



**Anglo-Afghan Treaties, Accords,
Agreements, Memoranda,
Conventions, Engagements, Protocols
(1809-1930) Impacting Pak-Afghan
Relations: A Way Forward**

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Abstract

This research article attempts to understand the British Imperial Policy towards Afghanistan in the early nineteenth century: Beginning with countering rival Imperial French influence in neighboring Iran and later, expansion of Imperialist Czarist/Soviet Russia into Central Asia. A critical analysis of Anglo-Afghan Treaties, Accords, Agreements, Memoranda, Conventions, Engagements and Protocols, signed during 1809-1930, reveals, the research argues, that the British took these diplomatic initiatives to: protect British possessions in colonial India and beyond; Expand towards North; And ousting rival imperial powers' influence in the neighborhood. An unintended consequence has been definition, determination and demarcation of borders of modern state of Afghanistan, though, still vulnerable/questioned, especially, in times of stress. Lessons to be learnt by operatives of the successor state, i.e. Pakistan and current Afghan Taliban regime include: ensuring security; reaffirming inviolability of sovereignty and territorial integrity of respective successor states.

Keywords: Herat, Elphinstone, Amir Dost Muhammad Khan, Barakzai, Sadozai, Trans-Indus, Affirmation, Istiqlal Afghansitan, Sovereignty, Taliban regime, territorial integrity

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Introduction

Multinational Treaties, Accords, Agreements, Memoranda, Conventions and Protocols between states/ countries comprise important sources of International Law. Article 38 of the Statute of the International Court of Justice considers mandatory, applying Treaties, Accords, Agreements, Memoranda, Conventions and Protocols, general or particular, when resolving a dispute (Dr. H.O Agarwal, 2018). All Treaties, Accords, Agreements, Memoranda, Conventions and Protocols recognized and ratified by the contesting States, may be granted preference over other sources of international law. Agreements between: two or more States; or other subjects of International Law creating or intend to create a relationship can be termed treaty. Such agreements, at times, may be referred to as convention, protocol, accord etc. Treaties are embodiment of unequivocal consent of the parties to the rule(s) laid in. Therefore, it became a tendency to transform customary international law into conventional law since consent granted in former can only be implied one.

In the beginning of 19th century British perceived rival Imperial power, France, together with Persia a threat that could invade Afghanistan and British Indian possessions (M. Anwar Khan, 1962). Latter, nineteenth century-Britain's increased interest in Central Asia can be viewed in terms of rising British alarm at Czarist Russian Empire's expansion into Central Asia. It appears, annexation of Afghanistan or expansion beyond northern imperial borders might not have been constituting, at that time, aims of Britain.

In the beginning of the 19th century Afghan Durrani Empire (r.1747-1818), founded by Ahmad Shah Abdali (1722-61) extended from Heratⁱ to Kashmir and from Balkh to Sindh (Razia Sultana, 1993). This undivided Durrani Empire was ruled by Shah Shajua ul Mulk, younger brother of Zaman Shah. In 1809, first British mission, headed by Mountstrut Elphinstoneⁱⁱ visited Afghan winter capital, Peshawar. Shah Shuja, at that time has been in possession of this undivided empire of Ahmad Shah Abdali (M. Anwar Khan, 1962). Shah Kamran (1789-1842), son of Shah Mahmud, last representative of the Sadozai in Afghanistan and rival to the throne of Shah Shuja, kept on holding a wobbly foot at Heratⁱⁱⁱ. By the second decade of the nineteenth century political divisions in Afghanistan sharpened: The Barakzais (Mohammadzais) held Kabul and the Popalzais (Sadozais) ruled Herat. The weaker Popalzais hunted external assistance to

counter their powerful eastern rivals/cousins. Hence, they invited, both, Persian and Czarist Russian, interference and machinations to Afghan land. Since Herat was neither contiguous to British India nor Czarist Russian dominions, rather separated by a vast Afghan territory, in case of British Empire and Persia, in case of Czarist Russia. Eventually, Afghanistan fell under the British Indian and Persia under Czarist Russian sphere of influence, following the Anglo-Afghan treaty of 1853. Both Afghanistan and Persia had a claim over Herat, concurrently, each supported by its imperial ally (Dr. M.A. Khan, 2005).

Several reasons of Czarist Russian expansion into Central Asia/Turan have been in currency: Nineteenth-Century British historians termed it, continuation of the Czarist Russian traditional policy formulated by Peter the Great (1672-1725), i.e., the conquest of India to reach warm waters. More contemporary researches stress economic factors: Growth of Russian textile industry in the latter half of the nineteenth century; unsuccessful competition of Russian industrial goods in Western markets against superior European products; Russian dependence upon American raw cotton, interrupted initially, due to hostility with Britain at the eve of the Crimean War,^{iv} and later caused by the American Civil War.^v Emancipation of the serfs in Russia in 1861, the growth of industry in Russia search for markets for Russian goods and the influence of the military class in Russia, comprised important reasons of the Russian expansion southwards. To thwart perceived threats from France-Persia and Czarist Russia, the British Empire took various diplomatic initiatives and signed a series of Treaties, Accords, Agreements, Memoranda, Conventions and Protocols stated below. For Britain not only they aimed at securing British possessions in India but also ousting rival imperial powers' influence from the region.

