three brotherly neighbouring Muslim States into a greater political unity." But his proposal met with such opposition that the Government of Pakistan explained that the President had not proposed a tight federation but a commonwealth with full freedom of action for the participants.

With the replacement of Sardar Daud by a non-royal premier, Dr. Mohammad Yusuf, Pak-Afghan relations seem to have taken a turn for the better. Moreover, Indian influence in Kabul, which may have contributed in keeping Pak-Afghan relations strained, appears to have receded. The Afghans, who looked upon India as a genuine neutral and consequently close to them, now find that by accepting substantial military aid from the West India has compromised her neutrality. The re-establishment of diplo-

[51] For a detailed description see Louis Dupree, "A Suggested Pakistan-Afghanistan-Iran Federation," *The Middle East Journal*, Autumn 1963, pp. 383-399.

[52] *Time*, October 6, 1958.

matic relations and the resumption of transit trade between Pakistan and Afghanistan in 1963 ushered in a new era of mutual toleration.

Pakistan has been striving not only for good relations but for active cooperation and some kind of unity with her Muslim neighbours. Such overtures have met with positive response from Teheran and Ankara; in order to further promote Pak-Afghan understanding and eventually to bring Afghanistan closer, or within the larger unity, President Ayub journeyed to Kabul on July 1, 1964 where he was received by King Zahir Shah. Their talks were described as very satisfactory. But it was press reaction in both countries which showed greater enthusiasm. *Dawn* (Karachi) found Pak-Afghan relations greatly improved since the re-establishment of diplomatic relations and diminished Indian influence over Kabul. On the Afghan side the newspapers *Anis, Haiwad* and the *Kabul Times* had been pleading for closer relations, and the *Kabul Times* editorially described the Ayub-Zahir meeting as the "manifestation of improved relations between the two countries." Arriving in Teheran from Kabul, Ayub "backed the idea of evolving greater unity, some sort of a common platform for Iran, Pakistan, Turkey and Afghanistan." But, he said "the Muslim countries must have a common philosophy of life and community of thought before such a scheme could become feasible," for he considered "inward-looking nationalism" the greatest impediment to Muslim unity.

The absence of this inward-looking nationalism in Pakistan, Iran and Turkey, at least vis-à-vis each other, and also two decades of generally cordial and mostly close relations between them provided the basis for unity between the three CENTO allies, though outside its scope. The tripartite summit meeting produced an agreement to set up a permanent organization to promote "regional cooperation for development" which has already started working and is likely to bring about active collaboration between the three economies, development of inter-linking communications with visa restrictions eliminated, possible joint air and sea lines, and greatly enhanced cultural exchanges.[53]

It is likely that the success of the tripartite cooperation, growing friendliness, and increasing trade between Afghanistan and Pakistan on one side and between Afghanistan and Iran on the other may have a positive effect on Afghan attitude towards seeking some kind of association with her southern neighbours. The fear of being isolated from a growing unity may also contribute towards this goal. For if Afghanistan chooses to collaborate with her neighbours, the economic advantages to her will be proportionately greater than to her associates.[54]

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[53] *Pakistan Document Series,* Vol. I, No. 1, August 1964, Embassy of Pakistan, Washington, D. C.

[54] Dupree, *op. cit.*