

The Origins of the Dispute over the Durand Line

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Abstract

The origins of the Durand Line are one of the most under-researched aspects of the border dispute. Unanswered questions include: Was the 1893 border agreement signed under duress, as Afghan authorities and Pashtun nationalists hold? If not, why did Amir Abdur Rahman sign it? Did Ghaffar Khan, the founder of the Pashtun nationalist movement Khudai Khitmatgar, seek an independent Pashtunistan, or was he merely advocating autonomy? Did the 1947 referendum legitimising the inclusion in Pakistan of Pashtun territories represent the will of the majority of the local population, as Pakistani authorities hold? In this paper I will address these questions on the basis of archival sources, memoirs and government documents. I will first look at the context and terms of the 1893 agreement; then analyse the emergence of Pashtun irredentist claims and Afghan demands that territories annexed to India in 1893 be allowed to decide their destiny; and, finally, I will address Ghaffar Khan's attitude in the run-up to partition and in its immediate aftermath.

Keywords

Durand Line, Pakistan, Afghanistan, Pashtun nationalism, Khudai Khitmatgar

Introduction

The border dispute over the Durand Line is one of the most world's most complex and has had far-reaching regional and international consequences. Surprisingly, however, it has not been the subject of extensive research. The origins of the Durand Line are one of the most under-researched aspects of the dispute. Shedding light on this issue would help us to assess some of the contradictory claims of Afghanistan and Pakistan. Was the 1893 border

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agreement signed under duress by Amir Abdur Rahman, as some historians and Pashtun nationalists hold? Did he understand the text and its implications, and if so, why did he sign it? Was the Durand Line delimiting spheres of influence or was it meant to be an international border? Can the 1947 referendum be considered representative of the will of the majority of the local population? Why was independence not contemplated?

In the following pages I will address these questions by looking first at the context and terms of the 1893 agreement between Sir Henry Mortimer Durand and Abdur Rahman and then analysing the emergence of Pashtun irredentist claims in the first decades of the nineteenth century, Afghan claims regarding the territories annexed to India and Ghaffar Khan's attitude in the run-up to partition. The article will draw on unpublished archival sources, such as private letters and government documents, as well as memoirs and historical secondary sources.

The British search for a frontier

Towards the end of the eighteenth century, British authorities in India feared that the French might induce the Afghan rulers to invade northern India. To prevent this, they pursued an alliance with the Qajar shah in Persia and proceeded to annex new territories in the northwest. The French threat, both in Asia and Europe, dwindled at the beginning of the nineteenth century, but as the Russians moved southeast and their influence replaced British influence in Teheran, the British grew increasingly anxious.

Russian expansion accelerated in the second half of the century: in 1864 the czar's troops occupied Khokand, Bokhara and Khiva; the following year they reached Tashkent; in 1868 Samarkand was annexed; in 1881 the Tekke Turkomans were subjugated; in 1884 Merv was occupied; and the following year Russian troops arrived at Pandjeh, to the south of Merv. The construction of the trans-Caspian railway in 1879 and its extension to Bukhara and Samarkand in 1888 was a further cause of worry for the British Government of India, as it enabled Russia to bring large forces to the Afghan frontier.

It seems that the Russians never actually intended to occupy the whole of Afghanistan (Volodarsky 1994: 11), and a Russian invasion of India was deemed unlikely by most British political strategists. Rather, what the British feared was that even a limited advance in northern Afghanistan would expose British weakness and thus prompt internal unrest in British

India (Yapp 1980: 584),¹ a fear that appears justified on the basis of official Russian documents. (Poullada 1969: 15, n10) It was also thought that Pushtuns might be susceptible to Russian blandishments and carry out raids on their behalf, which would heighten British security problems. Finally, there were also economic and cultural considerations at stake: a Russian advance into Afghanistan could hinder British plans to control trade with Central Asia and contradicted what was commonly regarded as a sense of destiny, that is, the idea that British expansion beyond the Indus plains could not be stopped. (Embree 1977: 29)

The British policy towards Afghanistan oscillated throughout the century, from a policy of “masterly inactivity” to a “forward policy” to preempt the Russian advance and give India a more secure defensive system. As Persia increasingly fell under Russian influence, these objectives became of primary importance. By mid-century, Punjab and Sindh had been annexed by the British, who were thus able to establish a *de facto* border at the foothills of the mountains inhabited by Pashtun tribes. In the following years, the British annexed further territory, which allowed them to control and fortify the hills.

It was soon clear that the forward policy would not translate into the occupation of Afghanistan. After their attempts to directly control the country were rebuffed in the first (1839–1842) and second (1878–80) Anglo-Afghan Wars, the British decided to turn the country into a buffer state. Under this plan, the British provided Abdur Rahman, who became amir in 1880, with guns and munitions to defend Afghan northern areas from the Russian advance and encourage his policy of controlling northern non-Pashtun areas so as to sever their links with Russian-controlled Central Asia.

As part of their attempt to control Afghan foreign policy, the British thought it imperative to define Afghanistan’s external borders. The Afghan-Iranian border had already been defined under British supervision in 1857, with the shah renouncing claims to Herat. In 1873 Russia and Britain reached an understanding over the northern boundary, agreeing that it would be largely demarcated by the Oxus. While the borders in the north and west had the purpose of halting the Russian advance, the aim of the southern border was to hold back the Pashtun tribes which periodically streamed into northern India (Durand: 1913: 222). Comparisons between the British Raj and the Roman Empire, which had been unable to stop the invasions of

¹ This preoccupation is also apparent in the correspondence from General Roberts to Lyall in the years immediately preceding the Durand Line agreement: see Correspondence from Lord Roberts, 1888–1892 (PP MS 55).