Firstly, a treaty was concluded on 17th June 1809, in Peshawar, between Afghan King, Shah Shuja and Mountstuart Elphinstone^{vi}, special envoy of British Indian Government. It primarily aimed at aborting possible joint French-Persian invasion of Afghanistan. The British objective implied in the treaty had been to save British possessions in India and binding Afghanistan into a defense alliance. The treaty was to protect vulnerability of British Indian Empire from northwest. This brief treaty has been a solid evidence of successful British diplomacy in the region. Article 1, declared Afghanistan an impassable territory for the Persians, located in the immediate proximity of Afghanistan, and for the French, stationed far off Afghanistan. This treaty provided a basis to further friendship treaties to be

concluded, in the future, since it stipulated, “Friendship and union shall continue forever between these two states (Afghanistan and Britain).” The British considered that through Herat, Persia and French can challenge their possessions in India and invade Afghanistan. Hence, fortified Herat by concluding this treaty.^{vii}

Secondly, on 9th June 1839, a memorandum was concluded at Kandahar between Major Todd of British Indian Government and Yar Mohammad Khan, a minister of Shah Kamran of Herat to ward off Persian influence in Herat and prevent possible tilt of Shah Kamran towards Persia. By signing memorandum, the British offered Shah Kamran, certain concessions, in Herat. Articles 3, 4, and 5 stipulated that in Herat, both, the British and Shah Kamran, shall work in each other’s conformity, the British rather ensured, eliminating any weakness on part of Shah Kamran and Yar Mohammad Khan’s descendants in Herat^{viii}. The British tactfully bounded up the minister of Shah Kamran, in Article 3, stipulating, the minister shall work in league with the British.^{ix}

British also found it imperative, in face of increased Persian influence coupled with secret intrigues of some officials of Shah Kamran with Persians, to enter into a defense treaty under the guise of friendship dealings with Shah Kamran to forestall Persian influence in Kamran’s Court. On 13th August 1839, Major E. D’ Arcy Todd, the envoy of Governor-General of India, and Shah Kamran of Herat, signed the treaty of Friendship and alliance. A very carefully worded defense treaty in the guise of friendship aimed at preserving British influence in the courts of both, Shah Kamran and Shah Shuja (Trevor Lawrence Borasio 2018). It simultaneously empowered the British to direct foreign relations of Kamran and protect anti-Persian interests of the British.

The treaty provides evidence of a successful diplomatic superiority of the British. Article 2 of the treaty compelled Shah Kamran subservient to the British diplomatic influence, making him a power on the Persian borders loyal to the British. Article 5, tactfully persuaded Kamran end slavery and prevent an excuse to neighboring power to invade Herat. Article 6 assigned British a pivotal role in case of dispute between Shah Kamran and Shah Shuja. Articles 7 and 8 allowed British to handle foreign relations of Shah Kamran.^x

The official seizure, in 1849, of Sikh *Darbar Lahore Sahib* by the British, resulted into falling of Peshawar, Kohat, Bannu, Abbottabad, Mardan and Dera Ismail Khan into British official control following the

defeat of Sikhs. Simultaneously, Amir Dost Muhammad Khan, a weaker descendant of Barakzai ruling Afghan family occupied the Court at Kabul (Noor-Ul-Amin, 2015). The British desiring Trans-Indus peace and strengthen Dost Muhammad Khan concluded on 30 March 1855 a treaty of Friendship and Alliance. The catchword of this treaty has been ‘friend of friends and enemy of enemies’ (Lal Baha, 1980). Like numerous other treaties and memoranda, this treaty too was a defense treaty enabling the British, maintain authority over newly occupied territories in northwest of British India. Three articles of this brief and concise treaty solely aimed at acceptance of British territorial control over former Afghan lands by the Afghans.^{xi}

The Persian refusal to evacuate Herat under Treaty of Persia concluded between England and Persia in 1857 alarmed the British official in India (J. F. Standish, 1966). The situation was complicated further following reported Persian intent to interfere in the territories under control of Amir Dost Muhammad Khan (1792-1863)^{xii}. To thwart Persian design and with drawl of Persian from Herat, a lengthy agreement was concluded between Amir Dost Muhammad Khan and Sir John Lawrence (1811-78)^{xiii} and Lieutenant Colonel H.B. Edwards, representatives of East India Company. The agreement enhanced the British subsidy to Amir Dost Muhammad Khan to Rs.100000/ month, to effectively meet Amir’s military expenditures to face Persians (Mark F. Honnenm, 2013). The agreement comprised 13 articles manifesting the British desire to entice the Amir Dost Muhammad Khan into their fold in case of a possible Persian incursion into Amir’s territories. Besides increasing Amir’s subsidy, the articles 4 and 5 tactfully limits the use of this subsidy for the military purpose alone.^{xiv} Putting British troops at the Amir’s disposal provides further evidence of defense nature of this agreement. The dictum of friend of friends and enemy of enemies fully reflects this too.^{xv}

