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The Talibanisation of Pakistan's Western Region¹

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Executive Summary

Ever since the invasion of Afghanistan by the United States and its allies in 2001, there has been a strong resurgence of pro-*Taliban* elements in Pakistan's bordering provinces with Afghanistan. The Durand Line which was delineated at the turn of the century segregated tribes and clans in such a manner that even families were divided. Its sanctity (legality) was never accepted by either the Afghan or Pakistani tribesmen.

The Afghans/Pathans/Pakhtoons/Pashtoons form almost half of Afghanistan's population and more than 15 percent of Pakistan's population. Apart from the Federally Administered Tribal Areas (FATA), where they are a majority, they reside in the western provinces of the North-West Frontier Province (NWFP) and Baluchistan. However, due to several factors, including their ethics code known as *Pashtoonwali*, they wield influence out of proportion to their numbers in both Afghanistan and Pakistan.

The FATA, a belt along the border, has been autonomous even before the advent of the British Indian Empire. The tribesmen of the FATA have resisted the induction of troops in their area since the invasion of Afghanistan. There has been an escalation of hostilities between the two sides, and now the adjoining areas of Swat, Dir, Mardan Peshawar and Bajour are also affected by this 'high intensity insurgency'. The Pakistan Army's operations in this area are void of any political will or support. The Pakistan government, until today, has failed to support the army's operation with a comprehensive political or development strategy, a necessary requirement for success of any counter-insurgency operation. It has, thus, failed to achieve its objectives of pacifying the tribesmen and establishing long-term peace and stability.

To defuse the ongoing crisis along with the army action, there have been repeated rounds of talks with the *Jirgas* (councils of elders). However, they have also failed to bring peace or enforce the writ of the government in this area; with each side blaming the other for the

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failure. During the same period, the United States has repeatedly hit suspected militant targets inside Pakistan, fuelling anti-American feelings among Pakistanis who have otherwise not been very concerned or involved in the fight.

Moreover, Afghanistan, India and the United States have accused the Inter-Services Intelligence (ISI) of being responsible for the bomb blasts in Kabul near the Indian Embassy, New Delhi and, more recently, the Mumbai incident. The Pakistani government has, in return, accused foreign powers of interfering in Baluchistan and the Tribal Areas for their own ends.

It appears that the 'great game' which was once played between the British Empire and the Russian Czars is once again being played by a different set of players. It is also likely that more players will participate in the game. The Russians and the Chinese, with their own geopolitical interests in the area, are not going to be mere spectators for long, as illustrated by the recent incursion by Russian forces into Georgia.

In view of the aforementioned developments, there is a need to study the problems of Pakistan's western regions. This paper analyses the deterioration of the situation to its present level. It discusses the historical background of the situation to the present situation, including the system of governance evolved by the British for the FATA. It also assesses and evaluates the Pakistani government's response to solving the problems. This paper shall end by putting forth a number of recommendations that can, hopefully, help in bringing peace and tranquillity to this region.

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Glossary

<i>Amir</i>	Leader or commander
<i>Afghan/Pathan</i>	This term is usually used in areas east of River Indus for any one belonging to areas west of Indus. It includes the Tajkis, Hazara, Uzbeks and the Pashtoons
<i>Jihad</i>	Holy war
<i>Jirga</i>	Council of elders
<i>Khilafat</i>	Earliest period of Islamic rule by the Prophet's followers
<i>Lashkar</i>	Force or armed band
<i>Loi or Loya Jirga</i>	The Grand <i>Jirga</i> of all Tribal Leaders
<i>Hujra</i>	Meeting place and meeting room
<i>Imambargah</i>	Shiite place of religious rites
<i>Madrassa</i>	Islamic seminary or school
<i>Pashtoon/Pakhtoon</i>	Basically used for Pashto speaking people. Term Pakhtoon is more often used in Pakistan versus Pashtoon in Afghanistan and the southern parts of the Pakhtoon areas of Pakistan.
<i>Pakhtoonwali/ Pashtoonwali</i>	Code of life by which a Pashtoon would like to live.
<i>Riwaj</i>	Customary or traditional way of life
<i>Sharia</i>	Islamic jurisprudence

Introduction

The border region between Pakistan and Afghanistan has become the centre of the world's attention these days. It has been described as the most dangerous place in the world by many statesmen, military leaders and diplomats, particularly the Americans.³ They also allege that most of the terrorist activities by *Al-Qaeda* originate from this area. The Pak-Afghan international border is delineated by the Durand Line, which passes through one of the world's most inhospitable terrains. The tribesmen, over the centuries, have adopted a code of life known as *Pashtoonwali*, that is, the way of the Pashtoons, along with some Islamic teachings which have been shaping their lives till today. They lived according to this code until the Soviet invasion of Afghanistan which disturbed the status quo in the entire region. Volunteers from all over the world, particularly the Islamic countries, came to participate in the liberation struggle. *Jihad* and *Mujahideen* became bywords in English language dictionaries as a result.

Ever since the Soviet invasion, the region has been host to a number of insurgencies. The United States-led invasion of Afghanistan in the wake of 9/11 brought the entire region under fresh focus, with the United States and its coalition partners fighting a resurgent *Taliban* opposition with no obvious success in sight. Historically, the area, being remote and inhospitable, did not attract much attention from Central Asian or Afghanistan invaders. Present day FATA remained semi-autonomous even during the period of the British Empire, basically due to two reasons. Firstly, the British wanted a buffer zone between the settled areas of north-west India and Afghanistan. Secondly they found that the cost of permanent occupation was exorbitant. The Pakistani government and its armed forces were to learn the same lesson decades later.

Left to themselves, the tribes remained busy with intra-tribal rivalries and made the occasional foray into the settled areas. The only time they moved in great numbers was during the Kashmir conflict in 1947-48 when there was the move of the *Lashkar* (force). The Pakistani administration, more pre-occupied with Afghanistan's bogey of 'Pashtunistan', did not disturb this status quo. It felt that as long as the tribes did not challenge the sovereignty of the state, they could be allowed their autonomy. No determined effort was made to incorporate them into the mainstream of national life. With the entire border belt becoming a base for the *jihad*, led by the United States against the Soviet Union, this area was thrust into the limelight. Prominent *Maliks* and religious leaders were courted and a large number fought along with the *Mujahideen* from the Islamic diaspora. After the end of the Soviet occupation, quite a few of these, particularly the Arabs, settled in the border belt having developed close kinship with the tribesmen during this period. The Afghan leadership, both the *Mujahideen* and later the *Taliban*, gave shelter to Osama Bin Laden and his *Al-Qaeda* followers according to their code of *Pashtoonwali* on this account. This area also became a bastion or refuge for terrorists and hardened criminals from all over Pakistan.

After 9/11, the United States military action resulted in many of the alleged *Taliban* leaders and *Al-Qaeda* cadres seeking sanctuary in Pakistan, especially in the FATA. Such developments naturally had implications for Pakistan's sovereignty and security. Pakistan was compelled by the United States to take action against the militant, but found them a tough nut to crack. The *jihad* had produced battle-hardened and deeply motivated fighters

³ "In an interview with ABC News, President George W. Bush described the tribal region along the Pakistan-Afghanistan border as one of the most dangerous areas in the world today where "Al-Qaeda had established safe havens and was plotting attacks against the United States", *The Dawn*, 13 April 2008.

who were willing to take on the United States and its allies, including Pakistan whose troops were not prepared for the intensity of the opposition. Therefore, Pakistan had to pay a heavy price in terms of persons killed due to violence and the concomitant human misery and collateral damage the encounters caused.

**Map 1: Pakistan at the crossroads of Central Asia,
South Asia and the Middle East**



Source: <http://maps.nationalgeographic.com/>.

Note: This map is neither original nor authentic.

Geography and Ethnography

General Description

The area of interest of this study is bounded by the Indus River to the east, the Durand Line to the west which is approximately 1,610 miles (2,640 kilometres) long, Pamir Knot in Chitral to its north and Baluchistan Plateau in the south west. Going west from Indus, one leaves the fertile plains of the NWFP to enter the mountainous region of the FATA. The Hindukush Range, with its highest peak at Tirich Mir at 7,708 metres (25,289 feet) in Chitral, is located in the north-east to south-west direction. Its watershed is the border between Pakistan and Afghanistan at most places. The offshoots of Hindukush, that is, Koh-e-Safed and Sulaiman Ranges, go southwards into Baluchistan. The Sulaiman Ranges in Baluchistan have the highest peak with Takht-e-Sulaiman at 3,487 metres (11,437 feet).

Map 2: The Durand Line demarcates the Pak-Afghan Border



Source: Map of Afghanistan – <http://www.maps.com/map>.

This border includes the famous Khyber, Kurram, Tochi, Gomal and Bolan Passes astride the Durand Line that have served as traditional invasion routes between Central Eurasia and South Asia. Pashtoon tribes which form almost half of Afghanistan's population and 15 percent of Pakistan live on both sides.⁴ To the east of the Durand Line lie Pakistan's NWFP, the Baluchistan province and the FATA. The Durand Line brought the tribal lands (now a part of Pakistan) under the British control. However, the British established a three-tiered border to separate their empire from Russia. The first frontier separated the areas of the Indian subcontinent under direct British administration from those areas under Pashtun control (today this line divides those areas administered by the Pakistani state from the FATA). The second frontier, the Durand Line, divided the Pashtun Tribal Areas from the territories under Afghanistan's administration. This now forms the international border between Pakistan and Afghanistan. The outer frontier, Afghanistan's border with Russia, Iran, and China, demarcated the British sphere of influence.