“barbarians”, stressed that it was necessary to protect the Indus valley, which had been crossed by Central-Asian marauding invaders thousands of years earlier. This need became more pronounced as calls for jihad by religious figures increased during the nineteenth century, inciting tribal unrest against British India. Defining a border would also prevent tribes from being used by the Russians to weaken the British control in India, to gather information on their behalf and to close the Raj’s main routes into Afghanistan (Holdich 1901: 232).

In the years preceding the 1893 border agreement, the British tried to absorb as much territory as possible for economic and strategic reasons. At that time the amir controlled the trade routes between Sistan and Quetta which, as Thomas H. Holdich, an influential geographer with a first-hand knowledge of Afghanistan, observed, “it was most desirable that we should open without Afghan interference” (Holdich 1901: 232). The annexations by the British of further territory also “added much most useful geographical information to our store of knowledge” (Holdich 1901: 232) and allowed them to “civilize” more tribal areas, thus shouldering the “white man’s burden”. On the basis of these considerations, the British proceeded to annex further territory, build roads to facilitate the movement of troops and consolidate these gains by imposing treaties on the Afghan amirs. In particular the Treaty of Gandamak, signed on 26 May 1879 by Amir Mohammad Yaqub Khan and Louis Cavagnari, transferred to British jurisdiction the districts of Pishin and Sibi in Beluchistan, upon which Quetta depended for its supplies, the valley of Khurram and the Khyber Pass. With this Treaty, the amir also accepted a permanent British representative and promised that his foreign affairs would be directed by the viceroy of India. In exchange, his subsidies were increased and he obtained new weapons and munitions.

The British advance continued after Yakub Khan abdicated: under Amir Abdur Rahman the valley of Zhob was occupied in 1890 and soon after, following a series of battles with the Orakzai tribe, new areas were taken from the amir. Lord Lansdowne, viceroy of India between 1888 and 1893, did not intend to push the administrative border northward, but rather to limit Afghan and Russian influence in the area immediately north of the territory he administered: “In political geography”, he stated, “nature abhors vacuum and any space left vacant upon our Indian frontiers will be filled up by others, if we do not step in ourselves” (Lansdowne quoted in Kaur 1985: 21). In those very years the Afghan amir Abdur Rahman moved towards Asmar, Chageh, Bajaur, Dir and Chitral to forestall further encroachments and to establish *de facto* control of the areas closest to the British,

though his advance was seen by the British not as defensive in nature but as a gratuitous provocation.²

While most in the British government believed that an agreement should consolidate the territorial gains made since Gandamak, debates arose on the issue of where exactly the border separating Afghanistan and the British Raj should lie. Some thought it should be established along natural lines, such as the Indus river, which would have meant withdrawing from advanced posts, while some argued that it should border the foothills beyond the Indus; some, like General Frederick Roberts, chief of the armed forces in India from 1885 to 1893, thought the most advanced cantonments on the mountain passes should be included; others, including Holdich, even argued for an advance to the Hindu Kush. In the end, it was decided that the British forces should not back away from the positions they had already conquered north of the Indus, which meant adopting a solution midway between the most forward and the rear position; the mountain tribes would thus be prevented from ransacking the plains and controlling the mountain passes, commercial and strategic gains would be consolidated and the British would avoid appearing weak, which might encourage revolt among the subjects of the Raj (Durand 1913: 223).

The 1893 border agreement

The Durand Mission arrived in Kabul on 2 October 1893 to start negotiations with the amir on demarcating the southern border of Afghanistan. On 12 November the treaty was signed after complex discussions between the foreign secretary of the British government in India and Abdur Rahman; under the agreement the British in India kept most of the Pashtun territories where they had already made inroads, that is, the frontier tribal areas of Swat, Bajaur, Chitral, Chageh, Buner, Dir, Kurram, part of Waziristan, Chagai and the Khyber Pass. This implied, in some areas, bisecting tribes such as the Waziri and Mohmands. The amir would keep the Wakhan corridor, a thin strip of territory whose function was to prevent the British and Russians from facing one another. Both governments committed themselves to not interfering beyond the boundary and the British promised the amir weapons and munitions, albeit in vague terms: “the Government of India will raise no objection to the purchase and import by His Highness of munitions of war, and they will themselves grant him some help in this

² Letter from Lyall to Durand, 20 October 1892, PP MS 55, Durand family papers, box 6, file 34, 10 (miscell. corr., 1877–1903).

respect” (Sykes 1940: 352). The British also committed themselves “to increase by the sum of 6 lakhs of rupees a year the subsidy of twelve lakhs now granted to His Highness”.³

Sykes’ memoirs, as well as Roberts’ and Durand’s correspondence, indicate that convincing Abdur Rahman to give up Pashtun territories was no easy task.⁴ One has the impression that the British did not really understand the reasons for the amir’s reluctance. Roberts saw the amir’s position as irrational and dictated by vanity and arrogance.⁵ (Roberts 1898: 505) Durand’s correspondence shows that while he was negotiating with the amir he was puzzled by the amir’s reluctance to cede Pashtun territories. Sykes reports that when Durand asked him why he was interested in retaining Waziristan, which was devoid of natural resources and scarcely inhabited, Abdur Rahman answered with one word: *nam* (honour). (Sykes 1977: 216) His answer was taken at face value: *nam* was, after all, an exotic element of what was perceived as the irrational Orient. In fact, the answer itself was considered irrational: as Durand commented in a letter to Lord Lansdowne, “his jealousy as to our interference in his internal affairs amounts to insanity”.⁶

It was not understood at the time that *nam* was closely connected with power politics: giving up Pashtun areas would increase the weight of ethnic minorities which had so far been numerically too insignificant to advance any claim to political power in a country that had always been dominated by Pashtun, and that would mean losing the support of tribes which had sided with the amir against other Pashtun tribes. The amir himself was Pashtun, and it was with the Pashtun that power had always rested. In addition, the tribes, considered “independent” by the British, while autonomous in their daily lives, retained links of varying nature with Kabul. Not only were they linked to it by a system of allowances, but they presented their grievances to the government and rallied to it against external enemies.

