

The Durand Line

The Afghan-Pakistani Border Region between Pashtunistan, Tribalistan and Talibanistan

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Abstract

While the borderland between Afghanistan and Pakistan has gained global significance since the terrorist attacks of 9/11, it is too narrow an approach to view this region solely through the lens of the “war on terror”. To understand this border region, one has to take the complex web of conflicts into consideration. First, there is the ideological contest between militant Islamists and the West (Talibanistan), which dates back only to the last decade – even though the roots of this confrontation lie in the Afghan Wars that began in 1979. Second, there is the longstanding conflict between tribe and state (Tribalistan), which Afghanistan and Pakistan have tried to deal with in manifold ways in the past. Third, the situation along the border is coloured by the unsolved ethno-nationalist conflict between Islamabad and Kabul over the Pakhtunistan issue – the question of whether Khyber Pakhtunkhwa (former North West Frontier Province) is part of Pakistan or Afghanistan. This article argues that these three overlapping dimensions of the conflict can help outsiders to understand the logic of the local elites and movements and of the national and international actors and organizations.

Keywords

Borders (Afghanistan, Pakistan), Durand Line, Pashtunistan, Taliban, War on Terror

Introduction

State sovereignty finds its symbolic expression in the marking of territorial borders. At their outer edges, states can demonstrate what power they have and what control they can exercise (M. Anderson 1996). State borders determine the quality of a state’s spatially-limited sovereignty and – in an

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ideal case – represent the exact demarcation line between two political identities, correct to one metre. The ideal case assumes that nation-state borders separate spatial containers with populations that are embedded in discrete cultural, economic, administrative and political contexts as a result of nation-state politics (Newman 2003; 2006). The demarcation of nation-state frontiers, thus defines not only the identity of people within these borders, but also the “other” beyond the borders of a given territory (Donnan / Wilson 1999). In other words, national borders express national differences that may be reflected in different economic developments, social systems or ideologies. However, national borders do not only establish separate national identities; they can also separate ideologies and intellectual currents which transcend individual territorial national states. The state borders making up the Iron Curtain that once demarcated the communist and capitalist world views represent a prime example of this.

It is clear that state borders are far from being an ephemeral phenomenon, although the exact course of borders may change over time. It becomes obvious that borders remain a key plank in political order when we reflect on the fact that state borders have always formed (and still form) the basis of international law and the ordering of international politics, even as the dynamics of globalization have significantly undermined the barrier function of territorial borders in recent decades. At the same time, this highlights the enormous contrast in many parts of the world between everyday practice, on the one hand, and borders defined in international law and states’ ambitions to control them, on the other. The idea that borders could be precisely delineated by surveying work and then rendered impregnable through the installation of fences and surveillance is and remains a fiction in many places. For example, the barriers currently being erected between the USA and Mexico are unlikely to prevent thousands of immigrants from continuing to enter the USA illegally in the future (Häntzschel 2008). Practically all territorial borders are characterized by a high degree of permeability, even those with intensive border control regimes. Often enough indeed, the interactions across a border are more intensive than those between different regions within a given state (Bach 1999). From this point of view, border regions must be seen as a coherent whole. The populations on both sides of a nation-state border often have much in common, strong cultural and economic ties may exist, and lively exchanges may be on-going. These, in turn, can directly influence the mutual relationship between the state and the population in question.

In this article, I intend to take a closer look at one example of the complexity of border regions above and beyond the function of borders as separators of nation states: the Durand Line, which forms the border be-

tween Afghanistan and Pakistan. This region has become hugely significant for world politics and has increasingly been the focus of the world media since the USA embarked on what has been termed the “war on terror”. An entire cohort of authors and political advisors take the view that the war against the insurgents, usually considered to be members of the Taliban and of al-Qaida, can only be prosecuted effectively if the political and legal status of the Durand Line is clarified and an effective border control regime is established (Rubin / Siddique 2006; Weinbaum 2006). However, the fact that different overlapping conflicts exist in the region, conflicts which cannot be adequately understood only in terms of the war on terror, is often overlooked. While these conflicts are indeed interrelated, each has its own internal logic and its own impetus, and different interests and aims are pursued in each case. Moreover, the Durand Line is an excellent example of a border region in which the separating function of a border could never successfully be established and in which the social and economic traffic across the border is greater than that within the nation-states involved.

In the following, I would like to begin by recapitulating the circumstances in which this border between Pakistan and Afghanistan was originally drawn. I will then identify and assess several dimensions of the conflict associated with this border. This will show that there are several motives behind the current violence in this border region. The border region around the Durand Line is not simply a classic border where one nation state bumps up against another; it is also the site of clashes between local autonomy and state influence and between militant Islamists and intervening Western powers such as the US-led NATO troops. The Durand Line is not only a nation-state or ideological border; this entire region also appears to constitute the antithesis of modernity (Schetter 2007). The enormous complexity of the conflicts in this border region also illustrates the extent to which political thinking is inextricably linked to the idea of the nation state and its territorial frame of reference.

Origins of the Durand Line

The origins of the Durand Line go back to the nineteenth century. Even at this time, the border region between Afghanistan and Pakistan had begun to play a role in world politics. The struggle referred to by contemporaries as the “Great Game” saw Great Britain and Russia struggle for power and influence in the region between the Syr Darya River in the North and the Indus in the South. In advancing steadily to the south, Russia appropriated khanate after khanate (Lee 1996). South of the Amu Darya River, though,

the “Kingdom of Cabool” ruled through fragile political alliances over an area roughly corresponding to the territory of present-day Afghanistan. It was long able to maintain its independence. Only in 1879 – after the Second Anglo-Afghan War – did British India succeed in turning Afghanistan into a semi-autonomous protectorate.