On 21st November 1878 the Second Anglo-Afghan War broke out. The British forces advancing through Kandahar, Kurram and Khyber tribal areas towards Afghanistan, occupied districts of Kurram, Sibi, Pishin, Khyber and Michni Passes. On 26th May 1879, the treaty of Gandmak was concluded between the British envoy Major P.L.N. Cavagnari (1841-79)^{xvi} and Amir, Muhammad Yakub Khan. An imposed, by the British treaty, costing Afghans annexation of districts Kurram, Pishin, Sibbi, and Khyber and Michini Passes. Importance of the Treaty of Gandmak lay in that it confirmed stronger British position in the region. The Afghan foreign affairs

were taken over by the British under article 3 of this treaty (Ijaz Hussain, 1985). Under this treaty the British troops could enter Afghanistan at will to quell any foreign threat to Afghanistan. The British got assurance under articles 4-5 of the Afghan Amir due honor and respect to British envoy in Afghanistan. Interestingly, the British began stressing expansion of trade, commerce and communication links with Afghanistan as evident from articles 6, 7 and 8 of the treaty (Amanda Lanzillo, 2022). Article 9 seems to be a prelude to the most [in] famous ‘Durand Line Agreement 1893’ (Arka Biswas, 2013). This article allowed British to cede control cities of Kandahar and Jalalabad to Afghans. The British admitted temporary seizure of Kurram, Pishin and Sibbi districts. Article 9 of the treaty does not allocate no special status to Khyber and Michini passes, neither commits return of these areas to Afghan government in future. The British paid Amir Yakooob Khan^{xvii} Stipend to the tune of Rs.0.6 million/month to keep the Amir silent over the important issue of British occupation of Afghan lands. The treaty also dispelled the impression that the British had faced another defeat in Afghanistan as in the First Anglo-Afghan War (1839-42).^{xviii} In fact wars were not the deciding factor, only the post-war treaties and agreements defined victory /defeat in concrete terms. The contents of this treaty stipulate British victory, not defeat in the Second Anglo-Afghan War (1878-79).^{xix}

Colonel Sir West Redgeway and Privy Councilor Zinoviev signed the protocol on behalf of British and Imperial Russian government respectively at St. Petersburg, on 10 (22) July 1887. Despite British and Russian efforts, since 1869, the North-Western Frontiers of Afghanistan had remained unsettled during the reign of Amir Sher Ali Khan (1825-79). The Russian advance, in 1880s, from Caspian to Merv (Mary), alarmed some senior Russo-phobic British-Indian officials. The Russo-phobia resulted into signing of a protocol to settle the north-western frontiers of Afghanistan with Imperial Russia. British Empire and Czarist Imperial Russia concluded an agreement settling North-West frontiers of Afghanistan between Hari Rud^{xx} and Oxus (Amu) rivers.^{xxi} On Afghan behalf, the British ceded Sarik Turkomans area of Penjdeh, earlier claimed by Afghanistan, to Russians. The Russian Empire accepted Afghan sovereignty over Khamiab, Dukhei to Amu Darya areas. Final Protocol for settlement of North-West Frontier of Afghanistan with Imperial Russia of July 1887, in reality, put a halt upon further Russian expansion into Central Asian region. Following this protocol British Indian Empire became less vulnerable from the north-west than

presumed previously. Consequently, a buffer, between two contending Imperial powers, the British and Imperial Russia, was established.^{xxii}

Sir Henry Mortimer Durand (1850-1924), the British Foreign Secretary visited Kabul, in 1893. Primarily, the visit aimed at resolving border dispute between Amir Abdur Rahman (r.1880-1901) and Czarist Russia over the areas situating south and north of River Oxus (Dr. M.A. Khan, 2007). Durand was to reach a casual understanding with Amir Abdur Rahman on the question of Indo-Afghan frontier too (S. M. M. Qureshi 1966). The negotiations between Sir Henry Mortimer Durand and Amir Abdur Rahman led to two agreements signed on November 12, 1893. One agreement was about relinquishing Amir's control over areas located north of upper River Oxus. Hence, Amir's Political and territorial control was to be reduced to the southern part of River Oxus. The second agreement, later termed, as Durand Line Agreement, was signed too (Fida Younas, 2008). The eastern and southern Afghan frontiers, stretching from Wakhan to Persian border with British Indian Empire were demarcated. It is amazing the British Indian Empire not only determined the eastern and southern Afghan frontiers with the British-India,^{xxiii} but also with the Czarist Imperial Russia (Mehro-e-Nesia, 1995. The spheres of influence of not only Amir and the British India but also of Czarist Empire were decided, both Amir and the British India resolving not to interfere into others' sphere of influence. In 1809, the British launched against Afghans both, military and diplomatic offensive, eventually culminated, on 12th November 1893, into the signing of Durand Line Agreement.