Why then, we may ask at this point, did Abdur Rahman sign the treaty? His decision has puzzled many historians: it was considered “not entirely explicable” by Miller (Miller 1977: 241) and “difficult to understand” by Davies (Davies 1932: 162), while Fraser-Tytler thought that the line was “illogical from the point of view of ethnography, strategy and geography”,

³ Agreement between Amir Abdur Rahman Khan, GCSI, and Sir Henry Mortimer Durand, KCIE, CSI, 12 November 1893, (Sykes 1940: 352).

⁴ See in particular Letter from Durand to Cunningham, PP MS 55, Durand family papers, box 6, file 34, 10 (miscell. corr., 1877–1903).

⁵ See for example Letter Roberts to Lyall, 19 July 1892 (footnote 1).

⁶ Durand to Lansdowne, 12 November 1893, MSS Eur D/727/5.

(Fraser-Tytler 1953: 188), a view shared by Kaur (1985: 32). Some have even claimed that Abdur Rahman did not realise what he was signing or the implications of the agreement, and that the map provided by the British was not interpreted correctly (Fraser-Tytler 1953: 189; Kakar 1971: 111–112)⁷. This explanation seems unconvincing: accounts of those who took part in the negotiations, as well as Rahman's autobiography, indicate that he was a sophisticated politician who thought over the potential benefits and drawbacks of the agreement. He understood the implications of the boundary proposed by the British and in fact raised some objections on the basis of his first-hand knowledge of the territory (Sykes 1940: 173)⁸

At the same time, it is not entirely correct to write, as Spain does, that the amir "reluctantly gave way to British pressure for delimitation of his eastern borders" (Spain 1977: 14)⁹: his autobiography and British documents indicate that he wanted to delimit a boundary in the southeastern areas. In fact, several scholars hold that it was the amir who actually asked the British to formally define the border (Qureshi 1966; Swinson 1967: 204; Miller 1977: 240). There might be some truth in this: Abdur Rahman wanted to form a modern state, founded on the reform of the administration and armed forces and on the invention and exhibition of the symbols of the nation-state, in what might be a classical example of reinvention of tradition with the aim of creating a modern nation. Fixing borders was integral to this project. As elsewhere, in Europe first and then in the colonial world, the replacement of rough edges with borders marked the emergence of the modern states, with their idea of exclusive territorial state power: it confirmed legal and political sovereignty, curbed internal autonomy and regulated inclusion and exclusion of goods and people (Baud / Van Schendel 1997: 214). For Abdur Rahman the demarcation of borders was an essential element in building a modern state, together with the creation of a sense of national identity based on Sunnism and Pashtun identity. His country was described in his autobiography as a house which has to be built or restructured first, and then protected by walls. Besides protecting the house, the walls had the aim of determining where the Afghan state could act and impose its will: "We should first know what provinces really belonged to us before thinking of introducing any reforms and improvements therein."

⁷ This is also the position of Pashtun nationalists, see for example W. Momand, *End of Imaginary Durand line: North Pakistan belongs to Afghanistan*, www.afghanland.com/his_tory/durand.html.

⁸ See also Lyall (1905: 91) and the correspondence of Durand to Lansdowne, MSS Eur D/727/5.

⁹ A similar opinion is held by Kakar 1971: 182).

(Khan 1900: 154, 176) Building the wall was therefore instrumental to building the house: one activity would not be complete without the other.

His reluctance was not with delimiting the national territory, but rather with giving up so many Pashtun areas. His decision to give up part of the Pashtun territory did in fact contradict this project as it weakened one of the two pillars on which his state-building exercise rested. He also strongly objected to retaining the Wakhan corridor, which he considered indefensible. Why then, did he finally sign? It is plausible, on the basis of his autobiography and declarations, that Abdur Rahman's priority was to avoid war between England and Russia on his territory, which would have wrought havoc upon Afghanistan (Lyll 1905: 95; Durand 1913: 303), and to guard against what he perceived as the biggest threat, namely Russia – in his eyes the British merely wanted to defend their Indian empire (Sykes 1977: 216–217).¹⁰ It made sense, therefore, to side with the British, especially if they could provide the amir with arms and ammunition, which would strengthen him *vis-à-vis* the Russians as well as against internal opponents.