Climate and Agriculture

The valleys between these mountain ranges are rugged with inhospitable terrain and sparsely populated by Pakistani standards. Rainfall is varied, with 1000 millimetres in the north to less than 300 millimetres in the southern parts, due to the elevation of these areas.⁵ The summer temperatures may exceed 40 degrees Celsius and winters are freezing cold with sub-zero temperatures at most places. Snowfall takes place at an approximate height of over 4,000 feet. Most of the habitation beyond the NWFP plain is in the valleys with heights of up to

⁴ World Dictionary of Minorities, South Asia, (www.faqs.org/minorities/South-Asia/index.html) 'Pathans are 50 percent of the pre-war Afghanistan population.

⁵ Dir's average yearly rainfall is 1468.8 millimetres while Zhob's average yearly rainfall is 275 millimetres – www.worldclimate.com/cgi-bin/data.

8,000 feet. Due to the mountainous nature of the terrain, harsh climate and long dry seasons, there is only a marginal amount of agriculture in the area, namely, fruits such as pomegranates, apricots, apples, figs and grapes.

Rivers and Irrigation

The Indus River flows from north to south; all the other rivers are basically streams with the exception of the Kabul River. All of them flow from west to east into the Indus. The Baluchistan Rivers dry up in the immense expanse of Baluchistan. The NWFP has irrigation canals providing much needed water to the Mardan and Peshawar Divisions. The Dera Ismail Khan Area receives water from the Chashma Right Bank Canal, a major canal network passing through three provinces. There is no noteworthy irrigation system in the rest of the region except '*karez*', an ancient system of underground water channels in Baluchistan.

Ethnography and Peculiarities

The Pashtoons or Afghans form 90 percent of the population on both sides of the Pak-Afghan border. Non-Pashtoons are mainly in the extreme north, in Chitral where the Chitralis, who are probably of Greek origin and remnants of the legions of Alexander the Great, and the extreme south, where the Baluch tribes live. Among the important Pashtoon tribes living in these areas are the Yousafzais, Bajauris, Orakzais, Bangash, Mahsuds, Khattaks, Bhattanis, Dawars, Turis and Sheranis. Some of the tribes live on both sides of the international border, for example, Safis and Mohmands of Mohmand Agency, Shinwaris of Khyber Agency, Mangals of Kurram Agency and Wazirs of North and South Waziristan Agencies and various sub-tribes of Durrani in Baluchistan. The tribesmen living on both sides of the border own combined properties, inter-marry and hold common *Jirgas*. As a local saying goes, "a tribal has two houses – one east of the border and the other west of it".

Tribal Culture and Heritage

Tribal culture and customs have strongly resisted change in the past. The Pathans/Pashtoons, due to several factors, including their ethical code, *Pashtoonwali*, wield influence out of proportion to their numbers in both these countries. Thus, for example, the Indian subcontinent was ruled from the arrival of the Muslim invaders in 1001 AD until the Moghuls defeated Ibrahim Lodhi in 1526 AD by various Pathan dynasties. In the contemporary situation, it is pertinent to note that approximately 25 percent of the Pakistan Army is of Afghan/Pathan descent.⁶ The cultural heritage of both the NWFP and the FATA is very rich in terms of hospitality, holding *Jirgas*, ethnic diversity and natural beauty. The tribes are used to looking after their own resources and solving local problems. They take collective action in support of *Jirga* decisions, and support each other in such situations as fights with other tribes, exacting revenge, death and marriage ceremonies, construction of the *hujra* (a meeting place) and mosque.

Pashtoonwali

James W. Spain⁷ writes that the "tribal customs and traditions form an inseparable part of Pakhtoon society. These important traditions guide community life and, in many cases,

⁶ 'Waziristan deal prompted by internal army concerns', Khalid Hasan, *The Daily Times*, 5 November 2006.

⁷ An American diplomat who served for a long time in South Asia.

influence and even determine the actions of individuals. The Pakhtoon social behaviour revolves around the *Pakhtoonwali* (or *Pakhtoonwali*) which is the ‘Pakhtoon Code’.” This code has numerous laws, the important ones being as follows:

<u>Pashtoonwali Code</u>	<u>Meaning</u>
<i>Nang</i>	: Honour
<i>Badla</i>	: Revenge
<i>Ninawatay</i>	: Seek Forgiveness
<i>Jirga</i>	: Tribal Council
<i>Riwaj</i>	: Customary Law
<i>Malik</i>	: Chief of Group
<i>Kanrai or teega</i>	: Terms of Truce
<i>Lashkar</i>	: Armed Tribal Gathering
<i>Lokhay warkawal</i>	: Implies Protection of Individual
<i>Chigha</i>	: Pursuit Party
<i>Badragga</i>	: Escorting a Visitor/Fugitive

Tribal Psyche

It has generally been observed that the *Pashtoonwali* creates a very strong feeling of tribal and clannish loyalty and generates a complex collective psyche that is characterised by the following:

- Brave, impulsive and warm hearted.
- Tendency to rally against a common enemy
- Amenable to negotiations
- Negotiating with them from a point of weakness is futile

The fact that the Afghans were not prepared to surrender Osama Bin Laden to the Americans and that the Pakistani tribesmen decided to fight against the government rather than surrender the Arabs and other foreign nationals who had taken refuge with them was basically due to the code of *Pashtoonwali*.

Population

The following data from the 1998 census statistics provides an overview of the population figures.⁸ Difficulty in counting the migratory population, particularly the refugees, remoteness and tendency to exaggerate their own tribal numbers are some of the factors limiting a precise head count.

- | | | |
|----|-------------|--|
| a. | NWFP | 17,743,645 but it is likely to be approximately 20 million now, with approximately 1.8 million Afghan refugees. ⁹ |
| b. | FATA | 3.1 million, but it is likely to be four million now. |
| c. | Baluchistan | 6,565,886 but it is likely to be 10 million, including approximately 769,268 Afghan refugees. ¹⁰ |

⁸ Government of Pakistan, Population Census Organization, Population by Provinces.

⁹ United Nations Office for Coordinating Humanitarian Efforts Report dated 25 August 2005. Also see “3 million Afghan refugees”, *The News*, 2 May 2005.

Historical Perspective

Pre-British Period

With the exception of the earliest Islamic invasion by the Arabs in 711 CE and later the British – who invaded by sea – almost all other invasions of India took place from Afghanistan by various Turco-Afghan and Afghan tribes. The fertile valleys of Kabul-Jallalabad and Peshawar were the main attraction for the invaders before they invaded the rest of the subcontinent.

However, present day FATA was, by and large, left undisturbed with the odd exception undertaken during the rule of Moghul emperor Aurangzeb who sent an expedition to the area. The reason behind the oversight by the various invaders of the area comprising the FATA was that it was a very inhospitable area which did not generate any significant revenue and was populated by a people who were too unruly to be governed. In fact, the FATA tribes used to provide manpower to many of the invaders. They excelled as freebooters and looters. Many of them settled in the plains. Thus, Pathan colonies were to be found around most north Indian cities before the 1947 Partition of India.

The Sikh Period

The Sikhs under their dynamic leader, Ranjit Singh, captured the cities of Peshawar, Kohat, Bannu and Dera Ismail Khan, but failed to extend their sway beyond the main cities of the fertile valleys. They did try to penetrate beyond Peshawar but were defeated in the Battle of Jamrud in 1837 AD and their famous commander Hari Singh Nalwa was killed.¹¹

Arrival of the British

The British, moving westwards from their strongholds in the Indo-Gangetic plains, invaded the Punjab region in 1846 and formally annexed it in 1849. As a follow-up to the Sikhs, their initial objectives in the regions northwest of the Punjab were the important cities of Peshawar, Bannu, Kohat and Dera Ismail Khan. However, soon they were to adopt the ‘forward policy’ as part of what came to be known as the ‘great game’ that involved them in competition with expanding Czarist Russia. Both powers strove to carve out their spheres of influence in Central Asia.

The British were very determined to contain the Russian expansion. Thus, as part of this ‘forward policy’, the British invaded Afghanistan twice – in 1839-42 and 1878-81 – but both times with disastrous results. The British effort to exert their control into the Tribal Areas met with stiff resistance. As a result, both sides came to some tacit and written agreements that while these areas formed part of the British Indian Empire, the tribes were left virtually free to manage their internal affairs. Thus, the modernisation and development in various fields that occurred all over India during the colonial rule left the Tribal Areas practically untouched. Consequently, the FATA and other Tribal Areas remained extremely poor and under-developed.

¹⁰ UNHCR Census of Afghans in Pakistan, 2005 UNHCR Office, Islamabad.

¹¹ Haripur, a District Headquarter in the NWFP, is named after Hari Singh Nalwa. President Ayub Khan belonged to a nearby village.

Post-Independence

The founder of Pakistan, Mohammad Ali Jinnah, ordered the withdrawal of forces that had been stationed in Waziristan, Parachinar, Miran Shah and other areas under 'Operation Curzon', named after the Viceroy who was one of the architects of the 'forward policy'. The governments that came into power in Pakistan after Jinnah continued this policy, notwithstanding the fact that a strong mass movement led by Khan Abdul Ghaffar Khan existed in the NWFP that stood for an autonomous Pashtoonistan composed of the Pak-Afghan Pashtoon areas. At any rate, the Tribal Areas remained in a state of benign neglect and obscured from development taking place in various fields in the rest of Pakistan.

Zulfiqar Ali Bhutto Era

A traditional monarchy had provided stability to Afghanistan in the 19th and 20th centuries. However, a dramatic change in the power structure took place when King Zahir Shah was overthrown by his cousin and brother-in-law Muhammad Daud Khan in 1973. Daud abolished the monarchy and became president. He had been a strong advocate of the 'Greater Pashtoonistan', a political project that aimed at the Pashtoon areas of Pakistan seceding and joining Afghanistan. Bhutto, who had come to power in Pakistan, revived the forward policy and reoccupied some of the military garrisons vacated earlier in 1947-48. More importantly, a dynamic governor, General (Retired) Nasirullah Khan Babar, and his government made some concrete efforts in the development of the Tribal Areas. Consequently, electricity was provided in some areas, the road network grew, schools and colleges were set up at a few places and communication facilities were expanded.