Almost all the treaties, agreements and protocols, signed between the British and the Afghan rulers, prior to Durand Line Agreement, emphasized two objectives: Firstly, the British and Afghan rulers were not to interfere into each others' affairs; Secondly, the Afghan rulers were not to allow any foreign power use Afghanistan as conduit to attack the British possessions in the region. Durand Line Agreement enabled to fulfill both of the British objectives. As a result of this treaty, Afghanistan turned into mere a buffer between British-India and Imperial Russia (M. Anwar Khan, 1962). Amir of Afghanistan surrendered territorial claim over Swat, Bajaur, Chitral Arnawai/Bashgal^{xxiv} valley, Waziristan and Chageh (Chaghi) (Lutfur Rehman, 2021). The British returned Birmal area to Amir. Afghan's loss had been profound, British gains were substantial. The agreement tightly bounded both sides not to interfere into one another's affairs. Keeping in view lust of Afghan rulers, the British doubled stipend to Amir Abdur

Rahman i.e., Rs. 1.2 million/month. Seemingly the British appeased Abdur Rahman for not to object British takeover of Afghan territories.^{xxv}

On 26th February 1895, Joint British and Afghan Commissioner defined the Afghan-Baloch boundary from Domandi to the Persian border. Baluch-Afghan boundary westward from Chaman to the Persian border was defined on 13th may 1896. Under Durand Line Agreement of November 13, 1893, a Joint Anglo-Afghan Commission demarcated the border line between Afghanistan and British-India in accordance with a map mutually agreed upon by Durand and Abdur Rahman. This border map lacked necessary topographic details. Therefore, the Commissions during their work faced insurmountable problems. The line was to dissect a single nation. These agreements may be considered annexure to original Durand Line Agreement, full of technical details, covering a period of around two years. The content narrates views, of both accord and discord, of either side, on demarcation, explaining further the original agreement. Resultantly the Durand line agreement has been termed the ‘most well-defined’ frontier agreement in the world. Amazingly, the term “State” has been used in November 21, 1894 agreement, while defining Afghan-Kurram Frontier. Prior to this no Anglo-Afghan treaties, agreements /protocols, mentioned the term ‘state’(Ijaz Hussain, 1985). The term “government” or an abstract/vague not concrete term ‘sphere of influence’ was used during the diplomatic discourse. The usage of term ‘state’ recognized politically the statehood of both British-India and Afghanistan and its completion after Durand Line Agreement.^{xxvi}

On 21st March 1905, at Kabul, Mr. Louis Willam Dane (1856-1946), Foreign Secretary to the Government of India and Afghan ruler Amir Habibullah Khan (r.1901-19) signed the treaty reaffirming all existing British and Afghan agreements, concluded in the reign of Amir Abdur Rahman Khan. It is not clear why the British needed reaffirmation of agreements by the Afghan Amir, Habibullah Khan, signed by his father. The language of this treaty has been at variance to a formally written diplomatic document. For instance, it claims Amir Habibullah Khan said, “I also have acted, am acting and will act upon the same agreement and compact, and I will not contravene them in any dealing or any promise.” Amir did not concede all this at his free will, it appears, rather had been coerced/ compelled to concede this. Interestingly, British Foreign Secretary records, “I confirm them (the treaties with Abdur Rahman) and write that they (the British government) will not act contrary to those agreement and engagements in

any way or any time” (Mehro-e-Nesia, 1995). The language of British Foreign Office reflects sense in an orderly manner, however, uttering of Amir Habibullah seem an outcry of a slave.^{xxvii}

