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AN ARTICLE

ON

PAKHTUNISTAN

A NEW STATE IN CENTRAL ASIA

BY

RAHMAN PAZHWAK

My fetters do not shame me
Proud beasts are bound in chains!
Whate'er befall, one freedom
—To fight my fate—remains!
Khush-Hal Khatak

"All peoples and all nations shall have the right of self-determination, namely, the right freely to determine their political, economic, social and cultural status."

INTERNATIONAL COVENANTS ON HUMAN RIGHTS.

FOREWORD

THE independence of the Indian sub-continent, one of the most significant events in the history of Asia, was a great source of happiness to all peoples of Asia. The success of the people of India in their struggle was a particular source of satisfaction to the Afghans who had always maintained their independence, and to the Pakhtunistanis who had always treasured it.

The partition of India, however, created certain difficulties. Among these, the major problems were those of Kashmir and Pakhtunistan, which remain unsolved. The former has gravely affected the relations between India and Pakistan, while the latter has brought about a serious international situation between Afghanistan and Pakistan.

The legal and political arguments over these two situations have been a source of preoccupation not only for political circles in the countries directly involved, but also for all those who are concerned with international affairs and the maintenance of peace.

The situation in Kashmir is not within the scope of this publication, as it is intended to deal only with the problem of Pakhtunistan. However, in the light of the policy of Pakistan, it is not difficult to discover where lies the burden of responsibility for the uneasy situation in this part of the world. Moreover, the ambivalent policy followed by Pakistan on two issues which are the outcome of the same event and similar circumstances should not go unnoticed.

The claim of the Pakhtunistanis for independence is

based on the right of self-determination. Afghanistan supports this claim.

Many attempts have been made by the Government of Afghanistan to achieve a peaceful solution of the problem of Pakhtunistan, through negotiations with Pakistan. At the end of a series of negotiations which had to some extent paved the way for understanding between the two countries, a new régime was established in Pakistan under the leadership of Field Marshal Ayub Khan. This new régime has disregarded the previous negotiations, an act which has led to grave tensions between Afghanistan and Pakistan. The anxieties this has caused for the people of Pakhtunistan, and consequently for the people of Afghanistan, are reflected in the world press. These reports have stirred the interest of people concerned with international affairs, and many questions have been asked about the realities of the Pakhtunistan problem and the aspirations of its people.

I hope that this article, aimed at answering these questions, will clarify the background of the problem in the light of historical realities.

RAHMAN PAGHWAK,

New York, March, 1960.

PAKHTUNISTAN

Pakhtunistan is the homeland of over five million Pakhtuns. Its extent from the Pamir massif to the shores of the Arabian Sea and the Iranian frontier covers an area of more than 190,000 square miles, and includes all the territory between the River Indus, which is the natural and historical frontier of the Indian sub-continent, and the Afghan border. In the East, Pakhtunistan is separated by 350 miles of natural frontiers from Kashmir.

The term "Pathanistan," used by some writers, is the Indian variant for "the land of the people of Pakhtunistan," who are known as "Pathans" throughout the Indian sub-continent.

From the earliest recorded history of the region, the Pakhtun or Pashtun is traced as the original inhabitant of Ancient Ariana, or modern Afghanistan. In early documents the name appears as Pakt or Pakht, related to the name of Bactria (Bakhtar) in Northern Afghanistan, better known to-day as Balkh. The Pakhtuns are closely linked with the history of Bactria and ancient documents amply clarify the fact that the domain of the Pakhtuns included all the lands from Bactria in the North, to the banks of the River Indus, or "Sind," the very name of which is derived from the Afghan word for river.

Herodotus mentions the Pakti or Paktyes as the inhabitants of Paktica or Paktya, and describes them as "warlike Aryan people inhabiting valleys west of the Indus."

The ancient history of Pakhtunistan is a component part of the history of Afghanistan. The struggle of the people of Pakhtunistan for freedom from foreign domination begins in the period when, after a series of adverse political developments, they were severed from the Afghan state and undertook to defend themselves locally against inroads upon their rights and their national entity.

The advent of British colonialism in India, and the imperialistic rivalries of the West, created unfortunate developments in Afghanistan, and Ranjit Singh, who was entrusted by the Afghan King to administer Afghan possessions beyond the border of Afghanistan across the Indus, took advantage of the political situation and declared himself King of Panjab. He was abetted by the British in spreading his influence in the Afghan provinces west of the River. Thus encouraged, he ventured to attack Peshawar and started the Pakhtun Nation's bitter struggles for freedom.