While this was taking place, President Daud realised that he had gone too far into the Russian embrace and decided to have better relations with Pakistan. However, before he could do anything concrete, the Soviet leaders had him removed and executed and moved in with their advisors followed by Soviet army. This changed the entire situation in the FATA.

Impact of Soviet Invasion on the FATA and Adjoining Areas

Invasion

The Soviet invasion of Afghanistan in 1978 brought about a fundamental change in the lives of the people of the FATA and other adjoining areas of the NWFP and Baluchistan. The Russian troops were now at the doorsteps of Pakistan. A large number of Afghans, mostly the Pashtoons, over three million strong, became refugees in Pakistan. Pakistan decided to support the guerrilla movement inside Afghanistan. It was also supported by many other countries led by the United States. The FATA, in particular, became a logistics base and focal area for training and launching the *Mujahideen*. The guerrilla war came to be known as the *jiha*d (Holy War) and the guerrillas as the *Mujahideen* (those who wage *jiha*d). These developments had serious repercussions for the future.

Response of the International Community

Training camps for the *Mujahideen*, supervised by regular Pakistan Army officers were set up along the Durand Line. The Central Intelligence Agency (CIA) became the conduit of the massive United States aid for this purpose. In order to make it a struggle of the entire Islamic world, the Americans facilitated the movement of Muslims willing to fight in the *jiha*d from

all over the world. These Muslim fighters came willingly for two reasons; firstly, they were lured by the romanticism of *jihad*; and secondly, the countries to which these young men belonged were only too happy to get rid of them from their own homelands. One could find young men from such diverse geographical and cultural backgrounds as the Moros of Philippines, the Rohingya Muslims of Burma and the Chechens – men of every shade and colour – joining the *jihad*.

The United States Support and Involvement

The United States government in general and the CIA in particular, were full of enthusiasm for the mobilisation of an international fighting force of Islamic warriors because it served to isolate the Soviet Union very effectively. Such isolation was achieved in many fields. Thus, for example, the Moscow Olympics in 1980 was boycotted by many countries led by the United States.

Training for *Mujahideen* was organised with help from the United States. Charlie Wilson's war started receiving arms, ammunition, equipment and the latest weapons such as stringer missiles. All these factors had one thing in common – the biggest support, both materially and from rhetorically at the international level, came from the United States.

The training camps became nurseries for the spread of a militant, radical branch of Islam. Thus, for example, the transformation of the Palestinian *Intifada* from a struggle equipped with stones to an armed struggle waged through suicide bombings in Israel has its roots in the experiences and training given to the *Mujahideen* in Afghanistan.

Afghan Refugees Factor

The arrival of over 3.5 million refugees to Pakistan and the participation of the Pakistanis in the *jihad* created a lot of interaction and networking between the people of both countries which was further aided by a common religion, language, tribal loyalties and bonds of history. It also put a lot of pressure on local resources, which were woefully meagre and limited. The local administration was unable to cope with these developments and, in the longer run, succumbed to these pressures. This resulted in a notoriously corrupt environment in the FATA. It became virtually a safe haven for all types of illicit money-making ventures, that is, gun running, narcotics trafficking, kidnapping for ransom and smuggling. A *laissez faire* type of environment was created in this area.

At the same time, it is important to underline that the NWFP, Baluchistan, the FATA and the rest of the Pakistani public fully supported the struggle of their ethnic/religious brethren across the Durand Line. The refugee camps were provided all possible support by the Pakistani government and were financially supported by the United Nations High Commissioner for Refugees (UNHCR) and other international bodies.

Effects on Pakistan

The arrival of *Mujahideen* from all over the world for *jihad* was to have disastrous effects for Pakistan in the years to come. Firstly, the Russians targeted these training camps, logistics bases and ammunition depots from time to time. Pakistan was being used as a front line nation for *jihad* against the Soviet Union. However, the United States aid to Pakistan, the

arrival of F-16 jet fighters and the induction of stringer missiles caused enough damage to the Soviet air force to keep it from expanding its scope of fighting.

More significantly, the Durand Line lost its significance and sanctity as an international border. The uninterrupted crossing by the *Mujahideen* on a large scale unchecked by Pakistani immigration, customs or the Frontier Corps (border guards) inadvertently facilitated the activation of hundreds of new routes/accesses into Afghanistan, which previously were only used by the occasional smugglers.

Meanwhile, the local norms or customs also came under pressure. Within Afghanistan, the tribal *Maliks* started losing their powers and standing in their tribes while religious leaders or *mullahs* gained both. Influenced by events in Afghanistan, a similar phenomenon was taking place in the FATA. The people remained poor and deprived of facilities as before. The FATA suited everyone as the launching pad for *jihad* across the Durand Line and nothing more.

The Soviet Withdrawal

The Soviet Union, under President Mikhail Gorbachev, embroiled in a war, soon realised that it was not showing any sign of progress. It decided to end its armed presence in Afghanistan. The Geneva Accord was signed between all contesting parties on 14 April 1988 to gradually end all support to the warring factions. President Najibullah, left to himself, started losing support and ground to the *Mujahideen* and had to quit. By April 1992, the *Mujahideen* were in full control of Afghanistan.

Rule/Misrule by the *Mujahideen* and the Rise of the *Taliban*

Installation of a *Mujahideen* Government and Civil War

The *Mujahideen* government, installed in April 1992 after the ouster of the Soviet-backed government of Najibullah, soon degenerated into a bitter and bloody tussle for power between the Afghan warlords for control over the central government at Kabul. The struggle polarised into the Northern Alliance, led by Ahmed Shah Masood, and the Pashtoons, led by Hikmatyar. Within a short period, Afghanistan had sunk deep into a quagmire. The battle for control over Kabul between Hikmatyar's and Masood's forces resulted in the death of over 8,000 people.¹² The massive amount of weapons and ammunition left behind by the Russian forces came in handy for these competing groups. Loot, corruption, rape and murder became the order of the day. During this period, Afghanistan degenerated into a number of autonomous principalities each governed by a different warlord. Both the governments of President Mujadadi followed by Professor Burhan-ud-din Rabbani proved to be totally ineffective for Afghanistan.

Rise of the *Taliban*

Due to the misrule of the *Mujahideen* government headed by Professor Burhan-ud-din Rabbani and the Northern Alliance, the Pashtoon population was simmering with anger and found an outlet in the *Taliban* rising. It was basically a movement of Pashtoons, who were fed up and totally demoralised by the corruption of the *Mujahideen* governments. The

¹² Edgar O' Balance, *Afghan Wars, Battles in A Hostile Land*, p. 241, Brassey's London, United Kingdom. Some estimates are as high as 20,000, Gilles Dorronsoro, *South Asian Multidisciplinary Academic Journal*, 14 October 2007.

Taliban movement emanated from an obscure *madrassa* (religious seminary) near Kandahar and, within a very short period of time, it overran most of Afghanistan except the area held by Ahmed Shah Masood. Professor Rabbani's government was also construed as being too pro-Iranian or pro-Indian, another anathema for the tribesmen. The fact that the *Taliban* were Pashtoons and most of them, including their leader, Mullah Omer, had studied in *madrassas* in Pakistan endeared them to their Pakistani colleagues across the Durand Line. Pakistan was the first country to recognise the Islamic Emirate of Afghanistan followed by Saudi Arabia and the United Arab Emirates. The *Taliban* rule brought in a spartan and strict interpretation of 'Sharia'. The *Taliban* were particularly hostile to the equality of women. Moreover, they embarked upon the systematic destruction of music shops, television sets and other sources of entertainment. They gained ultimate notoriety when they destroyed the twin Buddha statues at Bamiyan in March 2001 as idolatry, dismissing protests from all over world. However, the fact that they were able to bring most of Afghanistan under firm control, restore peace to a war-torn nation, de-weaponise the Afghan society and eradicate poppy cultivation made it an 'ideal society', as in the early days (*Khilafat*) of Islam in the eyes of fundamentalists on the Pakistani side of the Durand Line.

Impact on Pakistan's Tribal Areas

The corruption, bad governance and lack of development along with no job opportunities had created an environment where there was much sympathy for the *Taliban*, particularly in the deprived segment of society in Pakistan's Tribal Areas. Some even desired to have a similar system in Pakistan. The religious, ethnic, linguistic and tribal affinities found some of the Pakistani tribesmen desiring a *Taliban*-like puritan government in Pakistan.

The United States Invasion of Afghanistan

Impact on Pakistan

The United States invaded Afghanistan in the wake of 9/11, holding the *Taliban* responsible for directly or indirectly helping *Al-Qaeda*. The United States was able to form a coalition and received the United Nations' backing before attacking Afghanistan. It did not have to counter diplomatic, military or any other opposition for its attack on Afghanistan, unlike the Soviet Union, which faced tremendous opposition to its intervention in Afghanistan earlier. Pakistan, which could have acted as a base for the *Taliban* against the invading forces like it did during the Soviet invasion of Afghanistan, quickly fell in line after President Pervez Musharraf was threatened with bombing which could take Pakistan back to the 'stone age'.

Afghanistan was subjected to relentless air bombing at a level not seen before. The world's heaviest conventional bombs, 'Daisy Cutters', were tried on targets. The 'Daisy Cutters' pulverised all objects of any value, such as airports, communication hubs, electricity stations, as well as military targets. The creation of a feeling of shock and awe appeared to have been the main aim of this air bombing campaign which preceded the ground invasion. The Northern Alliance, mostly composed of Tajik, Hazaras and Uzbek tribes, fully cooperated with the coalition forces to extract their own revenge on the *Taliban*.

Pakistan's Government Support to the United States' War Effort

Pakistan became the main base for the United States and the coalition that had been quickly drawn up for the invasion of Afghanistan. It provided air bases at Pasni, Jacobabad and

Dalbandin and free use of its airspace and port facilities at Pasni and Karachi. The coalition forces' entire logistics and supplies were routed through Pakistan. It took a lot of prodding by the United States for the Pakistani authorities to move their troops into the Tribal Areas. However, even after they had moved the troops (in particular, the Frontier Corps equipped with light equipment), they were no match for the battle-hardened guerrillas who had earlier fought the Soviet Forces and a decade-long civil war in Afghanistan on their own turf.