Nothing less than the question of which colonial power would attain dominance over Asia was at stake in the “Great Game” (Kreutzmann 1997). Russian policy was dictated by the thrust towards warm-water sea ports and by the aim of preventing the expansion of British India’s might beyond the Hindu Kush. Various different motives shaped British policies in the region. Throughout the nineteenth century, phases of aggressive “forward policy” alternated with phases in which more defensive policies were pursued (Hopkirk 1990). The perennial question for British India was how far the north-west border should be pushed beyond the Indus. Strategic considerations suggested that the incorporation of the Kingdom of Cabool could halt southward Russian expansion. Economically, though, the extension of the British Empire made little sense: the resources required to gain and maintain control over the mountainous region and its vast deserts were far greater than any possible economic rewards (Ewans 2002). For that reason, British policies increasingly favoured the idea of retreating “back to the Indus”; this strategy was geared to defending the Indus plain against raids by “barbarous people” (Churchill 1898: 9) and against the Russian advance. Despite their varying ideas about the future of the region, the British were always anxious to have a ruler in the “Kingdom of Cabool” who was sympathetic to British interests and could control the buffer zone between the British and Russian spheres of influence. Disastrous misjudgements on the part of the British, friction between the Afghan Amirs and the British, changes of government in London and the opaque distribution of power in Afghanistan led to the British painfully encountering the limits of their colonial world politics in the Hindu Kush (Schetter 2004: 55–78): British India fought three wars with Afghanistan (1828–42, 1879–80 and 1919) and emerged weakened from all of them. In the winter of 1842, Afghan warriors completely routed the 16,000-man Indus Army close to Kabul; this was the worst defeat ever suffered in battle by a British colonial army. On 17 July 1880 the Afghan tribes won another historic victory over the British army close to Maiwand, near the southern Afghan town of Kandahar (Holdich 1901).¹

¹ Maiwand became a national symbol in Afghanistan, and the day of the battle was declared an Afghan national holiday. It is one of the ironies of history that British troops deployed

As a result of changing British policies in the region, the future of the “frontier” remained open for a long time. Even at the end of the second Anglo-Afghan War, it was far from clear whether a state of Afghanistan would ever come into existence. At that point, British troops controlled Kandahar, while the rest of the country was dominated by competing tribal leaders. There were passionate debates on Afghanistan in the British parliament (Gregorian 1969): Lord Salisbury advocated that the region should be split up into many small principalities, and Lady Balfour suggested that a second state could be founded alongside Afghanistan, one that would include the khanates Herat, Merw and Balkh. The Conservatives, then in government, voted in favour of Herat being given to Persia, Kandahar placed under British sovereignty, and such land as remained around Kabul being left to the Afghans. But once the Liberals took control of the House of Commons in 1880, the path was clear for a state of Afghanistan to emerge. Initially semi-sovereign, this state was intended to be well-disposed to England and to serve as a buffer zone between Persia, Russia and the British Raj.

The Amirate of Afghanistan established under the “Iron Amir” Abdur Rahman, was largely similar to modern-day Afghanistan. The determination of Afghanistan’s territorial borders between 1887 and 1895 by the colonial powers of British India and Russia laid down the foundations for the emergence of the state of Afghanistan. Or, to rephrase this slightly: the state of Afghanistan emerged mainly as a result of laying down borders, rather than through the building of statehood, as a result of national declarations of intent or of political will (Schetter 2006). Abdur Rahman, finding himself in a position of weakness, had to recognize the Durand Line as the border with British India in 1893. The legal ground for this border had already been prepared by the Treaty of Gandomak, concluded on 26 May 1879 between British India and Muhammad Yaqub, the then Afghan Amir. However, whether Abdur Rahman understood the Durand Line as a valid international border beyond which his political mandate would not extend is a subject of some dispute. The fact that the Afghan Amir and his vassals (including the Badshah of Kunar) continued to demand taxes and declarations of loyalty from areas like Chitral that were now under British sovereignty demonstrates that different ideas about the significance of this border clearly existed (Noelle 1997). Until the beginning of the twentieth century, Afghan rulers continued to exert their influence on the tribal areas east of the border as if it did not exist at all (Haroon 2007).

within the framework of NATO deployment in Afghanistan are currently – a good hundred years later – once more stationed close to Maiwand.

TABLE 1: Pashtun tribes and ethnic categories along the Durand Line

Border provinces		Pashtun tribes and ethnic categories in the border region	
British India / Pakistan	Afghanistan	British India / Pakistan	Afghanistan
Chitral	Badakhshan		Kyrgyzes
Chitral	Kunar	Chitrali	Nuristani
Bajaur	Kunar	Salarzai	Salarzai
Bajaur	Kunar	Mamund	Mamund
Bajaur	Kunar	Mushwani	Mushwani
Bajaur	Kunar	Charmang	Charmang
Mohmand	Kunar	Mohmand	Mohmand
Khyber	Nangarhar	Shinwari	Shinwari
Kurram	Paktia	Turi*	Zazi / Sakkani
Waziristan	Paktia	Waziri	Waziri
Chaman	Kandahar	Achekzai	Achekzai
Chaman	Kandahar	Nurzai	Nurzai
Chaman	Kandahar	Kakar	Kakar
Marri Bugti	Nimruz / Hilmand	Baloch	Baloch

Pashtun tribes

* Turies and Zazies belong to the same tribal unit.