The Sikhs were unable to establish any vestige of security in the area. The struggle of the people of Pakhtunistan against the invaders was continuous to the last, and the period was marked by a state of war from the beginning to the end.*

After the elimination of Sikh power in the Punjab, the British began to spread their influence in the Indus regions, and the people of Pakhtunistan came face to face for the first time with British imperialism. British historians have called this the "disturbed period," a period which continued until the end of the British rule in India, and still continues under the new set-up.

After the first Anglo-Afghan War, conflagration in Pakhtunistan against British occupation continued, and the Central Government of Afghanistan continued to

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*"We succeeded to an inheritance of anarchy . . . They (the Sikhs) had ever been in a state of war with the border tribes and even with people in the interior districts."

(Sir Lepel Griffin, in his report to the British Government.)

defend their rights in diplomatic struggles.*

In 1894 the British demanded a demarcation of the frontier and assigned Sir Mortimer Durand to define it with the Amir. In his autobiography, the Amir writes that all his arguments against this unjust and unwarranted demand, and his explanation of the imminent danger arising from the resentment and indignation of Afghans on both sides of the proposed line, were rejected by unilateral interests backed by the threat of arms and by political and economic blockades. At the same time,

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*" The Amir is carrying on a diplomatic war with me about the hill tribes here, whom he claims as his subjects, and wants me to make no arrangements with them except through him."

(Herbert Edwards, British Commissioner in Peshawar.)

". . . and thus the British were involved in a dispute with Afghanistan which strained relations between Britain and that country."

(Sir Kerr Fraser-Tytler, in his book " Afghanistan.")

" The perennial difficulty of border administration is that between the political boundary and the Indus is a tract of country . . . which although ethnographically and geographically part of the heritage of Afghan nationalism, lies within the Empire."

(William Barton in " India's North-West Frontier.")

" It is illogical from the point of view of ethnography, of strategy and of geography . . . it splits a nation in two, and it even divides tribes. It is surprising that Abdur Rahman accepted such a boundary . . . it is possible that . . . he did not take in all the implications . . ."

(" Afghanistan," by Sir Kerr Fraser-Tytler.)

" The eastern boundary of Afghanistan was demarcated in 1894, and the ' Durand Agreement ' forced on a most unwilling Amir. By these acts, five million of the Pashto-speaking people were removed from their Afghan allegiance and placed under the control of the British Raj. Unfortunately, the architects of the new frontier were statesmen rather than anthropologists. In addition to creating an Afghan Irredenta, the Durand Line made the serious tactical mistake of bifurcating some of the tribes. This situation added to the irascible temper of the people, and the difficult terrain successfully prevented British pacification."

(Arnold Fletcher, Department of History, University of Southern California.)

the Amir records, Czarist authorities who had their eyes on Roshan and Shegnan were exerting pressure on him.*

The negotiations between the Amir and Mortimer Durand were conducted in private and no detailed accounts have ever been made public. Sir Percy Sykes, in his biography of Mortimer Durand, records Durand's pessimism about the Line and admits the fact that the people of Afghanistan, as well as the people of Pakhtunistan, directly affected, were hostile to the British claims.

This is a clear indication of the political atmosphere of the time and proves the importance of the notes left by Amir Abdur-Rahman on this issue.

Anyway, a Commission was appointed by the British to define the boundary of Afghanistan, which later came to be known as the Durand Line. This line was drawn with the sole intention of limiting the area under the direct jurisdiction of Kabul; it did not in any way make the severed region a part of the British Empire. Several

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*" It was the Durand Line that the Amir Abdurrahman opposed *most furiously*, and submitted *solely* to evade a greater catastrophe. He considered himself free to abrogate it at the first opportunity. This explains his continued sympathy with tribal agitations . . . and especially his ambiguous conduct during the great revolt of the tribes in 1897."

(" Afghanistan Crocevia Dell'asia"
Da E. Caspani & Cagnassi.)

British historians have given a clear indication of this fact.*

The new boundary line was not based upon any sound topographical data, and it does not conform with any geographic or ethnic considerations. The British writer Holditch is of the opinion that the non-inclusion of a technical mission in the boundary commission was intentional. This explains the character of the commission, necessitated by the ruthless expansionist policy of the time. †

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*" The Amir administers the country right up to the boundary, but on the other side of it are tribes whose independence we have promised to respect."

(Frank Noyce.)

" Even so, it was more less extorted . . . one could hardly expect Caboul not to resent . . . it emphasised the bitter feeling of the loss of Afghanistan Irredenta from the foothills to the Indus."

(Sir William Barton.)

" What was the status of the hill tribes? By nationality they were Afghans, and they lived within the boundaries of the Empire of Ahmed Schah Durrani."