Out of all the countries and groups fighting in the 'war against terror', the Pakistani security forces have suffered maximum casualties. A total of 2,810 security forces personnel, besides 7,354 civilians, have been killed in operations against the extremists, due to suicide attacks or as a result of collateral damage.¹³ The war has also caused significant damage to the communications infrastructure, government buildings, hospitals, schools, bridges and private property in Pakistan.

Lack of Support from the Pakistan Public

This relentless bombing carried out over the years in Afghanistan has created anger in Pakistan, particularly in the Pashtoon belt along the Afghan border. Thousands of tribesmen marched into Afghanistan to help their brethren and families suffering from the disastrous consequences of the attacks. They were of no value to the *Taliban* and became easy targets while the Afghan *Taliban* melted into the countryside. Many Pakistani volunteers were killed or made prisoners while the bulk returned home after sustaining heavy casualties.

Some of the Arabs and other *Mujahideen* who had been given refuge by the *Taliban* found sanctuary in Pakistan's Tribal Areas when pushed out by the coalition forces. Some of these elements were already settled, married and living with their families. The grip of the Pakistani government which was already weak became even more tenuous with the influx of these fighters into Pakistan.

The population of the Tribal Areas already supportive of the *Taliban* became a pawn in the fight that was taking place between the security forces and the *Taliban*. A large number of casualties occurred to the civilian population caught in the crossfire of this war.

Governance of the FATA

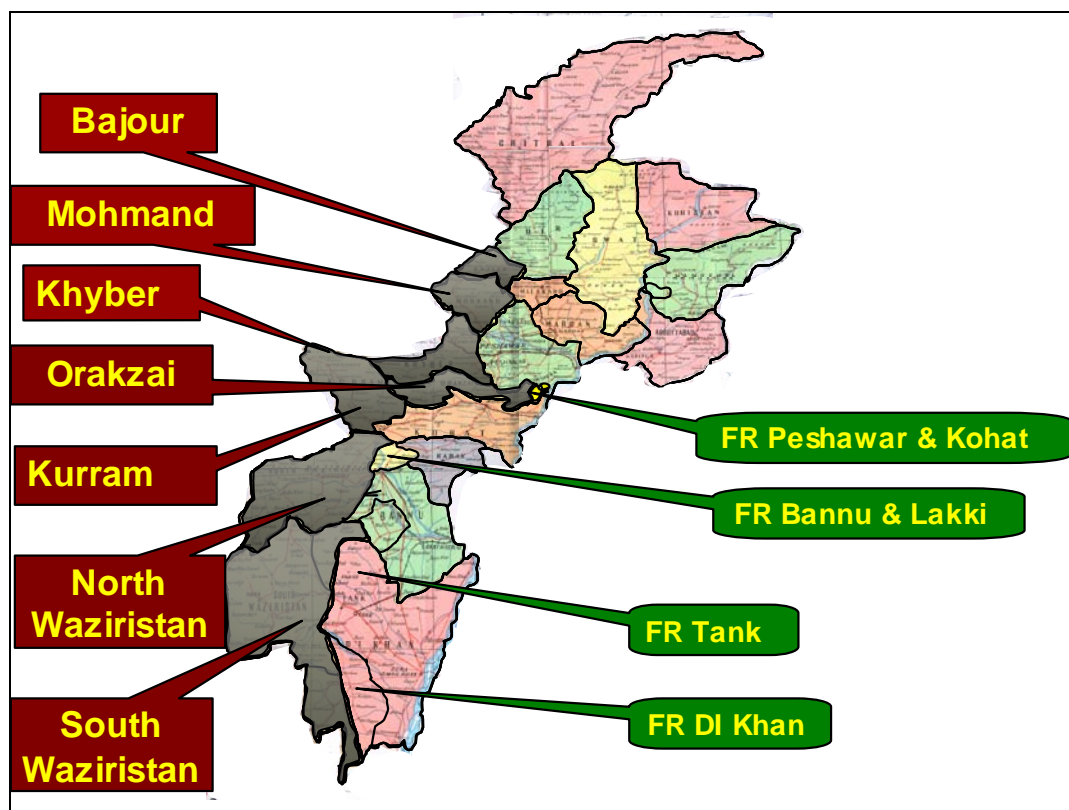
Introduction

After the second Afghan war, the British created a buffer between British India and Afghanistan in the form of Tribal Areas. The requirement arose as the Amir of Kabul had scant control over the unruly tribes of Afghanistan. They would have carried out raids across the Durand Line with impunity if the tribes on the Pakistani side of the border had been disarmed. This buffer zone, commonly known as the Tribal Areas, was named the FATA by the Pakistani government sometime after Partition. The FATA comprises seven agencies and six special areas (Frontier Regions) attached to settled districts having an area of 27,220 square kilometres and a population of approximately four million. It shares 600 kilometres of its border with Afghanistan. Tribal customs have always resisted change. Therefore, no significant change in the socio-economic structure could be brought about. The terrorist

¹³ Casualties of Terrorist Violence in Pakistan, Institute of Conflict Management, New Delhi, Report 2003-2009 dated 16 November 2009 – see Annex A of this paper.

attack of 9/11, the reported presence of high value targets and the ongoing insurgency placed the Tribal Areas in the international limelight and they remain so until today.

Map 3: The FATA – The Political Agencies and Frontier Regions



Source: Map FATA – http://www.eyconsol.com/dmo/fata/_theme/images/fata_map_big.jpg.

Constitutional Status of the FATA

The constitutional status of the FATA is different from the rest of the country. Article 1 of the 1973 Constitution treats the FATA as a separate entity as prescribed in Article 246 and 247. According to Article 247, the administrative powers with respect to the FATA rest in the President of Pakistan who appoints the Governor of the NWFP to act as his agent for the FATA and to exercise executive authority in these areas. According to Article 247 (6), the President has the power to declare the dissolution of the Tribal Areas. However, he has to obtain the consent of the *Jirga*. Article 247 (7) blocks the High Court and Supreme Court from exercising any jurisdiction in the areas.

System of Governance

The system of governance is analysed with particular reference to four distinctively important subjects:

1. *The Political System:* The FATA has 12 representatives in the National Assembly and another eight Senators in the Senate. Members of the National Assembly (MNAs), in the past, were elected by an Electoral College of the *Maliks*. Since 1998, the election is conducted on the basis of universal adult franchise. There was also, until recently, an embargo that prevents mainstream political parties from functioning in the FATA.

2. *No Self Governance or Legislative Powers:* There are no elected representatives of the FATA at the FATA or Agency level. Similarly, there is no representation at the NWFP Provincial Assembly for the people of the Tribal Areas. The MNAs and Senators can neither introduce nor influence legislation pertaining to the FATA. Ironically, they can influence legislation for the rest of Pakistan, which they do not represent.
3. *Administration:* The agencies of the FATA work under the overall administrative control of the FATA Secretariat. The FATA is divided into two administrative categories – the ‘protected’ areas are regions under the direct control of the government, while the ‘non-protected’ areas are administered indirectly through local tribes.
 - a. *Protected Areas:* In protected areas, criminal and civil cases are decided by political officers vested with judicial powers. After completing the necessary inquiries and investigations, a *Jirga*, constituted with the consent of the disputing parties, decides the case. The Political Agent (PA) or an official appointed by him for this purpose examines the verdict in the presence of the parties to the case and the members of the *Jirga*. An aggrieved party may challenge the decree before an appellate court, and a further appeal may be lodged with a tribunal consisting of the Home Secretary and Law Secretary of the Federal or Provincial Government.
 - b. *Non-Protected Areas:* The cases are resolved through a local *Jirga* at the agency level. Local mediators intervene to achieve a truce (*tiga*) between parties in a criminal case or to obtain security (*muchalga*) in cash or kind for civil disputes.
 - c. *Political Agent:* The administrative structure is based in the person of the PA, assisted by a couple of Assistant PAs (APAs) and a few *Tehsildars* and *Muharrars*. The PA enjoys vast financial authority and is allotted secret funds. Funds collected by levying taxes and secret funds are non-auditable.
 - d. *Maliks:* The government utilises the hereditary and influential pro-government and pro-administration tribal elders nominated by the PA as *Maliks* to exercise control and influence on the tribes. Besides this, *Maliks* work as a medium between the administration and his tribe.
4. *Existing Judicial System:* The PA administers justice on the basis of the Frontier Crimes Regulation (FCR) 1901, which is based on the concept of collective and territorial responsibility.
 - a. *Concept of Collective and Territorial Responsibility to the State:* In the settled districts, each citizen is individually responsible to the state for his action whereas in the Tribal Area, the whole clan or tribe is held responsible for an individual’s action.
 - b. *Concept of FCR 1901:* It was radically different from the ordinary court procedures existing in India then. The major components of the administrative

system of justice were meant to suppress crime and were based on *riwaj* (customary laws).

- c. The *FCR* is not challengeable; the PA is both judge and jury.
 - d. *Flaws of the FCR*: There is no *wakeel* (legal counsel), no *daleel* (no arguments) and no appeal.
 - e. *Micro Level Justice*: At the micro level, justice is still administered on the basis of *Jirga* system which can be:
 - i. *Sarkari Jirga* Called by the PA to settle inter tribal feuds.
 - ii. *Qaumi Jirga* Formed by tribes themselves to settle inter-tribal feuds.
 - iii. *Shakhsi Jirga* To settle disputes between individuals through an elder.
5. *Law Enforcement in the FATA*: Law enforcement by the political administration is through:
- a. Khassadars recruited from the same tribes;
 - b. Levies;
 - c. FC (NWFP) which has a strength of 80,000;¹⁴
 - d. Army as third tier.