Content and sketch: C. Schetter, based partly on work by S. Z. Khan (1990: 146); A. H. Khan (2000)

Afghanistan's borders were fixed by the colonial powers at a time when Abdur Rahman was scarcely in a position to enforce territorial claims. As such, the territory of the state of Afghanistan represents a product of colonial politics *par excellence*. Looking at the border as a whole, it can justifiably be seen as an "ethnic horror" (Wakil 1989: 360). The Durand Line runs through Kafiristan in the north east; in the south it runs right through the tribal areas of the Baloch people (see Table 1), it also divides the core Pashtun areas without any regard for tribal identities (A. H. Khan 2000). The establishment of the border also ensured that Peshawar, the summer residence of the Afghan Amirs already conquered by the Sikhs in 1835, was now definitively ceded to the British. In this form, the territory which now made up the state of Afghanistan did not have historical roots. It was, rather, made up of a conglomerate of numerous population segments with different social and cultural structures. Moreover, the foundation of the state had one major defect: the discrepancy between its name and its

multi-ethnic population. As the word “Afghan” is a Persian synonym for “Pashtun”, Afghanistan means “Land of the Pashtuns”. The fact that the Durand Line runs right through the Pashtun tribal areas indicates the significance of this line for the conception of Afghanistan as a nation state (Schetter 2003). The key argument in this present contribution is that the establishment of the state of Afghanistan through an arbitrary act of territorialisation – the Durand Line – sowed the seeds for many of the conflicts in the region that are currently so virulent. The foundation of Pakistan in 1947 as the legal successor of British India also complicated the recognition of the Durand Line as a border in international law, as will be shown in the next section.

Pashtunistan – the demarcation of the nation-state border

The flames of the controversy surrounding the Durand Line were fanned by Pashtun nationalists questioning the international legitimacy of the border as early as the 1920s. Speculation about the contents of the Treaty of Gandamak continues to this day, especially among Pashtuns with nationalistic tendencies. For example, many people are convinced that the contract was only supposed to be valid for one hundred years. Even Pakistani support for the Taliban in the 1990s has been explained by suggesting that such support was only granted on the basis that the rekindling of the Pashtunistan question would be stifled. However, the original treaty does not contain any stipulation to the effect that it would be valid only for a certain period of time (Aitchison 1983). Another argument states that the treaty was drawn up only in English and not in Persian as well, and that this was in breach of international legal standards. Finally, it is regularly observed that the treaty was concluded between Afghanistan and British India and does not automatically legitimize the demarcation of the Afghan border with Pakistan.

The controversy surrounding the Durand Line must be seen in connection with the emergence of Pashtun nationalism. In both Pakistan and Afghanistan, Pashtuns who had been influenced by modernization processes and started to move beyond tribal paradigms started to develop a national Pashtun ideology (Schetter 2003). The strongholds of such Pashtun nationalism were thus logically found in cities and in peri-urban spaces. In the rural areas along the border, rivalry between tribes blocked the emergence of forms of nationalism with the power to unite the different groups. Academic observers (Rubin 1995, for example) have recognized this dichotomy

tomy and differentiated between *qalang* Pashtuns and *nang* Pashtuns.² Pashtun nationalism first became significant in the 1920s in British-controlled areas like the plain of Peshawar. The Khoda‘i Khidmatgar (“Servants of God”) movement, better known as the “Red Shirts”³, was led by Khan Abdul Ghaffar Khan. The “Red Shirts” foremost aim was to dislodge the British; founding a state of their own was not initially among their main priorities⁴. After the collapse of British India, an extremely controversial referendum was held in 1947, and the North West Frontier Province (NWFP) became part of Pakistan. The foundation of a state of “Pashtunistan” and the option of being annexed to Afghanistan were not present as alternatives on the ballot (Franck 1952; K. M. Khan 1981). The Bannu resolution, which was passed unanimously on 21 June 1947 in an assembly of the NWFP, called for the conversion of the NWFP into a sovereign state of “Pashtunistan”, but found no further resonance.

Afghanistan used the Pashtunistan question to advocate in favour of the Pashtuns from the moment the state of Pakistan was founded. As the international legitimacy of the Durand Line was disputed, those in power in Kabul felt that they – in the “country of the Afghans” – had a specific right to work for the welfare of the Pashtun tribes beyond the Durand Line and their right to national self-determination (Burkhardt 1989). Kabul repeatedly demanded that Pashtuns in Pakistan be granted the right to self-determination. This conflict over Pashtunistan brought Afghanistan and Pakistan to the brink of war in 1955, 1961 and 1977/78. During the 1950s and 1960s, Pakistan closed its border to Afghanistan periodically (Palwal 1990). In each case, this blockade succeeded in bringing about a climb-down on the part of the Afghans, as virtually the entire Afghan export trade was handled via Karachi. The first flashpoint in the Pashtunistan question came in 1949, when a *loya jirga* in Kabul officially declared that it did not recognize the Durand Line. In 1955, Zahir Shah even demanded that Pashtunistan be

² *Qalang* Pashtuns refers to Pashtuns living in the plains. *Nang* Pashtuns literally means Pashtuns with honour. This shorthand expresses that an economic stratification in the tribal system had already manifested itself in the plains. In the mountain regions, though, honour was still the main factor structuring Pashtun tribal identity, and all Pashtuns were consequently considered equal. For more on the tribal order of the Pashtuns, see Janatas / Hassas (1975), Steul (1981), and Glatzer (1998).

