

# PAKISTAN AND AFGHANISTAN TUSSELE OVER DURAND LINE

*The Durand Line (DL), which separates Pakistan from Afghanistan, is home to the Pashtuns on both sides of the border. Afghanistan has continuously rejected the Durand Line and upheld the right to self-determination for Pashtuns included within Pakistan by that line since 1947. Pakistan denies this claim, upholding the legality of the Durand Line, and considers the Afghan claim illegal under international law. Although it has been the official border between the two countries for more than a century, the Durand Line has been controversial for the local people. Pakistan has been pursuing an ambiguous policy towards Afghanistan and the international community for a long time. This article examines the implication of the Durand Line, and highlights the strategies of both Pakistan and Afghanistan. The present study employs doctrinal research and is limited to the positions of Afghanistan and Pakistan over the Durand Line.*

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## INTRODUCTION

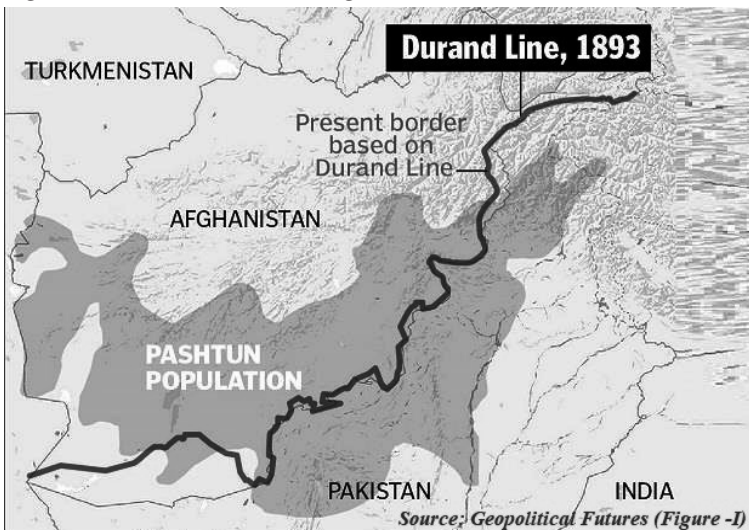
Afghanistan has a long history and covers some some 630,000 Square kilometres. (Daniel Robinett and others, 'Central Afghanistan Rangelands: A History of Tribal Rule, Grazing, War, and Rebuilding' (2008) 30 Rangelands 2 , <http://hdl.handle.net/10150/640578>> accessed 10 November 2022) Afghanistan's narrative is both lengthy and fascinating. No one has ever been able to maintain long-term control over this untamed region despite numerous attempts to unite the separate tribes that inhabit it. Alexander the Great invaded the territory in 340 BC. (A Wardak and J Braithwaite, 'Crime and War in Afghanistan: Part II: A Jeffersonian Alternative?' (2013) 53 British Journal of Criminology pp197-208) In 1220 AD, Genghis Khan seized

the region and destroyed Ghazni, Herat, Mazar-e Sharif, and Bamiyan. (Robinett and others (n 2) pp2–3) Afghanistan also was attacked by the British Indian army in 1838-1942 and later by the Soviet Union from 1979 to 1989. In the absence of precise census data, finding the actual percentages of different ethnic groups in Afghanistan is complicated and sometimes contentious. (Ahmed Rashid, 'Pakistan, Afghanistan and the Gulf' (1987) 1 MERIP Middle East Report pp35-36) It can be challenging to define diverse ethnic identities. (Abubakar Siddique, 'Afghanistan's Ethnic Divides' 11, 4) It is incorrect to say that ethnic tribes in Afghanistan "are solid cultural groupings, defined by apparent boundaries" and have been at war for generations. One of the most prominent issues Afghanistan is currently dealing with is maintaining harmony among various populations. It is challenging to view Afghanistan's politics exclusively through an ethnic lens because the country is a patchwork of ethnicities, much like the colorful Afghan carpet. "Afghan ethnic groups have never seen themselves as fixed nationalities with a defining shared past that would necessitate political unification or a nation-state." This reality will determine whether Afghanistan's future is peace and reconciliation or conflict and division. ('Pakistan and Afghanistan after the Peace "Jirga"' (2007) pp42-45) The numerous ethnic groups living in Afghanistan are clearly distinguished from those in neighbouring countries by their history as well as the distinctive historical evolution of the country. However, Afghanistan is also involved in ethnic conflicts with Pakistan. (Siddique (n 6) 3) It should be stressed that the British army in India attacked the country twice, in 1839 and 1879. (Ashraf Ghani, 'Islam and State-Building in a Tribal Society Afghanistan: 1880—1901' (1978) 12 Modern Asian Studies 269, 269) The Afghan state had by then grown strong enough to restrain internal centrifugal forces and in both cases, the Afghan state quickly overcame the invasion. (ibid) Despite the absence of an unified national culture, Afghans as a people do have a sense of nationhood. (Siddique (n 6) 2)) At the beginning of the twenty-first century, the Afghan internal conflict was primarily perceived as an ethnic one. By funding the Taliban, Pakistan and Saudi Arabia were perceived as financing a Pashtun takeover of the country. (Dr Ayesha Siddiq, 'Afghanistan And Pakistan', Counterterrorism Yearbook (Australian Strategic Policy Institute 2019) 8, [Http://Www.Jstor.Com/Stable/Resrep23114.](http://www.jstor.com/stable/Resrep23114))