On 28th February 1919, following death of Amir Habibullah Khan, Amanullah Khan was declared as a new Afghan King. He proclaimed complete independence of Afghanistan declaring holy War (*Jehad*) against the British in April 1919. King Amanullah developed Afghan ties with Russians, Turks, and Emirs, of Bukhara and Khiva, and Muslim Indian revolutionaries. His desire of relations with the British based on equality and complete independence of Afghanistan led to an open war, known as the “Third Anglo-Afghan War”. A peace treaty confirming independence of Afghanistan both internally and externally was signed at Rawalpindi on 8th August 1919 by A. H. GRANT, Foreign Secretary to the Government of India, and Chief of the Peace Delegation of the British Government, and Ali Ahmad Khan, Commissary for Home Affairs, Chief of the Peace Delegation of the Afghan Government. ‘The Afghan Government accept [sic.] accepts the Indo-Afghan frontier accepted by the late Amir’, ostensibly understood by many as, acceptance of Durand Line Agreement (Fida Younas, 2008). This peace treaty is a live witness to British anger and displeasure at the Afghans. After this treaty, the British government ceased all kinds of assistance to Afghanistan including stipend to Afghan Amir rather arrears were confiscated. The original treaty does not mention terminating British control over the Afghan external affairs, however, an annexure to this treaty stipulates officially leaving Afghanistan free and independent both in its internal and external affairs(Lutfur Rehman, 2021). Astonishingly, last statement of the annexure, reads ‘Moreover this war has cancelled all previous treaties,-Usual conclusion’. The statement declares Anglo-Afghan Treaties, Accords, Agreements, Memoranda, Conventions, Engagements, Protocols signed prior to 1919, including Durand Line Agreement, if not totally redundant, at least cast effective doubt over their validity. To some, Afghan frontier and Durand Line Agreement, therefore, became suspect too.^{xxviii}

The forward-looking young Afghan King Amanullah began efforts to modernize his country soon after Third Anglo-Afghan War. He tried to mend his differences with British government in India launching efforts in this direction since November 1919. He also contacted Russian socialist government of Vladimir Ilich Lenin (1870-1924). Russians welcoming the initiative actively pursued and signed The Russo-Afghan Treaty of 28th

February 1921. This treaty provided a basis for bilateral relations, trade, commerce and establishment of full-scale diplomatic relations between the two countries, alarming the British. Hence, Sir Henry Dobbas and Sardar-I-Ala, MehmudBaigTarzi (1865-1933)^{xxix} inked an agreement at Kabul on November 22, 1921(Rosanne Klass, 1988). The British reaffirmed Afghan independence both internally and externally (Article I). Both sides reaffirmed accepting the Indo-Afghan frontier as accepted by Afghan government (article v) concluded in Rawalpindi on 8th August 1919, presumably Durand Line Agreement by some (Arka Biswas 2013). Trade, commerce and full-scale diplomatic relations were established under the treaty. The treaty simultaneously reflects three different aspects: On political side, Articles I, II reaffirm mutually honoring Indo- Afghan frontier. British and Afghan governments inserted Article III in the treaty recognizing each other on equal footings. Full-scale diplomatic relations were established between the two states under Article IV,V,VI and VIII. The third dimension, trade and commerce relations, i.e., Articles VII and IX provided for, Transit Trade, a Treaty in the post-independence period between Pakistan and Afghanistan. Establishment of Postal Service between British-India and Afghanistan took place under Article X of this treaty. Frontier tribes, in no way a party to the acceptance of Indo-Afghan frontier (Durand Line Agreement?), constantly caused disturbance to the British India. Article X of the treaty provided for a procedure to solve tribes-related problems through mutual deliberations. The Great Game in Central Asia came to a tame draw following signing of 1907 Anglo- Russian Convention effectively diminished Russian influence in Afghanistan, though British retained some leverage in the Afghan affairs. The 1921 Anglo-Afghan Treaty carried a definite link with Afghanistan's signing of a treaty in February 1921 with Socialist government in Russia. The British, 'so called' masters of statecraft and diplomacy tracing an iota of Russian rather socialist tide inside Afghanistan, responded briskly. The British in November, the same year, signed this treaty with Afghanistan and previously under Montagu-Chelmsford Reforms, introduced in 1919, had expressed their intention to remain in India for an indefinite period. Warmer Afghan-Socialist Russian relations could impede rather threaten these intentions, i.e. their Indian possessions.^{xxx}

The Anglo-Afghan Trade Convention of 1923 comprising five articles has been an extension of the trade-commerce aspects of Anglo-Afghan Treaty of November 1921.The convention officially regularized the trade traffic between Afghanistan and British-India. This convention had in

fact enhanced the importance of traditional and historical trade links and routes between Afghanistan and North-West and Balochistan provinces of undivided India. It was made compulsory that the trade traffic between Afghanistan and British-India shall follow Peshawar-Khyber-Torkham, Thal-Parachinar-Peiwar and Chaman-Kila-i-Jadid routes. Afghanistan transit goods were exempted from Customs duty under the Convention.^{xxxii} In October 1929, King Mohammad Nader Shah.^{xxxii} Acceded to Afghan throne. The British government desired to reconfirm validity of the Anglo-Afghan Treaty of 1921 and Trade Convention of 1923. It is evident that following change of Afghan rulers the British India sought reconfirmation of Afghanistan adherence to previously signed Anglo-Afghan Treaties, Accords, Agreements, Memoranda, Conventions, Engagements, Protocols, including Durand Line Agreement. Fourth time the two governments exchanged Notes, as earlier successive Afghan Governments had reaffirmed Afghan frontiers ostensibly Durand Line, in 1905, 1919 and 1921 respectively. In 1930 notes were exchanged again between British Government and Afghan Minister in London to reaffirm validity of Treaty concluded at Kabul on 22nd November 1921 and Trade Convention of 1923. The exchange of notes had also reaffirmed the Trade Convention of 1923 enabling the British and Afghan Governments to continue business and trade ties.^{xxxiii}