³ The predecessor of this party was the Society of Afghan Reformation founded in the Peshawar basin in 1921 and subsequently renamed as the Afghan Youth League (Benawa 1952; Djan-Zirakyar 1978).

⁴ The Red Shirts movement was close to the ideas of Ghandi and was associated with the Congress party. In contrast to the stereotype of Pashtun violence, the Red Shirts favoured non-violent resistance (Banerjee 2000).

“reintegrated” into Afghanistan (K. M. Khan 1981). Such demands were reinforced by the introduction of Pashtunistan Day as an annual day of commemoration. In 1969, Afghanistan’s state tourism board also published a map which showed the NWFP as part of Afghanistan (Marten 2008).

Kabul advanced historical and ethical reasons for its claim on Pashtunistan in addition to ethnic ones (Montagno 1963). The extent of the Durrani Empire under “Baba” Ahmad Shah (1747–1772) and that of the ancient Aryana Empire were used to support Afghan irredentism (A. H. Khan 2000). Legal arguments were flanked by the very fundamental question of exactly which areas Pashtunistan comprised. At the very least, Pashtunistan was identified with the NWFP, where the population was largely Pashtun. At times, the government in Kabul also made more ambitious demands and chose to view the province of Balochistan as a part of Pashtunistan. This was justified on the basis of the high proportion of Pashtuns in the population, and by the fact that Balochistan had been part of the Durrani Empire until the mid-nineteenth century. Abawi cites the ancient Aryana Empire as an argument to explain why the entire area west of the Indus belonged to Pashtunistan, and with that to Afghanistan:

The areas from which today’s land of the Pashtuns developed formed Afghanistan’s Eastern provinces. The Indus River was a historical and natural border between Afghanistan, which was then known as ‘Aryavarta’, ‘Ariana’ and ‘Khorasan’ (Abawi 1962: 13).

In point of fact, the reason why Kabul saw Balochistan as part of Pashtunistan (“South Pashtunistan”) was probably mainly strategic in nature; gaining access to the Indian Ocean in this way would overcome Afghanistan’s geographical disadvantage as a land-locked country. Kabul took an active part in politics in the border region and the NWFP in order to reinforce these irredentist claims. The Ministry of Frontiers and Tribal Affairs set up by the Afghan government was concerned less with the tribes than with financing and organizing Pashtun resistance against Islamabad and with the national indoctrination of Pashtuns through channels such as the Pashtunistan *madaris* (“Koran schools”) it established (Marden 2008). Pakistan, for its part, supported every possible opposition movement in Afghanistan in order to weaken the Afghan government (K. M. Khan 1981).

While calls for the realization of a Pashtun state, Pakhtunkhwa, or for the annexation of the Pashtun areas by Afghanistan, have often been repeated over the past 60 years, it is far from clear that the proponents of Pashtun nationalism actually wanted to secede from Pakistan; such rhetoric may have served mainly as an instrument to gain more influence over the Pakistani state (Harrison 1981; Barth 1985). The Pashtunistan question was

initially championed by the educated upper classes and by business people and landowners with little chance of participating in economic development and wielding political power in Pakistan (K. M. Khan 1981). After Bangladesh seceded from Pakistan in 1971, Islamabad attempted – not unsuccessfully – to introduce a measure of proportionate representation along ethno-linguistic lines and ensure that members of these Pashtun elites were assigned jobs as officials and profited from development measures (Marden 2008). Since then, Pashtuns have been overrepresented in the military and in the Pakistani Inter-Service Intelligence service (ISI) (Hussain 2007). At the same time, Afghanistan's attractiveness for Pashtun nationalists in Pakistan was reduced by the war which had been on-going since 1979 and by the accompanying destruction.

While the Pashtunistan question was driven mainly by Kabul, Pakistan also had motives of its own for seeking to influence Afghan politics. Pakistan did have an interest in putting the Pashtunistan question to bed, but its main interest in Afghanistan derived from the role that Afghanistan might play in Pakistan's conflict with India over the Kashmir question. Islamabad repeatedly stressed the significance of the "strategic depth" Pakistan expected to find in Afghanistan (Wilke 2003: 12). Right up to the present day, the foremost priority of the military in Pakistan has always been to avoid fighting a war on two fronts at the same time; in the event of war with India, it would be important not to have to worry about Afghanistan. In this context, Pakistani policy has always been to strive for the establishment of regimes in Afghanistan which are well-disposed towards Islamabad. Pakistan made particular efforts to support parties who were positively disposed towards Islamabad after the Afghanistan war broke out in 1979. Parties such as Gulbuddin Hekmatyar and the Taliban received support; it was believed that their religious views meant that ethnic or national factors were unimportant to them (Schetter 2003). When Hekmatyar stressed his Pashtun identity after the end of the Soviet occupation, he moved abruptly from being Pakistan's golden boy to being *persona non grata*.