" The British did not solve the problem of the tribes, and when in August, 1947, they handed over the control of India's North-Western defences to the untried Government of Pakistan, they handed over likewise a fluid, difficult situation, fraught with much danger."

(Sir Kerr Fraser-Tytler.)

† " This in fact divides in two a territory that is ethnically Afghan, without obtaining a 'tranquil and scientific' border for India, as was intended by the English."

(E. Caspani.)

" The British failed to realise that the Afghan Borderland had no affinities with India . . . from every point of view, ethnic, linguistic, geographical, as well as in traditions and history, it differs widely . . ."

(William Barton.)

" Many causes have been assigned to this expansion. Imperialistic acquisitiveness, the urge to dominate . . . the greed of great trading companies hungry for dividends, the policies and ambitious men scarcely restrained by authority whose control was rendered migratory by distance."

(Fraser-Tytler.)

Regarding the position of the Amir, Holditch says that the treaty was signed under duress, and that the Amir reserved the right of disputing in detail.

Another British writer, G. B. Scott, records that the Amir, in his protests to the Viceroy of India, warned Lord Lansdowne of the difficulty involved in the subjugation and rule of the Afghan tribes, and advised him to leave them under his jurisdiction, because he alone would be acceptable to them as a national ruler of their own race.†

The views of the people of Pakhtunistan themselves and the repercussions of this " agreement " in the areas affected, clearly show how British political expectations were frustrated, and how much of their expression of ambition could escape from sounding disappointing in the fact of the struggle of the people of Pakhtunistan, who in the defence of their liberty and national entity have been referred to as " semi-savages."

Whatever the circumstances, the people of Pakhtunistan remained loyal to their concepts of freedom, and whenever attempts were made to draw them closer

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†" The Pathan and Afghan are interchangeable terms. They call themselves Pakhtuns or Pashtuns in their own language."

(Abdul Qaiyum.)

" . . . omitting the short period of Sikh rule, it has formed part of the Afghan Kingdom to which it was united by sentiment and loyalty as well as by race."

(William Barton.)

into the British orbit of influence it was met with definite opposition."*

British attempts to break the indomitable spirit of the people of Pakhtunistan and to wean them from their unswerving devotion to national freedom were far from successful. In seventy years of British occupation, up to the thirties of this century, more than 25 full scale military expeditions were launched against the people of Pakhtunistan. Seventeen such wars were fought in Waziristan alone, with incalculable damage and loss of life. In one of these co-called "punitive expeditions," an army of forty thousand men fully equipped with the latest machines of war, including armoured units, and

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*". . . it was decided to start the demarcation of the new boundaries . . . with strong escort.

". . . with an escort of 3,000 infantry and guns (the Commission) entered the Waziri country and formed an entrenched camp at Wana . . . on the 4th of November an attack similar to that on Col. Lumsden's camp . . . was made just before the dawn . . ."

(G. B. Scott.)

"I believe that our North-West frontier presents a spectacle unique in the world . . . after 25 years of occupation, a great civilised Power has obtained so little influence over its semi-savage neighbours, and acquired so little knowledge of them, that the country within a day's ride of its most important garrison is an absolute "terra incognita," and there is absolutely no security for British life . . ."

(Lord Lytton, Viceroy of India, Parliamentary Papers, Vol. 58.)

". . . a knowledge of frontier history since 1893 shows that the agreement increased not only the responsibilities of the Government of India, but also the chances of collision with the tribes and of war with the Amir. The new boundary line was not based upon sound topographical data . . ."

("The Cambridge History of India.")

"Where the national spirit is so strong, as it is with the Pathan, the expectation that the British official hierarchy would wean him from his attachment to a ruler who embodied Afghan or Pathan nationalism was based upon the flimsiest grounds."

(William Barton.)

aided by the Royal Air Force, was engaged for two years against the Waziris. At the end of the hostilities, no decisive gain was reported by the authorities, and imperial influences were hemmed at the starting point.*

The experiences of 1930 and 1937 in Waziristan were only two of a continuous series of encounters between the British and the people of Pakhtunistan. Most notable among others are the popular uprising in Tirsh in the year 1897, the widespread agitation and fighting in sympathy with the Afghan cause during the Anglo-Afghan war of 1919, and the blood-stained events of 1922 in Makin.

The administration of Pakhtunistan became a problem of first importance. The organisation of a semi-military police force became necessary. After the inauguration of the so-called "North-West Frontier Province" as a separate entity, this organisation was remodelled, the regular troops no longer garrisoning the agencies but being concentrated in large cantonments. This, however, did not change the attitude of the people

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*"This occupation of the . . . Independent Territory . . . even if advisable, would require years of military operations and involve expenditure that we cannot dream of . . ."