## AFGHANISTAN VERSUS PAKISTAN

Hostility between Pakistan and Afghanistan began soon after Pakistan's independence on 14 August 1947, as Afghanistan adopted new views over specific issues, "The Durand Line" (2,640 km or 1,640-mile-border), and other concerns.<sup>(*ibid*)</sup> Some of the problems between Afghanistan and Great Britain that had not been fully settled now affect the successor state (Pakistan). Abdur Rahman Khan, the Emir of Afghanistan, and Sir Mortimer Durand, a secretary for the British Indian government, signed this agreement on 12 November 1893, in Kabul, Afghanistan. (*ibid*)

On 30 September 1947, Afghanistan alone voted against Pakistan's application for UN membership. Although the negative vote was quickly withdrawn, it planted the germ of distrust in the early stages of the development of relations between the two countries and left a lingering bad taste. (*Pakistan and Afghanistan: The Strategic Relationship*' (1991) 31 University of California Press 496, 19) The Durand Line and the border agreement were the first issues Afghanistan brought up in various forums. (SMM Qureshi, 'Pakhtunistan: The Frontier Dispute Between Afghanistan and Pakistan' (1966) 39 *Pacific Affairs* 99, 102) Afghanistan's successive governments have not recognised the Border Agreement of 1893. (See Figure -1)



According to Article 11 of the Vienna Convention on Succession of States in Respect of Treaties (VCSST), the Durand Line has the status of an international border. Afghanistan has brought up the Durand Line issue at international

forums, while Pakistan uses terrorists as a pressure point against Afghanistan on this bilateral issue. (Stephen Tankel, 'A Pakistan-Based Terrorist Attack on the U.S. Homeland' (2011) 13 *Council on Foreign Relations* 1) Why would Pakistan want anarchy in Afghanistan or support terrorism in Afghanistan? The government in Islamabad wants to merge the Pashtun tribes into "Pashtunistan", under its control. Afghanistan frequently pressed its territorial claims over Pakistani territory, including Khyber Pakhtunkhwa and portions of the provinces of Balochistan based on the Durand Line. (Tankel (n 16) During the Sardar Daud then the president of Afghanistan era in the 1970s, Kabul sent Afghan troops to border regions. Due to these actions, the two countries' relations became so hostile that Sardar Daud did not attend the Lahore-based Islamic Conference Summit in 1974. Until the Soviet Union military invasion of Afghanistan in 1979, all Afghan leaders were supported by the Soviet Union, either covertly or overtly. The bilateral relations rode two different tracks at this time and until the withdrawal of Russian forces (1989), there was hostility between the Afghan and Pakistani governments but sympathy, warmth, and goodwill between individuals of the two countries. (*Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions (Bonn Agreement)* | UN Peacemaker', <https://peacemaker.un.org/afghanistan-bonnagreement2001>, accessed 20 November 2022)

After the Geneva Accords in 1988, Pakistan assisted in putting together a broad-based administration under the Mujahedeen leadership that had militarily battled the Soviet occupation. Later, when the Taliban came to power with the help of Pakistan in 1996 after the ongoing civil war caused by internal Afghan dynamics, Islamabad granted the Taliban regime diplomatic recognition.