Conclusion

Pakistan, the successor state to British India, claims to inherit all Anglo-Afghan Treaties, Accords, Agreements, Memoranda, Conventions, Engagements, Protocols, including Durand Line Agreement signed by the British with Afghanistan. Ironically, since 1947, Pakistan neither sought reaffirmation of Anglo-Afghan Treaties, Accords, Agreements, Memoranda, Conventions, Engagements, Protocols, including Durand Line Agreement, following change of rulers in Afghanistan, nor successive Afghan governments ever showed any intention to ratify these treaties....protocols including Durand Line Agreement.

It is amazing to mention that Pakistan has similar objectives to that of British India i.e.: Its possessions are not challenged; ensuring not use of Afghan soil by rival powers against Pakistan. Pakistan launched and promoted armed resistance and diplomatic offensive successfully when Soviets invaded Afghanistan, however, failed in seeking reaffirmation of

Anglo-Afghan treaties....protocols including Durand Line Agreement. Successive changes of rulers in Afghanistan warranted reaffirming Anglo-Afghan treaties....protocols including Durand Line Agreement.

Following promulgation of 1973 constitution in Pakistan; unanimously passed 18th Constitutional Amendment in 2010 (without dissent) that included renaming erstwhile NWFP to Khyber Pakhtunkhwa; merger of erstwhile tribal areas (FATA) into Khyber Pakhtunkhwa, in 2018, have unequivocally defined north western frontiers of Khyber Pakhtunkhwa, Pakistan with the State of Afghanistan.

Following Soviet and US invasions of Afghanistan in 1979 and 2001 and their respective withdrawals in 1989 and 2021, various elected or unelected regimes hostile/friendly to Pakistan, dominated Afghanistan. However recent take-over of Afghanistan by Pakistan supported Taliban has provided Pakistan an opportune time to launch diplomatic offensive to seek reaffirmation of Anglo-Afghan treaties....protocols including Durand Line Agreement. It shall effectively deny Tehreek-i-Taliban Pakistan (TTP) safe heaven on Afghan soil, and secure Pakistan's territorial integrity (possessions). Pakistan, in return, shall revoke seeking erstwhile colonial sphere of influence, respect Independence of Afghanistan, render assistance in continuity of transit trade, reconstruction ensure non-interference and peace in Afghanistan.

End Notes

ⁱHerat is located at 34 20' 30" North and 62 11' 0" East: 2500 feet above sea level. It is situated in the Hari Rud Valley. Its name comes from the Sanskrit word Arya (Husbandman) which after many variations like Aria, Heri, Hiriva finally settled on the present form.

ⁱⁱElphinstone's book, *An Account of the Kingdom Caubul* first published in London in 1815 by M/S Longman Hurst, Rees, Orme, Brown and Murray is the product of his assigned visit to Peshawar, he could only visit the eastern portion and most information was collected at Peshawar from February to June 1809. It took him five years to compose his data in poona and give the work a book form. He entered the area beyond Indus (7th January 1809) and recrossed Indus (June 20, 1809). It is not mere oral collection of data on Afghanistan but is based on all then known Oriental (Persian) and European books plus travel accounts. Mountsturat Elphinstone was a Scottish peer: his father John was Lt. Governor of Edinburgh castle, whose two sons James and Mountsturat joined the East India Company at very young age and earned political position. He learned both Sanskrit and Persian. Elphinstone served in India for 31 years (1796-1827) retiring as governor of Bombay. Elphinstone remained bachelor, yet his house remained attached to India. He was died in 1859.

ⁱⁱⁱ Herat was seized by Ismail Safavi in 1509 and remained under Persian Influence over a period of two centuries. It was in 1715 that the Abdalis of Herat defied the Persian authority there.

^{iv}The Crimean War was a military conflict fought (1853-56), Russia lost to an alliance of the Ottoman Empire, France, the United Kingdom and Piedmont-Sardinia. The immediate cause of the war involved the rights of Christian minorities in Palestine (then part of the Ottoman Empire) with the French promoting the rights of Roman Catholics, and Russia promoting those of the Eastern Orthodox Church. Longer-term causes involved the decline of the Ottoman Empire, the expansion of the Russian Empire in the preceding Russo-Turkish Wars, and the British and French preference to preserve the Ottoman Empire to maintain the balance of power in the Concert of Europe.

^vThe American Civil War (1861-65); was a civil war in the United States. It was fought between the Union ("the North") and the Confederacy ("the South"), the latter of which was formed by states that seceded. The central cause of the war was the dispute over whether slavery would be permitted to expand into the western territories, leading to more slave states, or be prevented from doing so, which was widely believed would place slavery on a course of ultimate extinction.