Some scholars have claimed that the amir and Durand, when signing the agreement, had different things in mind: the former, influenced by tribal conceptions of space and control, simply wanted to delimit zones of influence, while the latter, influenced by modern ideas of sovereignty, meant to establish an international boundary (Kaur 1985: 25). His autobiography, however, indicates that Abdur Rahman understood and shared British ideas about the nation-state and about the necessity of building “secure walls” around it. It has also been argued that at the time both sides saw the Durand Line as delimiting mutual influence and responsibility.¹¹ As for the amir, his continued interference in tribal areas south of the Durand Line after 1893 seemed to lend weight to the argument that the boundary was neither fixed nor absolute. Sykes, Durand's biographer, noted that the British were not interested in administering tribal territories, but “merely wished for political control”; the border decided in 1893 “had the aim of fixing the limit of their respective spheres of influence” (Sykes 1977: 216–217). Similar statements abound in official British documents of the time. It is difficult, however, to ascertain definitively what the Durand Line was meant to be, as British documents reveal different opinions on the issue and Afghan documents pertaining to the agreement have been lost. The text of the 1893 agreement

¹⁰ See also amir's quotation in Roberts (1898: 506).

¹¹ Kaur himself, contradicting what he had written a few pages before, took this position (Kaur 1985: 32); see also Fraser-Tytler (1958: 189); Poullada (1969: 22); Dupree (1973: 426); Majid (n.d.).

does not help to resolve this issue: although the initial part of the agreement mentions the need to fix “the limit of their [Afghan and British] respective ‘sphere of influence’”, subsequent sections specify that “The frontier line will hereafter be laid down *in detail and demarcated*, wherever this may be practicable and desirable, by joint British and Afghan commissions, whose object will be to arrive by mutual understanding at a *boundary* which shall adhere with the greatest possible exactness to the line shown in the map attached to this agreement”. (Kakar 1971: 179–180; author’s emphasis) Some of the terms used seem to indicate that the Durand Line was meant to be a boundary, a word which, contrary to what some scholars have stated (Kakar 1971: 179–180), is explicitly mentioned in the agreement. As we shall see, similar ambiguities characterize subsequent treaties between Afghanistan and Britain. What is certain is that only in the years preceding the independence and partition of India did the British unequivocally assert that the Pashtun areas south of the Durand Line had been annexed to British India; until then the main British preoccupation in these areas was, as we shall see in the next section, with hegemony rather than sovereignty.

Curzon’s “three-fold frontier”

Durand was very satisfied with the agreement, which was approved on 13 November by a *darbar* attended by 600 *sardars*: “The balance”, he argued, “is very largely in our favour, and gives us practically a free hand in dealing with the frontier tribes for the future”.¹² Considered by Rushbrook Williams “one of the best defined and most clearly recognised frontiers in the world” (Rushbrook Williams 1966: 63), the demarcation which followed, between 1894 and 1896, was actually defective on many counts. The Anglo-Afghan joint commission had different maps, not all of which were precise. Durand was not around to clarify what had been the terms of the agreement, as in 1894 he was sent as minister plenipotentiary to Persia. Some parts of the boundary close to Mohmad areas and the Khyber Pass, could not be demarcated, and the agreement was followed by local uprisings that would last until the end of the century. Victor Bruce, 9th Earl of Elgin and Lansdowne’s successor, devoted much of his tenure to sending British Indian armies on punitive expeditions along the new frontier, where in the years following the agreement uprisings drained British resources and hindered their economic interests. Tribesmen were aroused by calls for jihad by local mullahs, sometimes against the wishes of local *maliks*. Abdur Rahman had

¹² Letter from Durand to Cunningham (see footnote 4).

warned the British that this would happen. In 1892 he had written to Lansdowne:

If you should cut [the frontier tribes] out of my dominions, they will neither be of use to you nor to me. You will always be engaged in fighting or other trouble with them, and they will always go on plundering. In your cutting away from me these tribes, you will injure my prestige in the eyes of my subjects, and will make me weak, and my weakness is injurious for your government. (Khan 1990: 158)

While protests were quashed militarily, the British realised that the solution lay elsewhere: from that time onwards, they tried to forestall rebellion by paying subsidies to the tribes and allowing them to retain their traditional autonomy. This was consistent with the fact that the British, as indicated in several documents, were not interested in administering and imposing their laws on them. What mattered to them was “to ensure ready access to northern areas for the British army” and to maintain the “Khyber Pass as a safe artery of commerce and trade”.¹³ Pashtun tribal areas absorbed into the Raj were to constitute a buffer area south of a buffer state; there should be no interference with the tribes “unless absolutely required by actual strategic necessities”.¹⁴ It was hoped that “the effect of frequent intercourse [with British officers] may be to mitigate the lawless and predatory instincts of the hillmen, without interfering with the tribal system of self-government”.¹⁵ Non-interference meant that tribal areas along the border could continue to settle their disputes through customary methods, mainly *jirgas*, though their role was constrained by the imposition of foreign concepts of judicial administration. The border areas thus constituted an exception to the erosion of local laws and customs, inspired by utilitarian ideals and the assumption that local laws would soon disappear under “the growing tide of European law” (Bryce 1914: 118) being implemented in the rest of the Raj.

¹³ Letter from the Government of India, Foreign Department, to the Right Honourable Lord George F. Hamilton, 23/6/1898, pp. 16–7.

¹⁴ Dispatch from the secretary of state for India to his Excellency the R.H. the Governor General of India in Council, 24 November 1898, n. 9, in *Papers regarding British Relations with Neighbouring Tribes on the North-West Frontier of India and Punjab Frontier Administration*, London, 1901, pp. 112–113. See also Curzon, *Frontiers*, op. cit., p. 39, and Letter from Roberts to Lyall, 19 July 1892, op. cit. See also Government of India, Foreign Department – Political, to His Grace the Duke of Argyll, KT, Her Majesty’s Secretary of State for India, n. 17, in *Papers relating to the Re-organization of the Western and North-Western Frontier of India, Presented to Both Houses of Parliament by Command of her Majesty*, London, 1878, pp. 88–89.