Following the 9/11 attacks, when the UN authorised the use of foreign forces, the Bonn I Agreement brought the Hamid Karzai administration to power. (ibid) It remained in office through the two elections until 2014. (Larry P Goodson, 'The New Great Game: Pakistan's Approach to Afghanistan after 2014' (2014) 17 *Asia Policy* 33,35) Hamid Karzai initially expressed goodwill towards Pakistan. Later, Hamid Karzai sought

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to develop a more solid strategic partnership with India. (Vinay Kaura, *India-Afghanistan Relations in the Modi-Ghani Era* (2022) 30 Manju Jain 29, 31)

Restricting Pakistan's access to Central Asia reduces Pakistan's position there. Through the development of direct relationships with Pashtun political and tribal leaders within Pakistan, the Indo-Afghan nexus also revived the Durand Line problem. (Syed Hussain Shaheed Soherwordi, *US and Pakistani Perspectives on Counter-Insurgency in Afghanistan* (2013) 66 *Pakistan Institute of International Affairs* 15, 161) Another matter dividing the two states is support for each other's ethnic groups. Afghanistan is allegedly supporting the Pashtun and Baloch insurgencies in Balochistan and the Tribal Belt of Pakistan. (Irfan Habib, *EVOLUTION OF THE AFGHAN TRIBAL SYSTEM* 10, 11) On the other hand, the Afghan Taliban were backed by Pakistan against the US protected Afghan government. (Habib (n 23)

Pakistan joined the US and NATO (North Atlantic Treaty Organization) in the "Global War on Terror", which the Obama Administration called "Overseas Operations". (Boyko Noev and Harlan Ullman, *Afghanistan, Pakistan and NATO's Strategic Concept: Ignore, Finesse or Confront?* [2010] *Atlantic Council* 7, 14)

Pakistan denies supporting the terrorists and claims that it is fighting terrorism. Yet, there are instances to show that Pakistan harbours terrorist leaders, for instance Osama Bin Laden was killed by the Americans in Pakistan. (Pervaiz Iqbal Cheema, *The Afghanistan Crisis and Pakistan's Security Dilemma* (1983) 23 *University of California Press* 227, 20) The critical point is that Pakistan headquartered the Taliban's "Quetta Shura" (Taliban High Judicial Council) and its military operations from Pakistani territory. (Juan Cole, *Pakistan and Afghanistan: Beyond the Taliban* (2009) 124 *Political Science Quarterly* 221, 223)

Pakistan routinely supported, launched, and harboured the Taliban insurgents and resistance groups. (Barnett R. Rubin and Ahmed Rashid, *From Great Game to Grand Bargain: Ending Chaos in Afghanistan and Pakistan* (2008) 87 *Council on Foreign Relations* 16, 17) The Pakistani government received numerous criticisms from Afghanistan for hosting Taliban leaders on its territory. (Howard Kleinberg, *To Win in Afghanistan, Destroy Pakistan's ISI* (2012) 30 *National Military Intelligence Foundation* 120, 8) Considering this evidence, the Karzai Administration accused Pakistan of playing a double game and helping the insurgency in Afghanistan. On the other hand, Pakistan claimed that the Afghan government was not acting against the Tehreek-e-Taliban Pakistan (TTP) leadership, which organises, plans, and supervises terrorist strikes in Pakistan from Afghan-controlled areas. (Shanthie Mariet D'Souza, *Afghanistan, Bangladesh, India, Pakistan, Sri Lanka* (2022) 14 *International Centre for Political Violence and Terrorism Research* 55, 57) When President Ashraf Ghani took office in Afghanistan, it appeared that the core nature of Pak-Afghan relations, that is to say, fraternal friendship, would be revived. It briefly did so when Ashraf Ghani visited Pakistan.