^{vi}Napoleon's threat to India via Persia alarmed the British Empire and amongst many missions sent to the Oriental courts, Kabul /Peshawar was assigned to Mountstuart. Shah Shujaa then ruled over Afghanistan/Peshawar

^{vii}Treaty of Friendship and Alliance Concluded with Shah Shuja of Kabul, dated 17th June 1809, C. U. Aitcheson, *Anglo-Afghan Treaties, Accords, Agreements, Conventions, Engagements and Protocols*,

^{viii} In 1818 the Barakzai expelled the ruling house of Sadozais from Kabul, Mahmud, the last Sadozai ruler of Kabul, sought refuge in Herat (r.1818-29). He was followed by his son Kamran (r.1829-42). He was murdered by his Vizier/ Minister, Yar Muhammad in 1842. At the death of Yar Mohammad in 1851, his son Syed Mohammad came to the throne of Herat.

^{ix}Memorandum of the Wishes and Expectations of Yar Muhammad Khan of Herat dated 9th June 1839.

^xTreaty of Friendship and Alliance Concluded with Shah Kamran of Herat on 13th August 1839, Aitcheson Collection (n.d); *Anglo-Afghan Treaties, Accords, Agreements, Convention, Engagements and Protocol*, (Compiled) Volume No.13.

^{xi}Treaty of Friendship and Alliance Concluded with Amir Dost Muhammad Khan of Kabul, dated 30th March 1855

^{xii}Dost Mohammad Khan Barakzai, the titled Amir al-Mu'minin, was a member of the Barakzai dynasty. With the decline of the Durrani dynasty, he became the Amir of Afghanistan in 1826. He was the 11th son of Payinda Khan, chief of the Barakzai Pashtuns, who was killed in 1799 by Afghan Emperor Zaman Shah Durrani.

^{xiii}Lawrence was born in Richmond, North Riding of Yorkshire. His father had served in India as a soldier in the British Army and his elder brothers included Sir George Lawrence and Sir Henry Lawrence.

^{xiv}This treaty provided him with one lakh of Rupees a month to rise and army of eighteen thousand men and to receive a supervisory British mission under Major H.B Lumsden at Kandhar

^{xv}.Agreement entered into by Amir Dost Muhammad Khan for a Subsidy from the British Government dated 26th January 1857, Aitcheson Collection (n.d); Anglo-Afghan Treaties, Accords, Agreements, Convention, Engagements and Protocol, (Compiled) Volume No.13,

^{xvi}Cavagnari was the son of Count Louis Adolphus Cavagnari, Parma in the service of the Bonaparte family, by his marriage in 1837 with an Anglo-Irish woman, Caroline Lyons-Montgomery. Cavagnari was born at Stenay, in the Meuse département, France, on 4 July 1841. He was killed on 3 September 1879 during the siege of the British Residency then at BalaHissar in Peshawar.

^{xvii}Mohammad Yaqub Khan(1849- 1923)was the son of the Sher Ali Khan. Mohammad Yaqub Khan was appointed as the governor of Herat province in 1863. In 1870, he decided to rebel against his father but failed and was imprisoned in 1874. The Second Anglo-Afghan War erupted in 1878, leading Sher Ali Khan to flee the capital of Afghanistan, and eventually die in 1879. Sher Ali's successor, Yaqub signed the Treaty of Gandamak with Britain in 1879, relinquishing sole control of Afghanistan foreign affairs to the British Empire. The British defeated the Amir Sher Ali's forces. In 1879, Yakub Khan travelled to Gandamak, a village, Jalalabad and entered into negotiations with Cavagnari as a result of which the Treaty of Gandamak was signed whereby the Amir ceded territories to the British and accepted a British envoy in Kabul.

^{xviii}The First Anglo-Afghan War was fought between the British Empire and the Emirate of Kabul. The British initially successfully invaded the country taking sides in a succession dispute between Amir Dost Mohammad and former Amir Shah Shujah, whom they reinstalled upon occupying Kabul in August 1839.

^{xix}Treaty of Gandmak Concluded with Amir Muhammad Yakub Khan of Afghanistan, for the Restoration of Peace and Amicable Relations with the British Government, dated 26th May 1879,Aitcheson Collection, Anglo-Afghan Treaties, Accords, Agreements, Convention, Engagements and Protocol, (Compiled) Volume No.13.

^{xx}The Hari River/Herat River is a river flowing 1,100 kilometers from the mountains of central Afghanistan to Turkmenistan.

^{xxi}The Amu Darya also called the Amu River historically known by its Latin name Oxus or Greek is a major river in Central Asia and Afghanistan. Rising in the Pamir Mountains, north of the Hindu Kush.The river forms part of Afghanistan's northern border with Tajikistan, Uzbekistan, and Turkmenistan. In ancient history, the river was regarded as the boundary of Greater Iran with Turan / Central Asia.