Table 1: Comparison with the Main Stream Political System

FATA	Mainstream
Administration system, PA and APA administer through FCR and collective responsibility	Devolution system, DCO and DPO and District Nazim institutions
Judicial system, FCR and <i>Jirga</i> system	Lower courts at district level, High Courts at provincial level, Supreme Court at federal level
Law and order exercised through <i>Khassadars</i> , levies and FC	Police and magistracy system
Political representation, only MNAs and Senators	District level Councillors, Nazim system, MPAs/MNAs and Senators
No financial institution, PA administers all the funds	Institutionalised system
No land revenue settlements	Land revenue settlements record available with formal system
Area divided into protected and non protected areas	State writ applicable everywhere
No criminal/civil laws applicable on the people	State laws applicable on all citizens

Source: Interview with Faiz Muhammad Bangash, National Defence University, Islamabad.

¹⁴ “\$300m requested for Paramilitaries”, Farah Stockman, *Boston Globe*, 22 July 2007.

Changes due to Passage of Time and the Soviet/United States Invasions

- a. *Government/Maliks Losing Authority*: The government's hold which has been exercised through the *Maliks* is waning as they are considered vestiges of a redundant system. The younger tribesmen, who are educated or self-employed, are less agreeable to the *Maliks*.
- b. *Weakening of the Jirga System*: Younger and educated tribesmen are showing a greater degree of independence from their elders, thus weakening the system.
- c. *Increasing Influence of Religious Leaders*: The religious leaders being in the forefront of the *jihad* have steadily gained influence. The absence of a public education system has resulted in the loss of impressionable youth to *madrassas* and extremist organisations.
- d. *Impact of Media*: The media has opened up access to the farthest areas and vice versa. The communication revolution has also opened up new avenues of integration.

Analysis of the Governance System

Strengths

The system is closer to the tribal traditions and the independent nature of the populace of the area. It ensures speedy judicial decisions, there being no requirement to hire lawyers and so on. There are no major property or land disputes since the land is shared by the entire tribe except for the Kurram Agency. The concept of collective responsibility helps in overall governance.

Weaknesses

Despite having immense authority, the PAs and *Maliks* lack the capacity to exercise it due to the weak structure of law enforcement agencies at their disposal. Secondly, the semi-independent status of the FATA, with the weak writ of the state, is exploited by non-state actors, terrorists, religious extremists and criminals for their vested interests. Thus militancy finds fertile ground here. Lastly, too much of financial, judicial and administrative power and authority have been concentrated in the office of the PA with inadequate checks and balances. The system is prone to corruption and malpractices due to the lack of accountability.

Summary

The case for reforms in the FATA cannot be understated.¹⁵ It would be harmful for the FATA to continue living within a medieval system. At the same time, it will cause problems for the entire nation as a whole. The current militancy has already ruined tribal values and traditions. The institutions of *Jirgas*, *Maliks* and PAs are facing serious challenges. The sudden takeover of authority by the clergy, supported by the militants, has put a big question mark on the previous practice of non-involvement by the government in the Tribal Areas. Under the prevailing environment, the presence and establishment of the writ of the state in some form is imperative. It has become necessary to incorporate appropriate changes in the tribal system

¹⁵ Agenda for FATA Reforms by Mr Khalid Aziz ex Chief Secretary, NWFP.

in the FATA and infuse a much desired social progress in these areas. The establishment of the writ of the government, controlling militancy and curbing religious extremism are paramount requirements.¹⁶

The Present Situation, the Military Operation and Its Impact

General

What started as the Pashtoon anger against the high-handedness of the military operations being committed by the occupation forces in Afghanistan has progressed from a level of agitation to armed hostilities against the Pakistani government. It has spread from Waziristan in the south to the extreme north of the Pashtoon belt up to Swat. The reasons for the expanding insurgency are not ethnic feelings alone but a plethora of reasons, including deprivation and poverty, and inefficient and corrupt governance with an outdated and archaic political system in the FATA. The inability of the government to come up with a comprehensive strategy for political, economic and administrative reforms to tackle the crisis is taking its toll. The spreading insurgency has engulfed large areas of the NWFP and the FATA. The people and tribes of the FATA and the NWFP are so intermingled that any trouble in one area will automatically extend into the adjoining areas.

The continued drone attacks by the United States forces on targets in the FATA and the NWFP have been one of the major reasons this region remains in a state of turmoil. It has also severely damaged the Pakistan government's credibility about its ability to safeguard the interest of its citizens. It seems that the Pakistani government either does not have the capability to safeguard its sovereignty or does not want to do so under external pressure. In either case, it only stands to lose.

Almost all major cities in the settled area of the NWFP have faced suicide/bomb attacks as well as rocket/mortar attacks by hostile militant forces. These conditions have given rise to law and order problems, with armed dacoits, murder and ransom for kidnapping becoming common offences. Schools, particularly those for girls, are being burnt. The North Atlantic Treaty Organization (NATO) container terminal and warehouse around Peshawar have been repeatedly attacked by pro-*Taliban* elements up to 300 in strength.¹⁷ It has forced NATO to consider supplying its forces via the Black Sea or through Russia and Central Asian states. In both situations, Pakistan stands to lose a major source of revenue.

The provincial government had ceased to exert effective law and order control beyond major cities or beyond the camps/posts of the security forces. This vacuum has forced the general public in the affected area to look towards other sources of security, including the *Taliban Amirs*. Ordinary people have found it convenient to go to them to settle their problems rather than approaching government authorities and undergo cumbersome bureaucratic procedures.

The *Taliban* and other anti-government elements have given tough opposition to the security forces. It is not possible to do this without a steady source of money, equipment, arms and munitions. It is very clear that they have very strong sponsorship and assistance from outside Pakistan.

¹⁶ Interview with Faiz Muhammad Bangash, National Defence University, Islamabad.

¹⁷ *The News*, 9 December 2008.

The writ of the federal government in the FATA and the provincial government in the NWFP has been severely challenged. The government at both levels has failed to fulfil public aspirations. Overall, an atmosphere of demoralisation and despondency exists in Pakistan in general and in the NWFP and the FATA in particular at the start of the army action.

The Present Situation

This section will look at the following key areas:

1. *Northern Zone*: The NWFP districts of Swat, Dir, the Provincially Administered Tribal Areas (PATA) of Malakand Division, and the political agencies of Bajaur and Mohmand of the FATA.
2. *Central Zone*: Civil divisions of Peshawar, Mardan, Kohat in the NWFP and political agencies of Khyber, Orakzai, Kurram in the FATA. Besides the *Taliban*, there is sectarian strife in the Hangu district, Orakzai, and the Kurram agency.
3. *Southern Zone*: The NWFP Civil Divisions of Dera Ismail Khan and Bannu, along with the political agencies of North and South Waziristan.
4. *Baluchistan*: A brief note about the Pashtoon belt up to Quetta.
5. *Punjab and Sindh*: Lately, Punjab and Sindh have attracted increasing *Taliban*-related activities.

The Northern Zone

The Northern Zone comprises the Swat, Dir Districts and the PATA area of the Malakand Division of the NWFP besides the political agencies of Mohmand and Bajaur in the FATA.

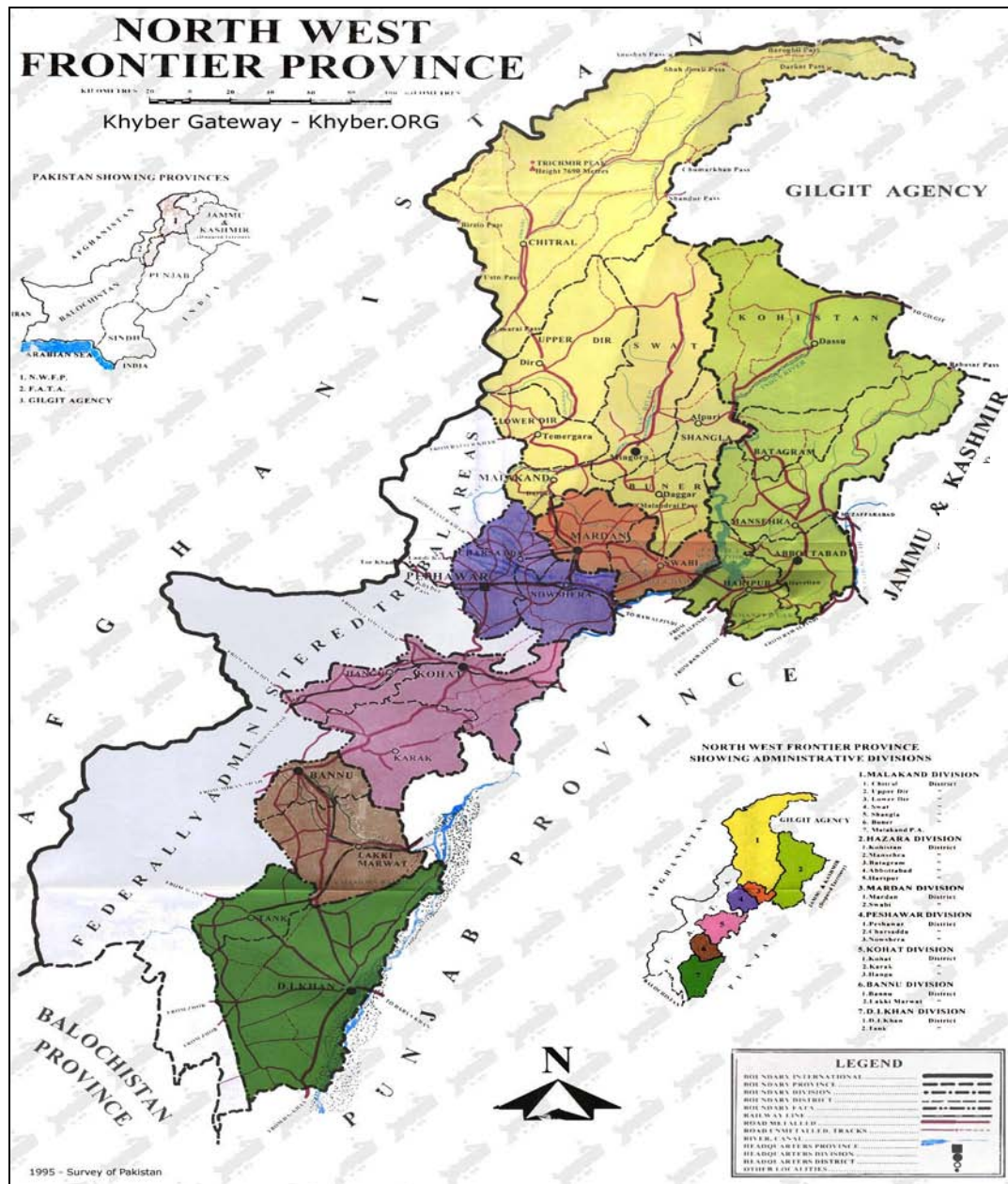
Swat and Dir: These are erstwhile princely states. By Pakistani standards, Swat was one of the well-developed areas when it was absorbed into Pakistan as a district in 1970. It had good roads, education, healthcare and a very effective justice system based on *Riwaj* and *Sharia*. Ever since the merger of these states, there has been a feeling among the people of Swat of being treated as second-rate citizens. The growing incompetence of the government and corruption further compounded the matter. As a reaction, a religious leader, Sufi Muhammad, founded *Tehrik-e-Nafaz-e-Shariat-e-Muhammadi* (TNSM) [Movement for enforcement of *Sharia*] in 1992. It created problems for the government for sometime. However, the issue subsided to some extent when the provincial government promulgated rudimentary *Sharia* laws within the ambit of the existing penal code. Sufi Muhammad's campaign was successful to the extent that it had mobilised the public.