¹⁵ From Secretary of State to Viceroy, 13 October 1897, in *Papers regarding British Relations*, op. cit., pp. 10, also in Extract of the letter from the government of India to the Right Honourable Lord George Hamilton, op. cit. pp. 16–7.

Initially the settled areas in the east were put under the Punjab administration, while the remaining mountain areas remained autonomous. In 1901, Curzon, who had been appointed viceroy two years earlier, decided to consolidate the settled districts of Hazara, Peshawar, Bannu, Kohat and Dera Ismail Khan into the North West Frontier Province (NWFP), now called Khyber Pashtunkwa, under the administration of a chief commissioner. In the tribal belt, a series of agencies were established: Khyber, Kurram, North and South Waziristan and Malakand. The chief commissioner would act as the governor-general's agent for the tribal areas and the latter retained their customary laws and channels of adjudication, were exempted from taxation and received subsidies. Local tribesmen were recruited to maintain law and order. The aim was to "entrust tribal management to those who know the tribes and [to] free the management of frontier politics from delays" as well as to appease Pashtun tribes.¹⁶ Two boundaries thus came into existence: one between Afghanistan and British India, and the other between settled districts and the tribal land where the British chose not to exercise their sovereignty. Curzon referred to this system as a "three-fold frontier" (Curzon 1907: 4), borrowing the concept from Henry Rawlinson, who had served in the India Council, and from Lyall: the first frontier was the outer edge of directly administered territory, the second was that of indirect administration, and the third was the outer edge of influence, absorbing the Afghan buffer state. One could add a further frontier between the settled areas and the rest of the Raj, as even in the Pashtun-administered areas the government's actions were mainly limited to law and order, with a few attempts at social amelioration rather than social change.

The rise of Pashtun nationalism

Neither Amir Habibullah (r. 1901–1919) nor Amir Amanullah (r. 1919–1929) officially questioned the border agreement. In 1903,¹⁷ and again two years later, Habibullah recognised the validity of all "agreements and compacts" signed by his father.¹⁸ The texts of these statements and agreements left unanswered the status of the Durand Line – whether it was merely a demarcation of zones of influence or a boundary. This ambiguity was partly

¹⁶ Enclosure in n. 13, minute by the viceroy on frontier administration, in *Papers regarding British Relations with Neighboring Tribes*, op. cit., pp. 124–150.

¹⁷ MSS Eur F.111/213.

¹⁸ Treaty with Amir Habibullah Khan continuing the agreement which had existed between the British government and Amir Abdur Rahman Khan, 1905, in Yunas (2005: 40).

a product of Afghanistan's continued dependence on external powers, a dependence that was reaffirmed when the Russians and the British signed a convention relating to Persia, Afghanistan and Tibet on 31 August 1907 (Habberton1937: 92–93). By its terms, Britain committed itself not to alter the status of Afghanistan and not to encourage the amir to take measures against Russia. The latter renewed its assurances that it considered Afghanistan outside its sphere of influence, agreed to conduct all political relations with Afghan authorities through the intermediary of Britain, was allowed to settle non-political local questions with Afghan officials and was granted equal opportunity for trade. The last article of the convention stated that the agreement would come into force when the British government had notified Russia of the consent of the amir. But Habibullah had not been consulted in advance, and on being informed did not give his consent. In theory, this could have compromised the legal status of the convention. The Russian government, however, stated that it considered the convention to be in force even without the amir's consent.

Soon after becoming amir in 1919, Habibullah's son, Amanullah, proclaimed the independence of the country and provoked the Pashtun tribes into fighting the British, initiating the third and last Anglo-Afghan War. Some have held that the amir, who represented a generation imbued with Pashtun nationalism, hoped that unrest would convince the British not just to accept Afghan independence but also to redraw the border. (Hussein 2005: 39) Britain, no longer facing a Russian threat, exhausted after the First World War and facing with nationalist agitation in India, accepted the independence of Afghanistan in the Treaty of Rawalpindi (8 August 1919), but the border was not altered. With the treaty, Amanullah promised to honour "the Indo-Afghan frontiers accepted by the late amir". The 1921 treaty establishing bilateral friendly and commercial relations stated that, "the two high contracting parties mutually accept the Indo-Afghan Frontier as accepted by the Afghan government [...] on August 8, 1919". (Yunas 2003: 129–133) Subsequent clauses of the treaty used ambiguous language:

The two high contracting parties, being mutually satisfied themselves, each regarding the good will of the other and specially regarding their benevolent intentions towards *the tribes residing close to their respective boundaries*, hereby undertake each to inform the other in the future of any military pertains of major importance which may appear necessary for the maintenance of order among the frontier tribes residing *within their respective spheres*, before the commencement of such operations. (Yunas 2003: 129–133; author's emphasis)

Lending weight to the argument that the Durand Line was not intended as an international boundary delimiting sovereignty, a letter attached to the treaty,

written by the British representative and addressed to the Afghan foreign minister, recognised Afghan interests in the trans-Durand tribes:

As the conditions of the frontier tribes of the two governments are of interest to the government of Afghanistan, I inform you that the British government entertains feelings of good will towards all the frontier tribes and has every intention of treating them generously provided they abstain from outrages against the inhabitants of India. (Yunas 2003: 129–133; author’s emphasis)

The Durand Line was also recognised by Nadir Shah (1929–1933), who ascended to power after the brief interlude of Bacha-i Saqao, though once again its status was not clearly defined. By the time Muhammad Zaheer succeeded his father in 1933, Pashtun nationalism had become influential within the royal house and among the intelligentsia. This was partly a product of European ideas of the nation-state and of the colonialists’ cultivation through schools and publications of a Pashtun identity as a “pure” race (Ahmed 1978). In 1936 Pashto was recognised as an official language, alongside Dari, which until then had been the language of inter-ethnic communication. The following year an academy was founded to propagate Pashtun culture and history. In these years, associations for improving education and women’s emancipation were also founded, a product of modernist ideas gaining currency at the time in the subcontinent, as in the rest of the Muslim world. The nation-state and social improvements were both seen as the hallmark of modernity and actively pursued in ruling circles.