He emphasised that “the antagonism between Pakistan and Afghanistan has been buried in the past two days”. However, a few months later, he also decided to follow the policy of Hamid Karzai, his predecessor. (Cole (n 27) 230) Following a few attacks, most likely carried out by the Taliban, on the Afghan Parliament and Kabul Airport, Ashraf Ghani accused Pakistan of orchestrating the attacks and declared: “Pakistan is engaged in a constant unannounced war with Afghanistan”. (Kleinberg (n 29) 18)

Another issue that both states are concerned about is occasional clashes between the two border security personnel. (David Gill, *Afghan Experiences Of Conflict, 1978 – 2009: The Cost Of War* (Oxfam 2009) 56) Blame and accusations regarding unlawful border crossings or the erection of structures on either side of the boundary are heard from both sides. (Pervaiz Iqbal Cheema, *Impact Of The Afghan War On Pakistan* (1998) 41

23) Some Afghans believe that the rise of Daesh (ISIS) in their country is a new tactic Pakistan’s foreign policy uses to manage Afghanistan. (Mona Kanwal Sheikh, *Islamic State Enters Al-Qaeda’s Old Hotbed: Afghanistan and Pakistan* (Danish Institute for International Studies 2016) 51) Due to Daesh’s early success in Syria and Iraq some Taliban militants from both the Pakistani and Afghan Taliban joined the Khorasan Chapter (in centuries past the territory of Afghanistan was part of the Eastern Iranian Khorasan Province.) (Sitara Noor, *The Taliban’s Ascendancy in Afghanistan* (2022) 13 International Centre for Political

*Violence and Terrorism Research* 6, 13) For the vicious cycle to end, there must be a reduction in the trust deficit and an increase in confidence to the point where one or two isolated instances should not stop the ongoing processes. In the February 2020 agreement, the US demanded a commitment from the Taliban not to permit organisations like al-Qaeda to use Afghan soil as a base to target the US and its allies. With the abrupt fall of the civilian government headed by President Ashraf Ghani in 2021, Afghanistan experienced a quick and significant political shift. (<https://primarysources.brillonline.com/browse/human-rights-documents-online/ashraf-ghanis-pakistan-outreach-fighting-against-the-odds;hrdbrd01312015020>, accessed 19 November 2022)

Following a relatively bloodless victory, the Taliban seized control of Kabul

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on 15 August and subdued a resistance movement in the Panjshir valley in less than two weeks. (Sayed Qudrat Hashimy, 'Analysis of the United States' Liability for War Crime in Afghanistan' (17 December 2021) <https://papers.ssrn.com/abstract=4138859>> accessed 20 November 2022) However, despite the Taliban now being “on the wrong side of an insurgency”, peace and security remain elusive in Afghanistan. Pakistan claims that it is playing a significant role in Afghan reconciliation efforts, both currently underway and those that may develop. (Jyotsna Bakshi, 'Soviet Approach to the Problem of Afghanistan-Pakistan Settlement 1976–1985' (1994) 50 *India Quarterly: A Journal of International Affairs* 95, 100) Pakistan has consistently backed a peace process that is “Afghan-led and Afghan-owned”. (Noor (n 37) 14) In order to move away from the risks posed by the tinder-box syndrome in the region, solid and stable bilateral relations require sustained political resolve on both sides.

#### AFGHANISTAN AND PAKISTAN TRIBAL DILEMMA

The split of the Pashtun people between Afghanistan and Pakistan has clouded the relationship between them. The two countries are now home to about 50 million Pashtuns. In Afghanistan there are some 15 million Pashtuns, and another 30 to 35 million in Pakistan. Nationalist Pashtuns and Balochis have posed the greatest threat to Pakistan's unity since Bangladesh's formation in 1971. Pakistan has responded to the challenge by supporting its armed Islamist clients in Afghanistan since the 1970s. Because ethnic Pashtuns made up most of those clients, the Pakistan programme addressed both internal and external political and security issues. Following the Soviet invasion of Afghanistan in the 1980s, Pakistan had a golden opportunity to pursue its long-held goal of undermining Pashtun nationalism. (Bakshi (n 43) 100) In addition to funding Islamist groups in the border region, it actively fostered pan-Islamism among Afghan refugees. This led to the emergence of a more modern form of “Pashtun Islamism”, some of whose characteristics were strengthened and became evident in the rise of Taliban power in Afghanistan. Pan-Islamist unity prevailed over tribalism and ethnic divisions. The Taliban were viewed as a strategic asset by Pakistani analysts. (Marvin G Weinbaum, 'A Challenged Pakistan and Its Afghan Policies' (2013) 4 *Bustan: The Middle East Book Review* 1, 13)