In the aftermath of 9/11, upon a call from Sufi Muhammad, thousands of volunteers marched into Afghanistan to help their Afghan brethren in the fight against the United States-led forces in October 2001.¹⁸ Many were killed or taken prisoners, few were released after heavy ransoms were paid by their families to the Afghan warlords, some returned in miserable condition suffering from starvation and ill health. This adversely affected the standing of TNSM. It was finally banned by President Musharraf in 2002 and almost went into hibernation. However, the United States' drone attacks acted as a catalyst for its revival. Since then, it had continued its activities with renewed vigour in the districts of Swat, Dir and Malakand besides the adjoining Tribal Areas under Maulana Fazalullah, the son-in-law of Sufi Muhammad. At present, allied to *Tehrik-e-Taliban-e-Pakistan*, it has been the main

¹⁸ *BBC News*, 21 April 2008, http://news.bbc.co.uk/2/hi/south_asia/7359523.stm

source of trouble in this zone. FM Radio technology has been fully utilised to propagate their cause.

Map 4: NWFP Divisions and Districts



Source: Map NWFP – www.khyber.org.

Note: This map is neither original nor authentic.

Destruction of Schools and Archaeological Sites: So far, the *Taliban* have destroyed a total of 178 schools, including 114 schools for girls and 56 for boys.¹⁹ Another 500 girls' schools have been ordered shut by them, affecting 55,000 students.²⁰ Among other casualties was the figure of Buddha carved on a mountain side in the 7th century near Jehanabad, Mangaltar and Swat, which was destroyed on 9 October 2007 by TNSM cadres.²¹

¹⁹ *Ground Report*, 19 January 2009, www.groundreport.com/World/More-Schools-Destroyed-in-Swat

²⁰ Reuters report from Mingora, 19 January 2009.

²¹ Archaeology, 6 November 2007. A publication of Archaeological Institute of America.

Bajaur and Mohmand Agencies: This area became prominent after the United States launched its Predators missiles attack on a *madrassa* near Damadola in Bajaur on 30 October 2006, in which approximately 80 students were killed.²² The United States had received a tip-off that Ayman al-Zawahiri, Osama bin Ladin's deputy, was present there. This area was again hit by drone missiles on 14 May 2008, resulting in the deaths of 12 persons. The militants retaliated by killing 42 Pakistani recruit soldiers and wounding another 20 on 8 November 2006 at Dargai, an army training facility near Mardan.

These political agencies came under very strong pressure by the *Taliban* in 2008. The government had to pull back to Khar Agency, the headquarters of Bajaur, under pressure from the militants in mid-2008. Later, operations by reinforced security forces launched in August 2008 restored control over the major towns. The Mohmand Agency has been relatively, though not entirely, free of *Taliban* activities. The Pakistani government has tried to mobilise local tribes to fight against the *Taliban* from outside. A *Lashkar* of approximately 30,000 was raised in September 2008 for this purpose, though the success of this approach, that is, of using tribesmen to neutralise each other, is yet to be seen.²³ Efforts are in place to get the local tribesmen to defend themselves against the *Taliban* by organising *Lashkars* at local levels.

Ceasefire Agreement: A ceasefire agreement was worked out between the government and the militants in February 2009, bringing temporary peace to the zone.²⁴ The public, wary of the civil war that had ravaged the entire area, initially hailed it and there were jubilations in various cities and towns. Sufi Muhammad, the *Amir*, was asked by the government to negotiate with the *Taliban* to reach a wider peace agreement. It was understood that *Sharia Laws (Nizam e Adil)* would take precedence over other laws. All political leaders at that time supported the ceasefire. However, the United States, NATO, the United Kingdom and France expressed their reservations and concerns.

Aftermath of the Ceasefire Agreement: The ceasefire deal with the *Taliban* soon degenerated into a one-sided takeover of the entire Malakand Division, particularly the valley of Swat. The *Taliban* occupation was heavy-handed with their brand of *Sharia* enforced ruthlessly. There was resentment to these activities in public. It was clear that the peace agreement was not to bring peace, but rather to facilitate the takeover of Malakand Division by the *Taliban*. To add to the fire was the case of the public flogging of a girl, at first denied by the Commissioner of Malakand Division but later conceded by the provincial government. The Commissioner of Malakand Division at that time, Syed Muhammad Javed was being investigated for pro-*Taliban* sympathies.²⁵ The blatant breach of the peace agreement and the harsh governance brought in by the *Taliban* called for a tough response from the government. The Pakistani government held an 'All Parties Conference' to bring about a consensus regarding the approach/strategy to be undertaken against the *Taliban*.

Military Operation: To Prime Minister Yousaf Raza Gilani's credit, all political leaders agreed unanimously on a military operation against the *Taliban* in Malakand Division. The armed forces were, for the first time, given a clear mandate to carry out a military operation to clear the area of all *Taliban* members and restore the writ of the state. The Pakistan Army's

²² *BBC News*, 30 October 2006, <http://news.bbc.co.uk>.

²³ "Pakistani tribesmen organize to fight *Taliban* insurgents", McClatchy, *Washington Bureau*, 26 September 2008.

²⁴ *The News*, 16 February 2009.

²⁵ *The News*, 15 June 2009.

action, backed by the Pakistani Air Force, gunship helicopters artillery and tanks started off in March 2009 and by June 2009, most of the area had been cleared with small pockets of resistance remaining in inaccessible and far-off mountainous areas. Unlike the military action that took place during General Musharraf's tenure, this time, public opinion supported this action. The other political success of the government has been to defuse the feeling that all such actions are being taken under pressure from the United States and other allies. It was felt that restoring the writ of the government was the foremost requirement in this area.

Internally Displaced Persons: One of the biggest side effects of aggravating the law and order problems and military operations in the Malakand Division has been the problem of internally displaced persons (IDPs). Approximately two to three million persons were displaced, with approximately 200,000 accommodated in camps. The remaining persons live with extended families or friends, or they were repatriated.²⁶

Central Zone

The Central Zone comprises the NWFP districts of the Peshawar, Kohat and Mardan Divisions besides the Khyber, Orakzai and Kurram Agencies of the FATA. The logistical supplies for the NATO forces reach them via the Grand Trunk Road passing through this zone. The settled areas are still in the control of the provincial government, albeit with very low law and order control.

Peshawar: There have been repeated suicide attacks on both political and administrative government institutions and functionaries in this Division. The *Lashkar-e-Islam* cadres, headed by Mangal Bagh, after having consolidated in the Bara and Tirah Valleys in Khyber Agency, had reached the outskirts of Peshawar by 2008. The provincial government was forced to carry out an operation to drive them away. The deteriorating law and order situation can be gauged from the killing of Peshawar's Police Chief, Deputy Inspector General Malik Saad, along with 14 Shiites by a suicide bomber outside a Shiite Imambargah on 27 January 2007.²⁷ Over 300 NATO vehicles, including armoured personnel carriers and Humvees, as well as other logistics containers, were torched by militants in six attacks between 1 and 12 December 2008.²⁸ Lately, a member of the Provincial Assembly, Alamzeb, was killed by a car bomb planted near his car on 11 February 2009.²⁹ One of the major terrorist hits was the truck bombing of the Pearl Continental Hotel, the most prestigious hotel of Peshawar on 9 June 2009, leaving 11 dead and 90 injured. Since the start of the military operation in Waziristan, Peshawar has been subjected to terrorist bombings and suicide attacks on an almost daily basis.

Mardan Division: Composed of Topi and Mardan districts, it has seen a number of suicide attacks on high ranking government or political personalities, including Asfandiyar Wali, the President of the Awami National Party, and Aftab Ahmed Sherpao, Chairman of the Pakistan Peoples Party (Sherpao Group). Both have been targets of suicide attacks where scores of people were killed or injured in late 2007 and 2008.³⁰ Similarly, the Deputy Inspector General Police of Mardan had a narrow escape. Earlier, Abu Faraj al Libbi, who had replaced

²⁶ UNHCR Report, Country Operations Profile stating 1,939,700 IDPs. The Internally Displaced Monitoring Centre (IDMC Geneva, Switzerland) gives an estimate of 3 million IDPs.