(Frontier Enquiry Committee.)

"It has been said and repeated . . . that to have had this problem with us for 70 years and more . . . and still to have the problem before us, is a slur on our acumen and capacity."

(General George MacMunn.)

"Alone among the races which inhabit the Empire, he has a habit of staring the Englishmen straight in the eyes. He hates to cast down his eyes when a foreigner is looking at him. This was the type of man that the British set out to tame and subdue."

("Gold and Guns on the Pathan Frontier.")

"Tribal Territory . . . or the Country of the Independent Tribes as it is often called between the British administrative border and the Durand Line, is in theory a British Protectorate. It has not been annexed and the tribes have not accepted our rule."

(William Barton.)

of Pakhtunistan, and according to British Government papers, the number of attacks perpetrated during the period 1906-1919 ran into three figures."*

The peculiar position of the people of Pakhtunistan has been repeatedly acknowledged, not only because of their geographical position, but also because of their distinct origin, culture and customs, their spirit of nationalism and their independent nature. Their destinies and aspirations are linked more with Afghanistan and the Middle East than with the countries of the Indian sub-continent.

With the recognition that Pakhtunistan was not a part of the Indian sub-continent, because of different conditions and different national character, the idea that it should be separated from the Indian provinces, attracted more and more attention. Lord Curzon decided to separate the "Province," a decision which was endorsed by the findings of the Frontier Enquiry Committee.

Moreover, the Committee observed that while the "North-West Frontier Province" had no link with the

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* Diwan Chand Obhrai, in his book dealing with the "North West Frontier Province," says that besides the Military Forces a large police force was necessary, which was over 6,000 strong, and the total number of prisoners in jails came to about 25,000 or one per cent. of the population of the occupied zones of Pakhtunistan.

"The police and the jails between them swallow up a very large percentage of the revenues, which could have easily been earmarked for nation-building projects. This is a problem which has hitherto defied solution. It cannot be set down to something inherently wrong with the people . . . Among the same people . . . in Afghanistan the number of murders in relation to the population is surprisingly low."

("Gold and Guns on the Pathan Frontiers.")

Indian provinces, it was inseparable from the "Tribal Territory."*

The national entity of the people of Pakhtunistan, as a people apart from the peoples of the sub-continent, is clearly alluded to in the committee's report.†

Whenever religious considerations of the Hindus

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*"The Pathan considers himself more to belong to the hills than to India, having more sympathy with his kind in the Trans-border than with the rest of India."

(Report of Frontier Enquiry Committee.)

"For centuries he (the Pashtun) has been on our frontier, at least subject to no man. He leads a wild, free, active life in the rugged fastness of his mountains and there is an air of masculine independence about him which is refreshing . . ."

(Col. H. C. Wylly in "The Black Mountain to Waziristan.")

"As soon as the train crosses the Indus, you find that you are in an entirely different atmosphere. The language, the race and the very outlook of the people differ . . . The Indus is the ethnographical boundary between the Pathan homelands and India."

("Gold and Guns on the Pathan Frontier.")

†". . . if self-determination is to be allowed at all in India, it should surely be allowed to the Pathan race, whom Providence has interposed between India and foreign aggression."

(Frontier Enquiry Committee.)

"Whereas most of the Hindus of the Province . . . demand satisfaction of their aspirations in a larger entity . . . the Moslems and the Pathans almost to a man will not be content without the fulfilment of their political aspirations within their own province."

("The Evolution of the North-West Frontier Province.")

"Unlike his co-religionists in the other parts of India, he has not allowed himself to be gripped by the fear complex, the fear of Hindu domination in India. It is for the Pathan unthinkable an insult to his self-respect—to need a promise of protection from any section of the Indian population, however numerically strong it might be. He would much rather rely on his own strong arm to get his freedom, and to retain against all enemies after he has won it."

(Abdul Qaiyum Khan.)

"The Pathans are an intensely nationalistic people. The Pathans have no desire to dominate, but they are equally determined not

and Moslems were discussed, the people of Pakhtunistan were particularly mentioned, not in the name of their religion, but in that of their separate race. Their demands were especially emphasised, which is one of the most significant facts to be considered after the partition of India into a Hindu and a Moslem State."

The Simon Commission, with regard to the claims of the " virile inhabitants "—a term used by the Commission to evade the mention of their separate nationality*—pointed out their distinct geographical position and character, and in terms of introducing reforms and granting self-government to the Indian Empire, added—

> " . . . it is not possible to change the plain facts of the situation. The inherent right of a man to smoke a cigarette must necessarily be curtailed if he lives in a powder magazine."