Tribalistan – demarcation of the border between tribe and state

The conflict between tribe and state, which stretches back to the period of British colonialism, also superimposed itself on the nation-state conflict over the legitimacy of the Durand Line. Controlling the Pashtun tribes along the border was already enormously challenging in the days of British rule. The tribes were in a permanent state of turmoil, and the British were

barely capable of dealing with their rebellions. From the mid-nineteenth century on, the British attempted to install a military bulwark in the tribal areas west of the Indus, the so-called Sandeman System, in order to pacify the tribes along the dangerous frontier of the Indian subcontinent. In 1930, British India imposed martial law in the tribal areas. In the remote region of Waziristan alone, the British maintained 28 battalions in the 1930s. This equated to a higher presence of troops than anywhere else on the Indian subcontinent (Yapp 1983). In some years, the British had to cope with well over three hundred military engagements or skirmishes. The tribes did not hesitate to attack military outposts, lay siege to garrisons or engage the British in open combat. Their resistance, however, did not rest on a common national identity, but on precisely the reverse, namely the sense of competition which was such an inherent component of tribal identity. The continuous rivalry and discord between the tribes ensured that each tribal unit acted for itself alone, and that alliances changed continually. This rivalry between tribes made it very difficult for the British to find reliable allies (Holdich 1901).

In spite of the demarcation of the Durand Line, then, the tribal areas under British sovereignty remained an “imperial frontier” (Beattie 2002). “Frontier policy” and “tribal policy” merged into one another (Haroon 2007: 13). This front-line character is underlined by the fact that border security was left to tribal militias. These regiments were recruited from the tribes and financed by the British, and they were tasked with securing British sovereignty in line with the “forward policy” approach. In 1907, they were amalgamated to form the Frontier Corps (Haroon 2007). The Frontier Corps symbolize the vague character of the Durand Line particularly well: they undertook security tasks in the transitional zone between British-Indian and Afghan rule which the British did not see themselves capable of tackling through a direct presence in the area. The British principle of indirect rule also applied to other aspects of government in the tribal areas. In 1872, for example, the British issued the Frontier Crime Regulations that provided for the resolution of conflicts in line with local legal principles. This political restructuring went hand in hand with the transformation of tribal structures. The British succeeded in institutionalizing the position of the tribal leaders, or *maliks*, by means of bestowing material benefits on them and securing their legitimacy through the compilation of genealogies (Haroon 2007). This represented a break with the notion of equality which had previously been so important for the tribal order of the *nang* Pashtun tribes (Marten 2008). *Malik* had previously been a courtesy title earned by members of a tribe through what their tribal associates perceived to be impressive demonstrations of leadership (Barth

1959; Ahmed 1976). Now *malik* became a formalized and heritable status, economically secured by externally allocated resources. Marten (2008: 10) even goes so far as to suggest that structures of “warlordism” which continue to manifest themselves strongly in the region even today were created at this time. The British were also anxious to develop administrative and political structures which would contain and pacify the tribes. In the 1890s, the area along the Afghan-Pakistan border was divided into tribal areas which enjoyed a large degree of autonomy. In 1901, the territory west of the Indus was integrated into the administration of British India as the North West Frontier Province (NWFP). The mere name of the province evokes the border character of the region, which was seen as marking not only a political divide, but also the outer limits of civilization. This finding is even truer for the tribal areas, which had a particular spatial status within British India which clearly marked them as being socially different (Haron 2007). The NWFP in general (and the tribal areas in particular) were associated with the spatial location of the transition from “civilized” British India to the “wildness” of Afghanistan.

When the state of Pakistan was founded, the tribal areas were neglected at first, and the newly-founded state did not succeed – despite numerous military campaigns – in bringing the tribal areas under control (Khan 1981; Yapp 1983). Islamabad thus resorted to such proven methods as bribery and reprisals to restrict the rebellions of the tribes to a tolerable minimum. The Frontier Corps on the Afghan border remained in place. Only after the secession of Bangladesh did those in power in Islamabad make more forceful attempts to win the loyalty of the tribal areas. In 1970, Pakistan revived the administrative order of the tribal areas initially introduced by the British. The tribal areas were consolidated administratively as the Federally Administered Tribal Areas (FATA) and placed under the direct control of Pakistan’s president. Since then, the tribal areas have been managed by the political agents described by Spain (1972: 24) as being “half-ambassador, half-governor”. In 1970, the “Frontier Crimes Regulations” first introduced by the British were reintroduced in FATA. The socio-economic stratification of tribal society continued; the *maliks* were the main points of contact for the political agents, who in turn served as conduits for the flow of resources. This increasingly led to the *maliks* becoming more and more alienated from their tribal associates, a separation which also manifested itself spatially, with the *maliks* increasingly settling in Peshawar and only sporadically visiting their tribes (Ahmed 1977). FATA thus retained its special status. The tribal areas barely participated in the economic development of the country, and central political rights were denied to their inhabitants. Hence it is unsurprising that Pakistani parties and

human rights groups view FATA as anachronistic in today's world (ICG 2006; Rubin / Siddique 2006).