²⁷ *BBC News*, 27 January 2007, http://news.bbc.co.uk/2/hi/south_asia/6306049.stm.

²⁸ *The News*, 14 February 2009.

²⁹ *The Dawn*, 12 February 2009.

³⁰ *The Dawn*, 4 October 2008; and *BBC News*, 28 April 2007, and 21 December 2007.

Khalid Sheikh Mohammad as the operation chief of *Al-Qaeda*, was captured on 4 May 2005 at a house near Mardan.³¹ The fact that Mardan Division lies to the immediate south of the most violent belt in the NWFP, that is, the Swat and Malakand area, is a source of concern and the *Talibanisation* problem will envelop this area whenever an opportunity is provided.

Kohat: The road from Peshawar to Kohat passes through the Kotal Pass Tunnel. It has been repeatedly blocked in the Dara Adam Khel area which is a part of the PATA. A number of operations have been carried out by Frontier Corps to flush out the insurgents and take back control. Kohat is repeatedly subjected to rocketing or mortar shelling from the nearby Tribal Areas.

Khyber Agency: Security forces entered the Tirah valley in July 2002 for the first time after their independence in 1947. The *Laskar-e-Islam* cadres led by one Mangal Bagh have their origin here. They are reportedly in conflict with the *Taliban* and have fought with them. The NATO logistics transports have been repeatedly attacked and torched in the Khyber Pass and Landikotal areas. The militants dynamited a bridge on 3 February 2009 in the Khyber Pass, cutting the logistics supply line for NATO troops in Afghanistan. It was restored after 48 hours by Pakistani Army engineers. Since then, NATO has been looking for other routes into Afghanistan for its logistics lifeline.

Orakzai and Kurram Agencies: These agencies, along with the adjoining Hangu district of Kohat Division, have a sectarian problem, besides other issues. There is a large number of Shias living in this area and they are a majority in Parachinar, the biggest city and headquarters of the Kurram Agency. A sizeable population of Shias exist in the Bangash, Orakzai and Turi tribes, and the Turis are mostly Shias. Although the problem is centuries old, the animosity of the Sunnis had forced the Turis to ask the British Indian authorities to take them under their control.³² This trouble keeps brewing once every few weeks with the tribals using heavy weapons against each other. The government has been holding peace *Jirgas* to diffuse the situation. The military option has not yet been applied in a major way as the government can ill afford to use troops which are needed more elsewhere. Kurram was targeted with drones for the first time on 16 February 2009, killing 26 persons.³³

Southern Zone

The Southern Zone comprises Bannu and the Dera Ismail Khan Division, as well as the North and South Waziristan agencies.

Bannu and Dera Ismail Khan Divisions: Bannu has had rockets fired into the city and on the cantonment on regular basis from the nearby Tribal Areas. Most of the military operations into North Waziristan take place from this place. Similarly, Dera Ismail Khan has faced a number of terrorist attacks, whether sectarian or otherwise.

Waziristan: It has two agencies in North and South Waziristan.³⁴ The North has mostly the Wazir tribes whereas the South has the famous Mahsud tribes. Both have carved a reputation of being formidable fighters over centuries and gave a very stiff opposition to the British

³¹ *The Dawn*, 5 May 2005; and *USA Today*, www.usatoday.com/news/world/2005-05-04-pakistan.

³² *Imperial Gazetteer of India*, v. 16, p. 50. www.dsal.uchicago.edu/reference/gazetteer.

³³ *The News*, 17 February 2009.

³⁴ Waziristan – The past overview of Pakistan's (and by extension the world's) newest trouble spot, Hamid Hussain.

Indian government. Waziristan has had the longest-brewing insurgency. This is also the area where a large number of foreigners, particularly Arabs, had settled down and at times married into local families. The government has had a number of truces worked out with the Wazir and Mahsud tribes. However, each time, this has been breached with each side blaming the other for the breach. One of the most embarrassing moments for the security forces was the capture of 247 soldiers, including their commanding officer and nine officers.³⁵ They were released by the *Taliban* as part of a bargain for the release of some of their high value assets.

Map 5: Areas where the *Taliban* are more active (see box)



Source: http://www.stratfor.com/analysis/20081014_afghanistan_pakistan_battlespace_border.

³⁵ *BBC News*, http://news.bbc.co.uk/2/hi/south_asia/.

Baitullah Mehsud was the leader of the *Taliban* in this area and reportedly commanded loyalties of most *Taliban* elsewhere in Pakistan as well before his death in a drone attack on 5 August 2009.³⁶ It is believed that he was nominated by Mullah Omar as the *Amir* for Pakistan.

This area has also been subjected to a high number of drone attacks from the United States forces. The number of drone attacks that have taken place without being intercepted suggests that there is a tacit arrangement that the United States can use drones to attack high value *Al-Qaeda* targets in Pakistan. One of the missile attacks by the United States killed Mehsud in August 2009.

Military Operation: The success of Swat operation gave much needed confidence to the government to tackle the situation in Waziristan. The government, which had been showing restraint, decided to launch a renewed military operation to quell the insurgency in Waziristan in the wake of terrorist bombings and suicide killings taking place all over Pakistan, including that of a very prominent and respected anti-*Taliban* religious leader, Maulana Sarfraz Naeem.³⁷ After having finished the major operations in Malakand (Swat area), the Pakistan Army was poised to carry out the long awaited operation in Waziristan. The main reason for delay was that the army did not want to commit troops in two sectors simultaneously.

Once again, Prime Minister Gilani took the national political leadership into confidence before launching the army operation. The army mobilised fresh troops and the military operation was launched in early October 2009. The army gained ground steadily and all major strongholds of the *Taliban*, that is, Kunigram, Sararogha and Makeen, were captured by mid-November 2009. It appears that the *Taliban* have decided to melt away into their mountain hideouts astride the Durand Line to carry out guerrilla/partisan warfare in the days to come. The army is presently consolidating its gains as well as clearing the last vestiges of *Taliban* presence from the region.

Baluchistan

Almost half of the total population of Baluchistan is of Pashtoon origin with obvious sympathies towards their brethren across the Durand Line. The presence of approximately a million Afghan refugees has created a demographic imbalance in favour of the Pashtoon population, which is also a cause of resentment between the Baluchs and the Pashtoos. Afghan authorities, right up to President Hamid Karzai, have accused Pakistan of giving refuge to or supporting the *Taliban* fighters, including Mullah Omar, the one-eyed leader of the *Taliban* who was allegedly hiding near Quetta.³⁸

Baluchistan has a number of insurgencies running parallel to each other, pushing the *Taliban* problem into the background. The biggest insurgency is by the Baluch nationalists. A number of so-called liberation movements are de-stabilising the province, as well as carrying out a target number of killings of their opponents. One such movement, the Baluch Liberation

³⁶ See ISAS Brief No. 122, "Taleban Leader Baitullah Mehsud Dead: Is it the Beginning of the End of Terrorism?", Ishtiaq Ahmed, 11 August 2009 – <http://www.isasnus.org/events/backgroundbriefs/123.pdf>.

³⁷ *The News*, 13 June 2009. Head of a prominent Seminary, *Jamia-e-Naemia*, was killed after the Friday *juma* prayers on 12 June 2009. He had denounced the suicide killings as un-Islamic a few days earlier.

³⁸ CNN.com posted 12:48 am. EDT, 9 September 2006.

United Front, kidnapped John Solicki, the Head of UNHCR, from Quetta on 6 February 2009 and held him for some time for ransom for the release of allegedly arrested nationalists.

Quetta is a multi-ethnic city with a large Shia minority, most of them being Hazaras, a Persian-speaking people originating from the Hazarajat area of Afghanistan. They have been subject to repeated suicide/bomb attacks, killing scores of people during the last few years in sectarian killings.

Punjab

Punjab has had its share of terrorist-related incidents, the most significant being the suicide bomb attack on Pakistan's former Prime Minister, Benazir Bhutto, on 27 December 2007, in which another 20 people died. This incident literally shook the nation and led to an outbreak of the killing of more than 33 persons, including four policemen. It also ultimately resulted in the ouster of President Musharraf. In one of their deadliest hits, the Marriott hotel in Islamabad was truck bombed, resulting in the death of 57 people and wounding 266 others on 20 September 2008, just a few days before the end of Ramadhan.

Since then, there has been a deadly attack on the Sri Lankan cricket team at Lahore. Fortunately, the team members escaped with only minor injuries to some, due primarily to the alertness of their bus driver rather than security forces. Other major incidents include the attack on a Police Training School and on the ISI office. There have also been many other similar incidents.³⁹ There are serious apprehensions about the *Taliban* making inroads into Punjab's southern region and areas bordering the NWFP.

Sindh

Ms Bhutto had earlier escaped a similar attack in one of the most damaging terrorist attacks in Karachi on 18 October 2007, following her return to Pakistan after eight years of self-imposed exile. Over 139 were killed and more than 450 injured.

Karachi, being a multi-ethnic city, has been the centre of gang warfare between varying factions trying to exert control over Pakistan's biggest city and major port. Hundreds of people have died in these incidents and target killings. With over 1.5 million people originating from the NWFP, there have been apprehensions about the *Taliban* moving into this metropolis.

Analysis and Recommendations

It is imperative to analyse the inability of the Pakistani leadership to handle developing events, acquiescing with people who challenged the government, and allowing the situation to deteriorate to an extent that internal security had to be handed over to the armed forces.