This attitude should be noted in relation to the British policy towards the people of Pakhtunistan.

In 1929 Lord Irwin, the Viceroy of India, called the Round Table Conference. The people of Pakhtunistan did not participate, to demonstrate their difference of opinion and their separate case.

The recommendations of the Round Table Conference of 1931 were implemented in 1932, and Sir Ralph Griffith was installed in Peshawar as Governor.

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to submit to any dictation . . . of any kind, from any quarter."

(" Gold and Guns on the Pathan Frontier.")

" Analysis of the Pathan mentality must take account of the patriotism which . . . has developed a consciousness of separate political interest."

(Sir William Barton.)

*" The contiguity of the Province with Independent Territory and Afghanistan, the intercourse between the people on both sides of the border line, the similarity of their ideals, customs and mode of life, and especially their descent from the common stock, strongly distinguish the people of our province from those of the rest of India."

(From the memoranda of Clan Chiefs to the Royal Statutory Commission.)

The Viceroy of India, in his inaugural message, admitted the special importance of Pakhtunistan, which had caused Lord Curzon's Government in 1901 to propose that Frontier affairs be put in their own hands.†

In these considerations, the opinion of the Royal Statutory Commission referring to the "interests of the Sovereign State of Afghanistan" was stressed.

In the White Paper, embodying the proposals for consideration by the Joint Select Commission of both Houses of Parliament, it was proposed that the Province inhabited by the people of Pakhtunistan be an autonomous unit, which was to be administered by a Governor representing the Crown. British administration was limited to the Administrative Border and the Independent Regions between this border and the border of Afghanistan, lands which were called "Yaghistan," *i.e.*, "the land of those who could not accept others' yoke." The status of this territory according to British historians was considered as that of a theoretical British protectorate."*

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†"The North West Frontier is a very special province. You cannot apply general laws as you would to other provinces."

(Lord Reading, Viceroy of India.)

*"Yaghistan . . . between the British protectorate border and the Durand Line, is *in theory* a British Protectorate. It has not been annexed, the tribes have not accepted our rule."

(Sir William Barton.)

"He takes his independence for granted, and very seldom parades it in the garb of rudeness."

(Enriquez.)

The administered areas of Pakhtunistan, too, always remained a source of trouble to the administrator, and special laws and regulations were enforced to discourage nationalism in Pakhtunistan.†

Statements of everlasting facts emanating from a true knowledge of the people of Pakhtunistan are of great significance in consideration of the present situation in the relationship of the people of Pakhtunistan and the Pakistanis.

The present struggle of the people of Pakhtunistan is but a continuation of their fight against the British, with the same purpose and the same logic. The ultimate object of the people of Pakhtunistan was not only to be considered as an entity apart from India, an aim which was already achieved, but to be independent and free from any foreign yoke.*

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†" The British Government has here to deal with the problem of a political minority which it has hitherto found impossible to assimilate in India."

(Sir William Barton.)

" The Pathans are an intensely nationalistic people. If anybody has the slightest doubt on this score, he would find an answer in the mass demonstrations witnessed in Peshawar in December, 1944, when the remains of the great Afghan philosopher and politician, Sayad Jamaluddin Afghani, were brought . . . on the way to their last resting place . . ."

(" Gold and Guns on the Pathan Frontier.")

*" I asked what the guiding idea of the Fakir's movement was, and was told it was freedom; his people had not been conquered by Genghis Khan or by anyone since—a proud boast in those much fought over mountains, and I think a true one. They certainly had not been conquered by the British, and they did not mean to be conquered by the Pakistanis . . . He repeated that freedom was the principle."

(Christopher Rand, " Interview with the Fakir of Ipi," published in the " New Yorker " of 19th February, 1955.)

The aspirations of the people of Pakhtunistan were not, as it is often misrepresented by Pakistani writers of to-day, based upon religious sentiments only; the history of the people of Pakhtunistan reveals that they have always struggled for their independence against each and every invader who has encroached upon their liberty. They upheld their liberty with equal ferocity and the same unswerving determination against the inroads of the Moslem Moghuls, the "heathen" Sikhs, and the Christian British. They have always remained on the side of those who fought for independence, whether Moslem or not.

This explains why most of the political leaders of the people of Pakhtunisan during the British rule joined and sympathised with the Congress Party of India, a mainly Hindu organisation, and shunned the Muslim Party, which was not sufficiently progressive in the programme for independence.