In Afghanistan, the tribal areas did not possess any particular status of their own. However, the state never succeeded in dominating the tribes. With the exception of urban centres such as Jalalabad, Gardez or Khost, the state could not exercise its powers in the tribal areas. From as early as the early 1930s, the tribes in southeast Afghanistan (particularly the Loya Paktia) who had put Nadir Shah on the throne in Kabul in 1929 enjoyed considerable freedoms. They were, for example, exempt from taxes and from military service. (Interestingly enough, Nadir Shah's troops included tribesmen from the tribal areas in British India, which once more reveals the limited significance which was attached to the Durand Line.) This special status, which many Afghans disapprove of, still applies today. Just as in Pakistan, the relationship between tribe and state in Afghanistan has also been characterized by persistent conflicts. Practically every state-organized development measure (road-building measures, in particular) has promptly triggered a rebellion. The approach taken by the state to combat the activities of the Ghilzai nomads and traders smuggling goods from Pakistan to Afghanistan led to violent altercations in the 1930s, which continued into the 1960s. The implementation of the prohibition on smuggling wood involved violent confrontations with the Jadran tribe in the 1940s. The Shinwari, Mohmand, Safi und Mangal responded to a state attempt to introduce ID documents in 1947 by fleeing to British India in order to avoid being compelled to give details of their menfolk, who would then have become subject to conscription. This conflict came to a head between 1947 and 1949, and resulted in a series of violent confrontations between the Afghan army and the Safi tribe. The flight of the entire Mangal tribe over the border in 1959 – after a military official had been murdered in the context of an inter-tribal conflict – also serves as an indicator of the distrust Pashtun tribes have long reserved for the Afghan state.

In both Afghanistan and Pakistan, the main beneficiaries of the failed implementation of state structures on both sides of the Durand Line were the tribal elites which acted as intermediaries between the state and the tribes. In Pakistan, the relationship between these tribal elites and the respective political agents enabled them to reinforce their distinct political and economic status. In Afghanistan, by contrast, tribal leaders were socialized increasingly frequently in urban Kabul (Rubin 1992). However, this inclusion in the state-building process and in modern developments scarcely influenced tribal society. The modernized tribal elites had little interest in reforming or modernizing institutions in the tribal areas, since their own rise to membership of the country's modern elite was a con-

sequence precisely of their prominent role in tribal society. The relationship between the tribe and the state in both countries is thus characterized by the paradox that the very Pashtun tribal elites which have profited so disproportionately from each state, have been greatly concerned with maintaining tribal autonomy and upholding the boundaries between state and tribe. Tribal elders in both Afghanistan and Pakistan have accepted material support from their respective states, while making it very clear that they reject all forms of state interference. As such, they have also had no real interest in the Pashtunistan question: whether their independence is threatened by a Pakistani or an Afghan state is of little consequence to them. One striking example of this can be seen in the support accorded to Amanullah by tribal and religious elites in the tribal areas during the third Anglo-Afghan War. They were willing to support Amanullah fully and to accept his rule – on the sole condition that local autonomy would be respected (Haroon 2007). This tribal drive for autonomy was at the heart of the thoroughly successful (and often mythically glorified) resistance of the tribes to all external attempts to exert influence, whether by the Indian Mughals and Persian Safavids between the sixteenth and eighteenth centuries, the British in the nineteenth century and the first half of the twentieth century, the states of Afghanistan and Pakistan during the twentieth century or the Soviets in the 1980s. If there is continuity in the region, then it can be found in the unending chain of failed attempts by imperial powers and nation states to subjugate the tribal areas. The “tribe versus state” conflict runs through the entire state-formation process undergone by Afghanistan and Pakistan in the twentieth century (Tapper 1983).

The continuity of tribal structures was also highly significant at the beginning of the Soviet occupation. The flight of many Pashtun tribes came closer to a “planned evacuation than a violent dispersal” (Grevemeyer 1992: 58), as the tribal units generally left their settlements as a group. This rapid and well-organized retreat was made possible by the tribal solidarity of Pashtuns on both sides of the border. The Afghan Pashtuns did not feel themselves to be strangers in Pakistan’s tribal areas. Their flight, rather, corresponded to the usual practice of withdrawing to their clanspeople beyond the border whenever state intrusion became too great.

Talibanistan – religious demarcation processes

Academics (Barth 1959, for example) often stress that the tribal structures of the Pashtuns limit the influence of religious leaders *a priori*, as mullahs occupy a place outside the tribal system. However, looking at the issue in such exclusive terms ignores the fact that religious factors can dramatically influence the social order of the tribes in particular contexts, as Haroon (2007) sketches in some detail. What has happened in recent decades has not so much been the replacement of tribal structures with militant Islamism as the context-specific fusing of religious and tribal beliefs.

Back in the nineteenth century, the religious networks of the *pirimurdi* already played a central role along the frontier. Charismatic religious leaders – the so-called “mad mullahs” – were able to focus the warring tribes on common aims for short periods of time and forge alliances against British rule. Said Ahmad, Hadda Mullah and Turangzai, among others, succeeded in turning different tribes against the British again and again. Haji Mirza Ali Khan, the famous *faqir* of Ipi, led rebellions in Waziristan between 1936 and 1938 (Edwards 1996; Haroon 2007). Although such religious networks were strongly influenced by Sufi brotherhoods, close connections to the orthodox Deobandi School also existed from as early as the end of the nineteenth century. Just as with tribal and religious orders, ideological distinctions between different religious schools of thought were only of minor importance. It was, for example, quite normal for a religious dignitary to be a member of several different Sufi orders, some of which were even competitors (Haroon 2007).