In the 1930s and 1940s, nationalist feelings gained ground among ordinary Pashtuns living south of the Durand Line. In 1929, evolving out of earlier associations, the Khudai Khitmatgar (Servants of God) movement, headed by Ghaffar Khan, was founded with a broad agenda: it claimed that the Pashtuns living in British India had the right to self-determination and attempted to promote Pashtun culture, and it called for an end to colonial rule and for the reform of society based on a progressive interpretation of religion. The Khudai also called for an end to blood feuds and espoused non-violence as a means to modernise Pashtun society and pave the way for social reform. Different groups were attracted by this agenda: the urban intelligentsia and upper middle class, who agreed with the modernist outlook of Ghaffar Khan and thought that the departure of the British might facilitate greater investments in progressive reforms; the *ulama*, who agreed with his anti-imperialist call, albeit hoping that the departure of the British would mean the replacement of British law with classic *sharia*; the junior *khans* and small landowners who had not benefited from British patronage as much as *khan*-elites, and were thus disaffected with the British and

hopeful of gaining a greater role in government once the British left; and lower class tenants, particularly in settled districts, who had been hardest hit by the international depression, and found themselves deprived of the protection that the *khans* had originally extended to them. Agrarian changes that had occurred since the 1920s had the effect of replacing patron-client bonds with more impersonal connections; large *khans*, by ceasing to lend support to their clients in difficult times, lost much of their traditional influence and as time went by became politically isolated. (Rittenberg 1988: 9; 60–62) Their aloofness, as we shall see, would eventually induce them to join the Muslim League.

The nationalist propaganda of the Khudai attracted followers particularly among settled Pashtuns, who compensated for their loss of tribal identity with a feeling of ethnic affiliation. The movement did not gain support in the tribal areas, as its agenda aroused little interest there. The Muslim League, which had a religious platform, was much more successful in wooing tribal Pashtuns. After initially campaigning for the political rights of Muslims in an independent India, in the late 1930s the League adopted the goal of a separate state for Indian Muslims on the basis of the “two-nation theory”. According to this theory, Muslims and Hindus in the sub-continent were too different to live within the same state; in fact, they formed two very distinct nations, each of which was entitled to its own state. The NWFP and adjacent tribal areas had already been included in the “Muslim state” envisioned as a self-governing unit by Muhammad Iqbal in his 1930 presidential address (Sherwani 1977: 3–26) as well as in Chaudhury Rehmat Ali’s call for an independent state three years later, for which he proposed the name Pakistan. In March 1940, the Muslim League, under the leadership of Muhammad Ali Jinnah, at its annual session officially called for a separate state on religious grounds, though its vague wording seemed to point to a federation: the Lahore resolution called for regrouping

geographically contiguous [...] areas in which the Moslems are numerically in a majority, as in the north-western and eastern zones in India [...] to constitute independent states in which the constituent units shall be autonomous and sovereign (Jalal 1994: 58).

The Khudai’s emphasis on ethnicity was in conformity with the agenda of the Indian National Congress, as the secular nationalism espoused by Gandhi would allow, or so it was thought, the Pashtuns to remain autonomous in a united and independent India. In August 1931 their cooperation resulted in their formal federation and the emergence of the Frontier Congress. The All-India National Congress thus gained a political base in the province and strengthened its claim to represent both Muslim and Hindu interests, while the Khudai gained a major ally with a shared vision of social

reform. This alliance was facilitated by the fact that in the Pashtun areas south of the Durand Line there were very few non-Muslims and there was no history of religious animosity. As a consequence, religious identity was taken for granted and not perceived to be endangered.

However, the Muslim League increasingly elicited support in Pashtun areas. Initially it had attracted only the *khan*-elites, who were politically isolated and felt penalised by the social agenda of the Congress, and the urban intelligentsia, who was influenced by Islamic revivalism, but as time passed the League gained increasing support from tribal leaders, religious figures and senior civil servants. The last possibly joined the League, as Jansson argues, out of opportunism: as independence became certain, they knew that if the Hindus, who were overrepresented in the professions and administration, left, their own chances of promotion and social advance would be improved (Jansson 1981: 241–242).