Evidence of this, and the unchangeable principle of national freedom in a national state in Pakhtunistan was given once again when a Moslem State was to be created in the sub-continent, by the opposition of the people of Pakhtunistan to the arrangements that could have suppressed their coveted aspirations.*

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*"When in 1947 the English favoured the partition of British India into a Pakistan and an India, a strong movement was formed among the Pathans against their inclusion in Pakistan and in favour of the formation of a State of their own, Pakhtunistan . . . England remained firm for division into the States only . . ."

"Agitation was on the increase and in 1949 the tribal jirgahs declared that their goal was to establish a Pakhtun State as soon as possible. Afghanistan . . . racially and historically bound with the Pakhtuns . . . supported their rights."

(E. Caspani in "Afghanistan Crocevia Dell'asia.")

"It is interesting to speculate how the situation . . . might have developed had the various Asiatic powers been left to fulfil their destinies undisturbed by European influence."

(Sir Kerr Fraser-Tytler.)

"Despite the apparent one-sidedness of the voting . . . the Afghans

British authorities had an adequate knowledge of the aspirations of the people of Pakhtunistan for the preservation of their distinct and separate nationhood, but their demands were not attended to, and the problem remained unsolved when in 1947 their country was arbitrarily amalgamated with the newly-created Dominion of Pakistan.*

Whatever the motives, by these acts the former rulers of the Empire of India aggravated the situation—a decision that shall forever puzzle and perturb unbiased historians.

Some critics of the British Imperial policy believe that when the time came for the fulfilment of British promises to the Moslems and Hindus of India for self-government, a complex plan was devised to include the

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pointed out that the 'plebiscite' offered the alternative of union with either a Hindu or a Moslem country. They called attention to the light vote . . . and that the voting had been held in the settled districts only."

"A meeting was held at Tirah Bagh, the summer homeland of the powerful Afridi Pathans. Here representatives of the seven Afridi sub-clans gathered, and, after deliberation, announced the creation of a new and independent State, Pashtunistan--the Land of the Pashtuns . . . a flag was also adopted."

("Current History," June, 1950.)

*"There was no doubt that the Pathan of the administered area was not prepared to throw in his lot with India except on terms that would preserve the identity of his people as a *nation* apart from the people of India."

(William Barton.)

"I definitely tell you that nobody in the world can force us to join. The majority of the Punjab has nothing to do with us. It is only the majority of the Frontier that counts . . ."

"The Frontier people have never bothered themselves with sections and groups. They will have their independence and nobody can force them to join anyone. It is for the Frontier people to decide, and if they decide by majority vote that they will not join any group, nobody can force them."

(Dr. Khan Saheb.)

intensely nationalistic people of Pakhtunistan in the newborn Moslem State as a deterrent to internal solidarity and regional goodwill; to isolate and estrange Pakistan from her Moslem neighbours, and thus to keep her forever within the Imperial fold.

Others, including many British, believe that the conclusions drawn were hasty and unpremeditated, and contrary to the interests of both Britain and Pakistan and of the Moslem World in general.

The people of Pakhtunistan, however, were not consulted, and whatever the reasons for their amalgamation with Pakistan, they have never acceded to it by their own free will, and it has been contested by them in no uncertain manner.

On 3rd June, 1947, the Viceroy of India, Lord Louis Mountbatten, admitted the special and separate case of Pakhtunistan, and promised an opportunity for the people of Pakhtunistan to decide their own future and reconsider their position vis-à-vis the parties.*

The Afghan Government and Press, supporting the cause of the people of Pakhtunistan, protested against the impression that the statement might give rise to the idea that the fate of the people of Pakhtunistan should depend on the decision of any non-Pakhtun political party, and that their destiny be transferred in any way from one foreign Power to another, and thus the legitimate rights of a non-Indian community be unjustly violated.†

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*" If the Frontier were to vote for independence, and if they can get the two High Commands to agree, I will, of course, agree."
(Lord Louis Mountbatten, Viceroy of India, in a press conference on 4th June, 1947.)

†" Would the Pathan homelands of the N.W.F.P. and the Tribal Belt have the right to decide their own future? Would they have the right to join Hindustan, Pakistan or Afghanistan, or even to form a State of their own if they so wished? Would

When the British organised referendum was under way, Khan Abdul Ghaffer Khan, the Pakhtun leader, stated at Bannu that the Pakhtuns were prepared to contest the referendum on the issue of Pakhtunistan and Pakistan, and not on an issue of Pakistan and India.