A more rigid institutionalization of religious elites only came about in the tribal areas from the 1970s onwards, after Zia-ul-Haq seized power in Pakistan. Zia-ul-Haq’s Islamization policies need to be viewed in the context of the Kashmir conflict; it was Zia-ul-Haq’s belief that strengthening the role of Islam would create a national focus around which Pakistan could unite, and so make it possible to pursue the conflict over Kashmir increasingly through Islamic movements recruited from the *madaris*. This is one of the principal reasons why both the military in Pakistan and the ISI have such close links to Islamist networks (Abou Zahab / Roy 2004). The *madaris* acted as a catalyst for spreading this understanding of Islam. From the 1980s onward, the Islamization policies of Pakistani President Zia-ul-Haq ensured that over 1,300 *madaris*, many of them close to the orthodox Deobandi School were set up in the NWFP and widely patronized (Malik 1989).

The Afghan war triggered by the Soviet invasion, assumed increasingly ideological connotations. The religious dimension of the conflict as

jihād was emphasised, and the Durand Line became an ideological frontier dividing the different worldviews of the Cold War parties. The Pakistani intelligence service ISI managed to structure the Afghan resistance in such a way that only religious – preferably Islamist – parties (*mujahidin* parties) were officially authorized and could receive financial support from the US and Saudi-Arabia (Roy 1986). In the same way, the *mujahidin* parties also controlled the Afghan refugee camps, where over three million refugees from Afghanistan were accommodated. While most of these refugees were contained in camps on the Pakistani side of the border, the tribal elites emigrated to Pakistani cities, to Europe or to the US. As such, they gradually lost their influence on the tribal population. More dramatically, the migration of tribal elites left a gap in the relationship between the tribes and the state. From the mid-1980s onward, simple clerics (*mullahs*, *maulawis*), most of them from *madaris* in the NWFP, filled these leadership roles and became intermediaries between the tribes and the state, or important *mujahidin* commanders. This development suited Islamabad; tribal structures were shattered, Pashtun identity was weakened, and soldiers were mobilized for *jihād* in Afghanistan. The *mullahs* managed to build alliances across the dividing lines of a society riven by violent conflict, and to mediate in quarrels.

Although the *madaris* were initially a substitute for family life for children from impoverished families and war orphans, the sons of better-off Pashtuns soon also gravitated towards these Koran schools in increasing numbers. In the heated climate of the 1980s, the inability of the tribes to compromise fused with a militant Islam. A large proportion of the tribal population was prepared to embrace a militant understanding of Islam which was based on a straightforward dichotomy between “good” and “evil”, explained the world in simple and radical terms and was compatible with norms and values which had originally emerged in a tribal context. Religious beliefs and tribal structures proved compatible across an entire range of areas. Attempts to introduce modern ideas about society, such as communism, equality between men and women, democracy, the separation of religion and state power etc., were met with hostility. It can be argued that tribal ideas were not relegated to the side-lines by religious ideas; rather, particular ideas held by the tribes about the role of women, the definition of manhood or jurisprudence – in other words, ideas already present in tribal codes – were strengthened, reshaped or deformed.

The increased emphasis on Islam can be seen from internal and external perspectives. Seen from the outside, militant Islam has been associated with a struggle against all external influences, especially since September 11. As such, radicalized Islam is perceived to be struggling

against modernism, state power and the entire Western world. Seen from the inside, Islam (and especially militant Islam) is associated with emphasis on local values and norms. Increased emphasis on Islam is a shortcut to affirming local identities. Islam serves as a framework of reference for the interpretation of everyday actions and decisions. However, this worldview is neither self-contained nor coherent. Different elements of religious and tribal constructs may be combined in different contexts. As such, it would be a mistake to see this process as the ideological implementation of radical ideas about Islam in a tribal society. Ideological questions play only a marginal role in everyday practice, and they often co-exist alongside orthodox, heteropractical and tribal beliefs. The Taliban movement and its various branches were founded on this “Islam with a tribal character” (Schetter 1997; 2002a).

The border as a favourable area

Afghanistan’s steadfast refusal to recognize the Durand Line and the fact that neither Afghanistan nor Pakistan has succeeded in establishing a state presence in the tribal areas, have brought about a situation in which this international border remains extremely porous even today. It is crossed by thousands of tribe members without papers on a daily basis, and it is not under state control (Kaplan 2000). Numerous border crossings exist, and many inhabitants of the border region have two passports. Moreover, the border winds through a barely accessible labyrinth of mountain ridges, which does not favour the establishment of a border control regime. Hence, the border region around the Durand Line is one of the few regions on earth where borders are still frontiers rather than just geodetically-surveyed lines.

As indicated by the perennial option of crossing the border to escape state persecution described above, the tribes have always seen the Durand Line less as an impregnable barrier than as an option which has allowed them to exempt themselves from the control of the state. Until the end of the 1970s, entire tribal units crossed the border many times, in one direction or the other, to escape repression by the Afghan or Pakistani state. As such, the porosity of the border has been an important beneficial factor for the population.