Until the beginning of 1947, the Khudai remained the main political force in the NWFP, as borne out by the results of the first election under the Government of India Act in 1937, when the Frontier Congress won a majority of seats. In the 1946 elections, they were again the clear winner. Things changed soon after: at the end of 1946, communal tensions in the north of India elicited the sympathy of an increasing number of Pashtuns and erupted in several episodes of violence against non-Muslims living in settled areas. As the League disseminated and at times exaggerated news of Hindu atrocities committed in other parts of India, local mullahs aroused support by telling tribesmen it was their religious duty to fight against infidels; violence against Muslims in other parts of the subcontinent heightened their sense of religious identity, while a code of honour centred on revenge required that Pushtun deaths be avenged (Talbot 1996: 47). These two elements – *pashtunwali* and Islamic identity – were closely connected, as mullahs were part and parcel of the tribal system and fully identified with Pashtun identity. The decision by the *sajjada nashins* to side with the League was probably a critical factor in weakening the support of the Frontier Congress in rural and tribal areas. These Sufi figures, linked to popular devotion, had a wide following among the population and strong ties to landed elites. Their authority had increased in the latter part of the nineteenth century, as the amirs, bent on modernising the state, had, in the absence of a state apparatus, increasingly relied on them to perform certain functions on their behalf. Mullahs, who had been increasingly used to mobilise eastern tribes against the British in return for grants and privileges, had also seen their status enhanced (Haroon 2007: 104) and benefited from the increasing availability of weapons thanks to the illegal traffic from the Persian gulf.

The militarisation of the mullahs went hand in hand with the spread among them of a revivalist ideology, a product of Deobandism, while the urban intelligentsia was increasingly influenced by the writings of Abul A'la Mawdudi and his Islamist ideas. The British were partly responsible for the religious fervour that swept the region in the 1940s: in the final years of the Second World War, the British Government in India, on the basis of a scheme apparently devised by Sir George Cunningham around 1939, paid mullahs to make propaganda against Germans and Russians, who were conveniently accused of being enemies of Islam, and to this end also used the vernacular press. The calls for jihad inevitably assumed anti-Congress overtones, and this, according to some scholars, might have contributed to strengthening support for the Muslim League (Jansson 1981: 119–121).

The 1947 referendum

When it became clear that the British would leave India, Kabul raised the issue of the self-determination of Pashtuns living south of the Durand Line. From the autumn of 1944, Afghan authorities repeatedly asked that the area absorbed by the Raj in 1893 be handed back or allowed to become independent, claiming that with the British withdrawal the border agreement would automatically lapse.¹⁹ British officials argued in their replies that Pashtun tribal areas south of the Durand Line had been annexed to India and that they “should remain and become a vital part in a federal India of the future [...] while retaining a measure of local autonomy”.²⁰ As Olaf Caroe stressed not long before becoming governor of the NWFP in 1946, “no part of India, whether states or tribal territory, [can] be conceived of as falling apart from India or being the target of ambition by foreign powers”.²¹ It was noted that tribes on the eastern side of the Durand Line did not seem to desire to be part of Afghanistan, and that local authorities were calling for autonomy within an undivided India rather than independence.²² Independence was in any case considered by the British as both unfeasible – it did not

¹⁹ Proposals of the Royal Afghan Government, November 1944, L/PS/12/1811.

²⁰ O.K. Caroe to Sir George Cunningham, Governor and AGG in the NWFP, secret, n. 716/3, 22 December 1944, L/PS/12/1811.

²¹ Caroe, 27 January 1945, L/PS/12/1811.

²² N 706/44, secret, British legation, G.C.L. Crichton, Kabul, to Lieut. Col. R. R. Burnett, Secretary to the Governor of India in the external affairs department, New Delhi, Kabul, 4 October 1945, L/PS/12/1811.

make any financial or military sense – and dangerous, as it might attract hostile forces.²³

Contrary to Congress allegations that Caroe sympathized with the Muslim League, it has been convincingly shown that he wished to avoid Partition as he feared that territorial fragmentation might attract Russia. He came to see, however, the birth of Pakistan as a political necessity when the League gained ground in the NWFP and adjacent tribal areas in the Spring of 1947 (Brobst 2005). His suggestion to hold fresh elections to establish the people's will was turned down by Lord Mountbatten, who had assumed office as viceroy in March 1947. Faced with Nehru's refusal to agree to the dissolution of the Congress ministry in the province and convinced that fresh elections would require long preparation and would not in any case offer a clear-cut answer to the issue of partition, the viceroy decided to hold a referendum. In order to gain Congress' cooperation, he replaced Caroe with Rob Lockhart.

On 3 June 1947, Mountbatten announced the date of the transfer of power and the decision to hold a referendum in the NWFP. The tribes would not vote but would negotiate treaties with the successor government. Contrary to Kabul's and Ghaffar Khan's requests, the Pashtun electorate was given only two options: join Pakistan or join India. Independence and annexation to third countries were ruled out. The British did not want to antagonize the National Congress Party and the Muslim League, neither of which wanted an independent Pashtunistan: the League saw it as contradicting the confessional *raison d'être* of Pakistan, while the Congress feared that the secession of this area would ignite other attempts at secession within India's ethnic mosaic and knew that these restless tribal areas would always pose a problem to stability in a united India (Shah 1999: 220). The British had their own motives for opposing independence: besides holding that an independent Pashtunistan would not be economically viable (Ali 1990: 97), Caroe was not alone in fearing that further fragmentation of South Asia might be a source of weakness for India and facilitate Soviet penetration in the region.²⁴

The 3 June Plan was met with strong protests in Kabul. The Afghan government stressed that the annexation of territory in 1893 had been "an arbitrary dismemberment of Afghanistan", and that with the change of In-

²³ Some political and constitutional reflections on the Landward security..., memorandum by Caroe, 18 August 1944, IOL/P&S/12/727.