In a statement on the 3rd of June, the Pakhtun leader declared that since the referendum limited the choice of the people of Pakhtunistan to two alternatives, neither of which they were prepared to accept, they could not vote and would not vote but for a free Pathan State.*

On 1st July Sir Rob Lockhart, Governor of the Frontier, declared that the referendum would be held in spite of the boycott by the only organised Pakhtun political party.† This decision was an unexpected shock to the people of Pakhtunistan and Afghanistan. Over 50 per cent. of the population of the Administered Area

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this province be asked to vote . . . only to find its voice submerged by an overwhelming non-Pathan electorate? "

("Guns and Gold on the Pathan Frontier.")

"Plans for a plebiscite contained no mention of Afghan (Pathan) interests but offered a choice of union with India or with Pakistan. The Afghan Government protested twice in July, 1947, but received no satisfaction."

(Arnold Fletcher.)

*"In these circumstances I am convinced that we cannot associate ourselves with this referendum."

(Abdul Ghaffer Khan, 3rd June, 1947.)

"The main object is to make the Pathan free from domination. For this independence of the Pathans we sided with Congress and fought our common enemy jointly. We were then called Hindu agents . . . Now, when we have refused to join Hindustan, we are forced to fight the referendum issue of Pakistan versus Hindustan."

(Abdul Ghaffer Khan, 28th June, 1947.)

†"Abdul Ghaffer Khan began organising volunteers who call themselves 'Khodai Khedmatgar,' or the Servants of God, but are called 'Red Shirts' by the British. The movement spread like wildfire . . . Soon great numbers of young men joined up, pledged to the sacred cause of the freedom of their country."

(Abdul Qaiyum Khan.)

to which the referendum was confined refused to vote; and political leaders, including Abdul Ghaffer Khan, were sent to prison.

The foregoing paragraphs give a clear indication of the character of the much flaunted referendum of 1947. The intention was to hold the people of Pakhtunistan in subjugation even after the partition of India and the liquidation of the Indian Empire became apparent.

No unbiased statesman or lawyer can refute the invalidity of this referendum which represents a fraction only, perhaps 10 per cent,† of the total population of Pakhtunistan, who voted vaguely for inclusion in an *Islamic country*.

The referendum offered no more than a Hobson's Choice; it was held in parts of the Occupied Zone only; the majority of the people of Pakhtunistan boycotted it in protest against its arbitrary and illegal nature; the votes were taken on religious preferences and no preliminary preparations were made to inform the people of the occupied townships that a final decision was being taken to decide their future political status; and it is evident that even this limited and misled referendum was held in a state of hurried secrecy and public coercion.

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† The referendum was held in five districts of the North-West Frontier Province and in "British Baluchistan," representing roughly one-third of the total area and less than half of the total population. More than half of the people in the districts where the referendum was held abstained from voting; of the 50 per cent. or less who voted, again more than half explicitly opposed inclusion in Pakistan.

No referendum has been held in the Baluch States; the district of Dera Ghazi was arbitrarily considered a part of the Punjab and barred from reconsidering its position; and, of course, any idea of a referendum in the free tribal areas which constitute more than half of the total area and population of the so-called Frontier Province was out of the question.

Any claims made by Pakistan on Pakhtunistan, as heir or successor to the British Indian Empire, is likewise void and invalid. Britain did conquer and occupy parts of Pakhtunistan, but she was never in possession of the country as a whole. British Government was confined to the peripheries of towns in the districts under British occupation; independence of the tribes in the vast Tribal Belt was recognised by the British; and the various independent Khanates had special pacts of non-aggression with British India.*

Besides the established principle that a successor can only succeed to possessions unchallengedly held by its predecessor, International Law does not recognise the inheritance of a disputed area after a change in status or reformation of the successor State.

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*"Only 13,000 square miles, however, are under British Law and administration, and 25,000 square miles are occupied by political control but maintain their internal and municipal independence . . . the remainder of the space as far as the Durand Line . . . separating the British and Afghan spheres of influence, is occupied by the Independent Tribes."

(W. R. H. Merck, Journal of the Royal Society of Arts, June, 1911.)

"They traverse at will our territories, enter our villages, trade in our markets; but few British subjects, and no servant of the British Government, would dare to enter their country on any account whatever."

(Temple.)

"What complicates the question is the fact that there is not one but two frontiers. The first, and the real one, marks the limit of British jurisdiction and stops on the outskirts of Hazara, Peshawar, Kohat; the other, a purely theoretical one to the north, is none other than the line agreed upon by theAnglo-Russian Pamir Commission, and the line imposed by Sir Mortimer Durand on the Amir of Afghanistan."

("Sur la Frontiere Indo-Afghane," par Alfred Foucher.)