Moreover, this porosity also holds economic advantages. Afghanistan concluded the Afghanistan Transit Trade Agreement (ATTA) with Pakistan as early as the 1950s, in order to mitigate the disadvantages of its geography as a land-locked state. The agreement entitled Afghanistan to import goods from Pakistan without paying customs duty. From the 1970s onward,

the permeability of the border formed the basis for a lively trade in smuggled goods, which continued even in war. Goods were imported from Pakistan to Afghanistan and then immediately smuggled back into Pakistan (Schetter 2002b). Under the Taliban regime in the second half of the 1990s, in particular, the Afghan-Pakistan border region became a veritable *el-dorado* for smugglers (Rashid 2000): cars, for example, were smuggled from the Gulf states via Iran and Afghanistan to Pakistan, and car parts and consumer goods were sourced in Central Asia. The trade in poppy derivatives originating from cultivation in provinces close to the border such as Nangarhar, Hilmand or Kandahar opened up dramatic new trading opportunities. As a result, posts in the Pakistani administrative and security apparatus in the border areas or FATA became lucrative, since appointees could expect to participate in the smugglers' profits. The inherent logic of the administration of Pakistan meant that being posted to the border areas represented an indirect promotion.

As is clear from this lively trade, we are not looking at a far-flung border region located well away from civilization and barely touched by the flows of globalization. Quite the opposite: there has been extensive migration from the tribal areas to Karachi and to the Gulf since the 1980s. Pash-tuns from Pakistan, but also from Afghanistan, have taken advantage of Pakistani passports to seek work in the Gulf. It can be assumed that thousands of young men from the tribal areas are currently working there. In the entire NWFP, roughly 10% of all households receive remittances from the Middle East (Gadara 2003). An extensive service network has emerged alongside these developments: the tribal elites furnish the migrants with passports, plane tickets and work permits and can turn a substantial profit from these recruitment-related business activities (Marten 2008).

Post 9/11

The military intervention in Afghanistan after September 11 highlighted the Afghan-Pakistan border region in a way that had not happened since the Soviet invasion of Afghanistan in 1979. This was the area where Osama bin Laden and the most important leaders of al-Qaida were assumed to have gone underground; this was the Taliban's retreat; this was an area where state power had far less influence and less impact than elsewhere. From 2001 on, violence in this border region escalated. This region was the heart of the resistance to ISAF troops led by NATO and to the Afghan and Pakistani armies. FATA was initially seen as a "safe haven" for militant Islamists, but the different militant Islamist factions in the resistance

quickly expanded out of the border areas into south and south-east Afghanistan (Schetter 2007). By 2009, not only had large parts of Afghanistan been destabilized, but resistance was also spreading into the areas bordering FATA. Swat, in particular, led by Mauwlana Fazlullah – called Mullah Radio – became an important stronghold of the insurgents.

Western media coverage generally views these struggles through the lens of the war on terror, as part of the war of the “free world” (George Bush) against fanatical Islamists. While the Islamist dimension, which criticizes the injustice of the intervention, does undoubtedly play a major role, the current conflicts in the region must be seen as the product of the overlapping of the conflict lines traced above. The national conflict between Pakistan and Afghanistan is still fundamental. Afghanistan’s refusal to recognize the Durand Line has been a major sticking point in the most recent attempts of the Obama administration to find a regional solution. Pakistan’s national interests are also of key importance. The fact that ISI supported the resurgence of the Taliban quite openly for years (Rubin 2007) makes sense when seen in the light of the primacy of the postulate of “strategic depth” for Pakistan. Since 2001, Pakistan has not been given any opportunity to influence the political restructuring of Afghanistan in a way that takes into account its own security needs. During all this time, those in power in Islamabad have had to watch India open consulates in Jalalabad and Kandahar, build roads in south Afghanistan and fan the flames of Baloch resistance in Pakistan (which has flared up again in recent years and destabilized all of Balochistan) via Afghanistan. The fact that over two million Afghans still live as refugees in Pakistan, refugees that Islamabad would like to deport to Afghanistan sooner rather than later, further complicates the situation. Quite apart from the war on terror, skirmishes between Afghan and Pakistani troops have taken place in the border region in recent years – and the fact that the exact course of the border is disputed in many places does not make the situation any easier. Pakistan’s suggestion, made in autumn 2006, that the border be secured with a fence and mines in order to obstruct the Taliban movement, was not serious. Such a move would, after all, require Afghanistan to recognize the border as a valid international border, in practice if not in theory. The Pakistani government knows very well that the Afghan side would scarcely be willing to contemplate such a step (Zeb 2006).

So while the poor quality of the relationship between Afghanistan and Pakistan makes it difficult for both countries to pacify their common border, the defense of tribal autonomy directly fuels the insurgent movements. Every attempt from outside to wield influence that impacts on the local order is a source of irritation. Many local actors see the war on terror

as a state-building war waged from outside which attacks local ideas and customs in an effort to establish statehood and gain control over territory and population. But local elites have little interest in promoting a state monopoly on violence or in uniform norms and values, such as a uniform legal code or an overarching ideology. Finally, the implementation of the “new rules” Kabul, Islamabad and NATO are striving for is perceived as a threat to dominant social practices and mores. This affects issues such as the role of women as well as key economic practices such as the cultivation of opium poppies. Insurgents in the current war are concerned with defending a political order that is marked by a high degree of scepticism towards modernization in the form of the presence of the state and the international community. This political order links local beliefs with militant Islamic ones and marks a new phase in the old antagonism between the tribes and the state. In this struggle, the Durand Line is spatially and symbolically significant: resistance against external influence manifests itself along the border, the location where statehood should manifest itself territorially, but where, in fact, the state demonstrates its powerlessness. The Durand Line thus represents a “terrain of resistance” (Routledge 1993) in a world which is not structured on state lines.

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