²⁴ Note, Foreign office, 19 October 1946; Telegram, top secret, from Secretary of State for India to Viceroy, 5 November 1946; Note by R. H. S. Allen, parliamentary under-secretary of state, Afghanistan and the North West Frontier Province, 28 May 1947, L/PS/12/1811.

dia's status obligations created by the treaties with the British could no longer be regarded as binding. The decision to hold a referendum was in any case "incompatible with justice, as it debars [the Pashtuns] from choosing either an obvious and natural way of forming a separate free state or of joining Afghanistan, their motherland".²⁵

The British announcement of 3 June shattered Abdul Ghaffar Khan's plans for keeping Pashtun areas within an undivided India. The decision by the National Congress to go along with the referendum was even more disheartening to Ghaffar Khan. Gandhi, while opposing the idea of losing Pashtun areas to Afghanistan or granting them independence, actually dissented from the Congress High Command, as he thought that the referendum might cause bloodshed (Ali 1990: 82) and considered it unfair to force the Pashtuns to decide whether to join India or Pakistan before knowing what degree of autonomy they would enjoy in those countries (Shah 1999: 220). But his voice was isolated.

Around mid-May Ghaffar Khan started campaigning for "an independent sovereign state of Pathans" which would set up a jirga "of the whole Pashtun nation which will negotiate with India and Pakistan, whichever offers us better terms" (Rittenberg 1988: 386). After the 3 June announcement, Ghaffar Khan, while advocating independence, continued to negotiate the conditions for joining Pakistan with the Muslim League, the likely winner of the referendum. He approached Jinnah with three requests: Pashtun areas south of the Durand line should have an autonomous status within Pakistan; they should be allowed to secede if Pakistan remained in the Commonwealth; and settled and tribal areas should be grouped in one administrative unit. (Jansson 1981: 210) Jinnah agreed to provincial autonomy, but refused to accede to the other demands which, he held, should be decided by the constituent assembly of Pakistan. As a consequence, on 21 June the Frontier Provincial Congress Committee, the Khudai, and two other political groupings officially asked for a separate Pashtunistan and called for a boycott of the vote (Ali 1990: 87).

The referendum was held in the settled areas on a very narrow electoral franchise on 6–17 July 1947 (less than 14 per cent of the total population was registered as voters). Approximately half (50.99 per cent) of the eligible voters cast their ballot, voting overwhelmingly in favour of Pakistan. The Khudai alleged widespread malpractices and vote rigging; today, many scholars consider their allegations plausible, though difficult to substantiate as they were never formally investigated. In November, through local *jirgas*

²⁵ Note by the Afghan minister of the Afghan legation in London to the British Secretary of State for Foreign Affairs, 13 June 1947, L/PS/12/1811.

held under the supervision of the governor of the NWFP, the major tribes and the rulers of Dir, Swat, Chitral and Amb confirmed their wish to become part of Pakistan.

An even more limited consultation was effected in Baluchistan. Since the 1930s there had been increasing calls for independence, including the proposal for a Greater Baluchistan comprising the Baluch areas of eastern Iran, Kalat and its tributaries, and the Baluch northern areas controlled by the British. A referendum was held in parts of Baluchistan on 30 June, involving only the members of the *Shahi jirga* and members of the Quetta municipality who had been nominated by the British. This very limited electorate opted for Pakistan.

Pakistan came into being on 14 August, with massive migrations across the Indian-Pakistan border and communal massacres. On 22 August, the Frontier Congress Ministry was dismissed by the Governor of the NWFP and replaced by a Muslim League Ministry. The following year the Khudai was banned and its leaders, dubbed as traitors, imprisoned. Religious parties, including those like the Jamaat-e-Islami and the Ahrar which had opposed Partition, were spared this fate as their collaboration with the new state was sought in the attempt to subsume ethnic nationalism by religious identity.

The Afghan government did not accept the result of the referendum, and for this reason opposed Pakistan's application for membership in the United Nations on 30 September 1947, the only country to do so. On 20 October 1947 Zahir Shah agreed to recognise the new state, but through his personal envoy, Najibullah Khan, requested the Pakistani government to grant Afghanistan access to the sea, either by creating a trade corridor in Baluchistan or by creating a free Afghan zone in Karachi; to proclaim Pashtun areas a "free and sovereign" province; and to agree that in case of aggression toward one party, there would be no obligation on the other to intervene – i.e., to recognise Kabul's right to refuse to be involved in Indo-Pakistani squabbles. (Burke 1973: 71) The Pakistani government committed itself to devising ways to facilitate the passage of Afghan goods through its territory, but rejected the other requests. Its official position was, and remains to this day, that the Durand Line constitutes an international boundary and that the 1893 border agreement was sanctioned by the 1947 referendum.

This should not come as a surprise. Accepting Afghan nationalist claims was unacceptable to the Pakistani leadership, as it would contradict the confessional *raison d'être* of the country, which would weaken Pakistani claims to Kashmir, while threatening to trigger fragmentation of the entire country along ethnic lines. In order to counter this threat, the Pakistani

leadership acted on several fronts in the following decades. First, it invested increasing resources in the military; second, although it imposed a centralised structure on the country, it recognised the autonomy of Pashtun tribal areas and continued the British policy of providing major tribes with subsidies and co-opting the Pashtuns into the army; third, it tried to integrate Pashtuns in a state-building process centred on religious identity in the hope that it would eventually subsume ethnic nationalism. The history of Pakistan in subsequent decades shows how state-sponsored religious revivalism did not make Pashtun nationalism disappear; rather it contributed to its metamorphosis into an ethnic-religious identity that was even more inimical to central control and more permeable by transnational extremist forces which would ultimately threaten the very survival of the state.

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