"The ebullient tribesmen were discouraged from raiding by a system of subsidies—a euphemistic term for blackmail."

(Arnold Fletcher.)

The question of "Succession of States," according to unanimous legal opinion, is no more than "Pure Fiction," and there is no fixed or recognised obligation on the areas in dispute to submit to the will of either the "inheritor" or the "Successor" State, terms which in themselves have no legality in International Law.

Furthermore, the status of Pakhtunistan during the British occupation was that of a Protectorate. The recognition of this fact by British authorities and historians has already been noted in previous footnotes.* The Durand Line was drawn and imposed on the Ruler of Afghanistan to define the spheres of influence of the Governments of Afghanistan and of Great Britain, but it did not in any way alter the national integrity of the people of Pakhtunistan, nor did it make Pakhtunistan an integral part of the British Indian Empire.

There is no law to warrant a transfer of "Protection" from one power to another, and there is no obligation on the part of a "protected" people (if this term would apply at all to the people of Pakhtunistan) to submit to this transfer.

Thus, a denial of the right of the people of Pakhtunistan to determine their own fate is contrary to the tenets of International Law, and against the spirit and provisions of the United Nations' Charter.

History proves that nations cannot be held in enslavement forever. The people of Pakhtunistan among

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* *Vide*: Page 4—Frank Noyce and Sir Kerr Fraser-Tytler.
Page 8—William Barton.
Page 9—Col. H. C. Wylly.
Page 10 William Barton and Frontier Inquiry Committee.
Page 11 —William Barton and Enriquez.
Page 12—William Barton.

"Under these conditions in the North-West Frontier, Great Britain finds herself in a situation somewhat analogous with that of our own in Morocco . . ."
(*"Sur la Frontiere Indo-Afghane," par Alfred Foucher.*)

all people cannot possibly prove an exception to this rule. It is evident that Pakistan cannot establish her dominion in Pakhtunistan and hold the people in bondage. If her denial of the legitimate right of the people of Pakhtunistan is continued, the inevitable consequences will be a responsibility resting on her shoulders alone.

The people of Pakhtunistan harbour no ill feelings towards any other people of the world. They want to live in peace and have sincere friendly relations with all.* The record of continued bloodshed and hostility in their land is the direct responsibility of those who have denied them their freedom and their right of self-determination.*

At the time of British withdrawal from India and the Trans-Indine regions, the people of Pakhtunistan had every reason to expect a fulfilment of their aspirations for self-determination, and when it was denied them, they were compelled to continue their struggles by every means at their disposal.

They raised their voices in complaint and delivered their message of dissatisfaction and indignation to the world. The Government and people of Afghanistan were naturally the first to support their demands, and pledged all possible assistance for a peaceful solution of their difficulties.

Anyone can imagine the disastrous results of lasting enmity between two neighbouring countries. The millions of people of Pakhtunistan who resisted the combined might of the British Empire in upholding their national freedom and entity, cannot be expected to acquiesce to the encroachments of Pakistan. The national resistance

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*" Nowhere in the world are to be found better fighters among their own rugged hills than the Pathans, and in few places will a stranger who comes in peace and is received among them as a guest find a more courteous and hospitable welcome."

(" Afghanistan," by Sir Kerr Fraser-Tytler.)

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will continue, and if the Government of Pakistan pursues her present policy of aggrandisement at the expense of a Moslem brother and a neighbour, who has no other intention than of co-operating as a Sovereign State for the cause of world peace and international goodwill, the security of the region will be endangered.

Any calamity arising out of this restive situation is bound to affect the peace of the region in general and of the neighbouring countries of Afghanistan, Pakhtunistan and Pakistan, in particular.

In consideration of the gravity of the situation, and considering her moral obligations as well as her ties and interests in the affairs of the people of Pakhtunistan, Afghanistan cannot take the position of a disinterested bystander. In the words of a well-known orientalist, "the task appears difficult to dissociate elements so closely united by language and sentiments of solidarity.†

In conclusion, may we quote a confession by Sir Kerr Fraser-Tytler, an official and emissary of the Imperial Government, whose outlook and policy might be contrary to that of the people of Pakhtunistan, but who knew one fact when he wrote:—

> "Their brethren of Afghanistan, on whom fall the task of shaping the destinies of their kingdom, have shown that contact with the world brings out in the Pathan a latent spark of administrative genius. But those who have remained in the great tangle of hills . . . demand from the world nothing save to live in freedom."

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† Joseph Hackin, in "Revue de Paris," page 621, article on Afghanistan and the Pakhtuns.

Published by Royal Afghan Embassy, 1 Kensington Church Court, London, W.8.

Printed in England