^{xxii}Final Protocol Embodying the Settlement of the North-West-West Frontier of Afghanistan, dated 10 (22) July 1887 Annex to the Anglo-Russian Protocol no 15 in 1886 Describing the Afghan Frontier between the Hari Rud and Oxus, Aitcheson Collection (n.d); Anglo-Afghan Treaties, Accords, Agreements, Convention, Engagements and Protocol, (Compiled) Volume No.13

^{xxiv} Amir Abdur Rahman wanted to conquer Bashgal prior to Mortimer Durand's visit to Kabul. Mr. Durand had cautioned about this in 1885. The Afghan troops invaded the valley in 1895, occupied it, and massacred thousands of its residents. The area was then renamed as Nuristan or the land of light. Bashgal was an integral part of Chitral since long and the British officers used to visit it with the consent of Aman ul Mulk, Mehtar (ruler) of Chitral. William Watts McNair paid a visit to the valley in 1883. Colonel Lockhart went to Bashgal in 1885 with the permission of Aman ul Mulk. George Scott Robertson twice visited Bashgal, - in 1889 and 1890- 91. The last visit became possible after he gave a written undertaking that if he encountered any mishap during the trip, the Mehtar would not be responsible for that. George Scott Robertson then wrote a book (The Kafirs of the Hindu Kush), which is still considered a masterpiece about the history, geography, and culture of Bashgal for detail see, Lutfur Rehman,

^{xxv} Agreement to Settle Indo-Afghan Frontier, Signed at Kabul on 12th November 1893 by Abdur Rahman Khan, the Amir of Afghanistan and Sir Henry Mortimer Durand, Foreign Secretary to the Government of India, Aitcheson Collection (n.d); Anglo-Afghan Treaties, Accords, Agreements, Convention, Engagements and Protocol, (Compiled) Volume No.13.

^{xxvi} Agreements with Afghanistan Regarding the Afghan-Kurram Frontier Dated 21 November 1894 and Defining Boundary Line from Hindu Kush to the Neighborhood of NawaKotal, dated 9th April 1895.

^{xxvii} Treaty with Amir Habibullah Khan regarding Continuation of the Existing Agreements, between the British Government and Amir Abdur Rahman Khan, dated 21st March 1905, Aitcheson Collection (n.d); Anglo-Afghan Treaties, Accords, Agreements, Convention, Engagements and Protocol, (Compiled) Volume No.13.

^{xxviii} Treaty of Peace between the British Government and Afghan Concluded at Rawalpindi on 8th August 1919, Aitcheson Collection (n.d); Anglo-Afghan Treaties, Accords, Agreements, Convention, Engagements and Protocol, (Compiled) Volume No.13.

^{xxix} Mahmud Tarzi was the son of Sardar Ghulam Muhammad Khan, a prominent leader of the Muhammadzai clan and a well-known poet, who wrote under the pen name Tarzi or stylist. Amir Abdur Rahman banished him along with his family from Afghanistan for political reasons. Mahmud Tarzi attended schools in Damascus and Constantinople, there he came into contact with the European culture and institutions; and closely watched the Ottoman nationalist-revivalist movement and Pan-Islamic views of Jamal Ud Afghani. Tarzi returned to Afghanistan in 1902. Habibullah Khan appointed him the chief of the bureau of Translation for the royal court.

^{xxx} Treaty Between Great Britain and Afghanistan, Establishing Friendly and Commercial Relations – Kabul, 22nd November, 1921.

^{xxxi} Anglo-Afghan Trade Convention dated 5th June 1923. Rules for the Exemption from Customs Duty of Good Imported on Behalf of the Government of Afghanistan

^{xxxii} Nadir Shah was born at Dera Dun, in India on the 9th April, 1883. His father the late Sardar Muhammad Yousaf Khan was grandson of Sardar Sultan Muhammad Khan, brother of Amir Dost Muhammad Khan, the founder of the Muhammadzia dynasty and his mother was the daughter of Wazir Muhammad Akbar Khan. His mother was a princess of the Saddozai dynasty, who claimed descent from the Mughals of India as well. It was, Amir

Habibullah Khan appointed him as a commander, of a regiment and was promoted to the rank of Brigadier. In 1913 he was elevated to the rank of C-in-C of Afghanistan. On the outbreak of war with British in 1919, he was commanding Afghan forces operating on the Thall (Tal) and Waziristan front, where he succeeded in capturing many British positions in the wake of many reverses on the other fronts. He was appointed as the first war Minister of Afghanistan, but he resigned in 1923 due to the conspiracy of Royal Court intrigues.

^{xxxiii}Exchange of Notes between the British Government and the Afghan Minister in London Reaffirming the Anglo-Afghan Treaty of 1921 and the Trade Convention of 1923 dated 6th May 1930.

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