According to their theory, the Taliban were violent Sunni extremists, mainly Pashtuns from southern Afghanistan supportive of Pakistan's geopolitical objectives. (Kirsten Matoy Carlson, 'Towards Tribal Sovereignty and Judicial Efficiency: Ordering the Defenses of Tribal Sovereign Immunity and Exhaustion of Tribal Remedies' (2002) 101 *Michigan Law Review* 569) They were seen

as Pakistan's allies in the fight against Pakistan's close and distant neighbours and against secular Pashtun ethno-nationalism and Afghan nationalism within Pakistan. (Austin Long, 'Prospects for Afghanistan and Pakistan' (Foreign Policy Association 2017) The Taliban attacked all moderate and progressive Pashtun parties and political figures in Afghanistan and fought against the non-Pashtun Northern Alliance. (Siddiqi (n 13) Later, Pashtun extremist groups in Pakistan imitated their intolerance of dissent. The aftermath of 9/11 did not change Pakistan's security calculus. Despite being formal partners of the US and its allies, Pakistani leaders openly supported the Taliban's takeover and described them as the true Pashtun representatives in Afghanistan. (Sardar Daud, 'Demise of the Tribal State' 4, 213) Despite a rising Taliban and al-Qaeda insurgency in Afghanistan's western Pashtun territories, Pakistani politicians, especially former military dictator Late General Pervez Musharraf, championed Pashtun rights in that country. (Ahmed Rashid, 'Continuing Search for Stability: Pakistan and Afghanistan' (2016) 69 *Pakistan Institute of International Affairs* 37, 11) Islamabad did not benefit much from what its detractors called a double game. Many factors of Afghan society were hostile to it because it intervened in the country's internal affairs. The departure of influential Pashtun and non-Pashtun figures that saw Islamabad as an unreliable patron was particularly harmful. (Andrew H Fraser, 'Pakistan and the Taliban' (2019) 36 *National Military Intelligence Foundation* 10) Secular Pashtun ethno-nationalists in Pakistan, who competed with Islamists for popular support, universally opposed the Taliban administration and later the insurgencies in the tribal areas. The Taliban, in their eyes, were a creation of Pakistan's military's colonial overreach. Government, educational, and agricultural infrastructures all fell apart during the turmoil of the Soviet occupation, which lasted for ten years, and the subsequent twelve years of civil war and struggle. (Mehrunnisa Ali, 'Soviet-Pakistan Ties since the Afghanistan Crisis' (1983) 23 *University of California Press* 1025) Mullahs ran universities in the final few years of the Taliban 1.0, and classes were not even held. Education was denied to an entire generation. Likewise, the Taliban regime 2.0 denies girls' education in secondary school to universities.

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As a matter of precedent, self-styled Mullahs determine the curriculum



of the universities in Afghanistan, which is based on orthodoxy and extremist preaching. Instead, the state should work on the transfer of technologies, and encourage research and development. Afghanistan must integrate and unify “Laraw Bar Pashtuns” (both sides of borders). During the last regime, the government system was based on local “Warlordism”, Hamid Karzai and Ashraf Ghani never had effective control of the country. (*Conrad Schetter and Rainer Glassner, 'Local Configurations of Violence: Warlords, Tribal Leaders and Insurgents in Afghanistan' (2011) 29 Sicherheit & Frieden 232, 234*) The US controlled government was formed in December 2001, and possessed neither internal nor external sovereignty. (*Samra Naz and Zafar Nawaz Jaspal, 'Afghanistan in the Snare of External Power Struggle' (2018) 38 Strategic Studies 22, 25*) The foundation of the state was based on nepotism, corruption, and the struggle for power among warlords. The two former presidents were not statesmen and lost Afghanistan to the Taliban.

#### AFGHANISTAN AND PAKISTAN STRATEGIES

Most aspects of Pakistan's foreign policy, particularly in its relations with Afghanistan, are influenced by its domestic conflicts with Islamic radicalism and strategic fears. (*Weinbaum (n50)1*) The ability of both nations to move away from their rivalries and the dangers posed by their connected, extremist-led insurgencies may eventually determine their future as their destinies are intertwined. As it turns out that both., Pakistani and Afghan civilians face threats from the forces of militant extremism. (*Seth G. Jones and C. Christine Fair, 'Pakistani Operations Against Militants', RAND Corporation (2022) <https://www.jstor.org/stable/10.7249/mg982rc.11>*)


It is widely believed that the Pakistani Taliban benefits from the Afghan Taliban's return to power and that the success of militant Islamic organisations against the Pakistani government will almost certainly bolster Taliban rule in Afghanistan. (*Weinbaum (n 50)2*) Afghans and many members of the international community have long believed that Pakistan's efforts in Afghanistan were intended to keep their neighbour weak and divided. Pakistan is regarded as purposefully aiming to foster tensions between Afghan ethnic class and promote the country's fragmentation by unquestioningly supporting Afghanistan's Pashtuns. (*Tanvir Ahmad Khan, 'Pakistan's Regional Policy with Special Reference to India and Afghanistan' (1990) 43 Pakistan Institute of International Affairs 21, 22*) Pakistan's military authorities supported the Taliban after supporting transnational Islamic groups during the 1980s jihad against the Soviets. Pakistan cannot assume a disproportionately large role in the security and economy of Afghanistan due to its own regional and international

involvements. Military strategists in Pakistan have been compelled to admit that a docile Afghanistan, envisioned to provide with strategic depth may never be under Islamabad's control. (*Ibid*) The domestic context in which Pakistan's Afghan policies are crafted must be considered in order to comprehend how they contribute to the expansion of political radicalism in Pakistan. (*Mansoor Akbar Kundi, 'Afghanistan: Power Struggle among the Rival Groups' (1996) 49 Pakistan Institute of International Affairs 23*) Pakistan and Afghanistan are frequently clustered together as "brother nations" due to their extensive historical ties, long-standing affinities, striking social fabric similarities, shared religious identity, ethno cultural bonds, and strategic alliances, which date back to the Indian subcontinent's pre-partition era. (*Mairaj-ul-Hamid, 'Pak-Afghan Ties: Evolution, Challenges and the Way Forward' (2017) 14 Policy Perspectives: The Journal of the Institute of Policy Studies 59*, <https://scienceopen.com/hosted-document?doi=10.13169/polipers.14.1.0059>, accessed 19 November 2022) The Afghan region is sometimes called as the "cockpit of Asia", equally important from a cultural, geographical, and political standpoint. (*ibid* 60). History shows that the people of Pakistan and Afghanistan have been in constant interaction. (*Dr Qazi Shakil Ahmad, 'Reconstruction of Afghanistan: Problems and Prospects' (2002) 55 Pakistan Institute of International Affairs 25, 24*). Following the partition of the subcontinent, Pakistan and India each strengthened their ties to Afghanistan for their own national interests. Regional conflicts between major powers have often been focused in Afghanistan. (*Dirk van der Kley, 'China's Foreign Policy in Afghanistan' (2014)*, <http://www.jstor.com/stable/resrep10138>) Foreign supported coups with foreign support, proxy wars, and arming of client organisations have all taken a heavy toll on Afghan stability and state creation. The rivalry between India and Pakistan predates the Afghan war. (*Harsh V Pant, India's Changing Afghanistan Policy: Regional and Global Implications (Strategic Studies Institute, US Army War College 2012)* It has its roots in diametrically opposed nationalist ideologies that arose following the end of British rule over South Asia and is embodied in the ongoing conflict about Kashmir. (*Sumit Ganguly, 'India and Pakistan in the Shadow of Afghanistan' (2009) 101 147, 8*) As soon as Pakistan began to suspiciously view Indo-Afghan ties as a danger to its ethnic and territorial integrity, Afghanistan was drawn into this regional conflict. (*Paul Cruickshank, 'The Militant Pipeline: Between the Afghanistan-Pakistan Border Region and the West' (2010) 14*, <http://www.jstor.com/stable/resrep10479>)

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Bilateral relations between the two unstable neighbours have been defined by ups and downs, due to post-partition regional dynamics and legacy issues from the British Raj; however, the grassroots interactions have remained usually cordial, albeit turbulent.

## CONCLUSION

The unforeseen consequence of the Pakistan military's foreign and security strategy, which has involved Islamabad in the fight in Afghanistan, using non-state actors as strategic assets, is the current turmoil in Pakistan; the Durand Line dispute cost Afghanistan seventy five years of proxy war. Pakistan and Afghanistan can resolve disputes over borders through a public referendum based on the principle of natural justice and fundamental rights. The Durand Line was an artificial frontier drawn by India's British Raj and imposed on Abdur Rahman Khan, then the Amir of Afghanistan and the bilateral conflict arose after Pakistan was carved out of India.  (DI2722023SQHPATDL@100110)