The main reason for this unfortunate state of affairs is the political history of Pakistan. Half of the period after the Partition has been spent under military dictatorships. The country's political structure, having to start anew every time a dictatorship ended, has not been able to mature. It is still in its infancy, trying to evolve according to the requirements of the nation. Due to these interventions, the bureaucratic structure became weak and lethargic. The justice

³⁹ See [Annex A](#) of this paper for the casualties of terrorist violence in Pakistan till 16 November 2009.

system was rendered ineffective as the courts were packed with subservient judges. President Musharraf alone sentenced 60 judges of the Supreme and Provincial High Courts through his infamous Provisional Constitutional Order.⁴⁰ The civil society has remained a fledgling and ineffective because of the repressive measures by both the civilian and military governments. The military dictators basically promoted a political structure where they could remain entrenched in power, regardless of the consequences. The reason for the decay in political structure requires separate examination and will not be discussed in detail in this paper. Overall, a state of poor governance; maladministration; archaic, outdated and inefficient bureaucratic procedures; demoralised, incompetent and inefficient law enforcement agencies were no match for the battle-hardened and deeply-motivated *Taliban*.

It should be understood that the *Taliban* fighting against the foreign troops were taken as freedom fighters in Pakistan in general and by people of the NWFP and the FATA in particular. Anyone aiding the occupying forces is considered a puppet or quisling. This is how President Karzai is viewed in Afghanistan and President Musharraf was considered in Pakistan. Even the present government of Asif Ali Zardari is perceived to be pro-west, and therefore, considered to be working on an anti-Islamic/Pakistani agenda by some elements, particularly in the FATA and the NWFP.

Instead of understanding the problems that Pakistan is facing, the United States and the European community are more interested in putting pressure on it to further intensify military operations against the *Taliban*. The continued attacks by the United States drones in the FATA and the NWFP have totally shaken the credibility of the Pakistani government in the eyes of the public. As far as the public is concerned, the government is acting on the United States agenda rather than in Pakistan's interest. This has created a bigger gulf between the public and the government.

One of the main reasons behind the Pakistani people's desire for *Nizam-e-Shariat* is a feeling that it provides prompt justice and equality. The government has failed to provide good governance. Almost all the main political leaders have been investigated for corruption, and not only by ex-President Musharraf's National Accountability Bureau. Even the previous political governments failed. The people do not have much confidence in their leaders' ability to deliver. An effective, transparent and clean government is necessary to solve the problems at this crucial time. Unfortunately, this aspect is lacking, particularly in the NWFP and Baluchistan. Similarly, the federal government seems to be more occupied in shoring up its majority or destabilising the government of Punjab rather than solving the problems of the public.

The peace agreements signed are looked at with scepticism by a large number of people, particularly the intelligentsia. The track record of previous peace agreements in Waziristan and elsewhere has been dismal. It is expected that the government has learnt its lessons and will not buckle before such tactics in future.

All these factors suggest that the situation will not improve much, notwithstanding the confidence being displayed by the present political or military leadership. Overall, the picture that the state does not have full control over various types of political and other non-state forces is emerging. It appears that the government and army leadership have decided that the

⁴⁰ The Supreme Court of Pakistan has declared as illegal and unlawful the promulgation of Emergency and PCO in an appeal on 31 July 2009.

army will stay in the affected area for some time to support the other law enforcement agencies, notwithstanding the temporary respite in some areas.⁴¹

Recommendations

There is a need to work out a comprehensive national strategy by all the stakeholders. The government could take the initiative by inviting leaders from all walks of life, including political and religious leaders, prominent citizens, economists, bureaucrats and senior military commanders, and even common citizens who can help jumpstart development activities for this purpose. At the same time, debates and discussions could be started in newspapers, think tanks, electronic media and other forums to get maximum input and ideas to formulate the national strategy. Having done so, the Pakistani leadership could ask for help, wherever needed, from other countries. Some of the recommendations in this regard are as follows:

National Security Council

The elements hostile to the well-being and existence of Pakistan have time and again challenged the security of the state right from its birth. The Pashtoonistan issue, the emergence of Bangladesh as an independent state, and in recent years, the problem of sectarian terrorism and the continuous insurgency in Baluchistan have plagued the existence of the country and have been a big drain on the national exchequer. The severe challenge to the sovereignty of the state posed by the *Taliban* is one of the major irritants which were allowed to become a menace over the years. Major decisions on issues such as the status of the FATA and the Northern Areas have been kept pending for too long. This inability to make decisions in time greatly helped the *Taliban* and earlier the sectarian terrorists to challenge the state.

The National Security Council (NSC) was formed at least three times in recent years, firstly by General Zia-ul-Haq, secondly by President Farooq Leghari during the interim period after the dismissal of Benazir Bhutto's government in 1996 and lately by General Musharraf. It has been allowed to whittle away each time, with politicians fearing that it will enable the armed forces to play an intervening role like the one played by the Turkish Defence Forces. Even Indians, otherwise very orthodox and traditionalists, have a National Security Advisor now. There is no reason Pakistan should not streamline its strategic decision-making process. Effective decisions made on time would save a lot of trouble, casualties and collateral damage. The composition of the NSC may be decided by the Parliament.

National Strategy

- All political leaders should get together to work out a national strategy through consensus. Anyone working against the interest of the state should be marginalised and dealt with accordingly.
- Efforts to bring the FATA into the mainstream of national life should be launched immediately. The FATA reforms package should be undertaken to provide a degree of self governance enjoyed by other provinces. A comprehensive package for political

⁴¹ *The News*, 19 February 2009.

reforms, administrative overhaul, economic development and community participation needs to be undertaken.

- The previous trend of militants regrouping under a peace agreement has to be arrested once and for all. The government should use this period to fully re-establish its writ. It should make known to the public its detailed strategy for achieving complete control over the region.
- Pakistan needs to upgrade the capabilities of its civilian law enforcement agencies, that is, the Police, Constabulary and Frontier Corps, to a significant level to be able to face the present and impending threats confidently.

Governance and Justice System

- There is no substitute for good governance. Most of the *Taliban* cadres are from the poorest segment of the Pakistan society, devoid of any facilities, education and job opportunities or employment. They have been driven to their present state of affairs mainly because of the lack of equal opportunities, and a fair and just system of selection in meagre job opportunities.
- An outdated, archaic and corrupt justice system where it takes years to sort out a minor problem needs to be changed to bring it into harmony with the modern requirements on the one side and public aspirations on the other.

Military Strategy

- The military option should be gradually reduced and made subservient to the political strategy.
- The Pakistan Army needs to enhance its special operations capabilities for such operations. The use of tanks and artillery guns will only increase the collateral damage to an unbearable level, thereby alienating more people.
- The intensification of military operation will only increase collateral damage and the number of IDPs, and add further misery to the public.
- Military planners should aim at surgical strikes, minimum exposure and withdraw to its garrisons as soon as possible after an operation. The consolidation phase may be looked after by the civil armed forces.
- The problem of IDPs and their safe return should be taken care of. The government should ensure that the people do not suffer significantly from its war efforts. This will create a friendly environment and allow the armed forces to carry out low intensity operations.

Economic Development

- A Marshal Plan type effort or a five-year plan should be launched to bring the affected areas on par with the rest of Pakistan. All possible concessions should be

given as were provided to Gwadar or Gadoon Amazai for the establishment of industry.

- Pakistani goods, particularly from the affected area, should be exempted from fixed quotas by the United States and the European community.

International Support

- The United States must stop its drone attacks and incursions into Pakistan. It should also strengthen the Pakistani security forces to an extent that they can face the insurgent challenge in a confident manner with modern weapons.
- Unnecessary pressure on the Pakistani government to 'do more' should stop. All foreign powers should understand that these measures will only drive a bigger wedge between the public and the government.
- The international community should participate wholeheartedly in the Marshal Plan type of initiative for both Pakistan and Afghanistan.
- Foreign donors should undertake to enhance the counter-insurgency and counter-terrorism capabilities of Pakistan's civil armed forces, particularly the Frontier Corps, Frontier Constabulary and the Police.
- Donor governments and agencies should insist on good governance as part of their aid packages. Aid should be tagged to specific yardsticks in good governance.
- Pakistan's foreign relations with both India and Afghanistan have been tense and on the verge of a conflict ever since its founding. The world community should come forward and help sort out these problems. There is a need to solve such problems which have been languishing at the United Nations for the last 60 years without any progress.

Conclusion

The international community must clearly understand that continued turmoil in this area has the potential to de-stabilise the Central and South Asian regions. The culture, history and people of this region are so well linked that, sooner or later, the problems will keep shifting from one area to another. If the Pashtoons of Pakistan are ethnically linked to their kin across the border, so are the Tajiks, Uzbeks and Turkmen of Afghanistan to their kin in Tajikistan, Uzbekistan and Turkmenistan respectively.⁴² Similarly, the Hazaras of Hazarajat may be living in Afghanistan but they have much more in common with their clansmen living across the borders in Pakistan and Iran. The Punjabis on both sides of the divide also have a lot in common. "A North Indian can easily converse with a Pakistani Punjabi while he must usually employ English, India's *lingua franca* to communicate with a fellow Indian citizen from Tamil Nadu or Karnataka."⁴³ All these linkages are strong enough to set off a domino action

⁴² Edgar O' Balance, *Afghan Wars, Battles in A Hostile Land*, p. 231, Brassey's London, United Kingdom.

⁴³ Eric Margolis, *War at the Top of the World, The Struggle for Afghanistan, Kashmir and Tibet*, p. 170, published by Army Education Publishing House, GHQ, Rawalpindi.

for the de-stabilisation of the entire region if the present turmoil is not tackled in a well-thought out manner in the near future.

The war with the *Taliban* is assuming the shape of a class war with the 'haves' siding with the Pakistani government and the west, while the rest of the society is siding with the *Taliban* in both Afghanistan and Pakistan. This may be the beginning of another decade of class war if not tackled properly. The sense of depravation and backwardness has to be removed, education and job opportunities have to be created to ensure equitable distribution of wealth, and a feeling that no one is being exploited is essential in the creation of an egalitarian and equitable society.

Lastly, Pakistan, as a whole, needs to carry out a self analysis as to where it wants to stand in the comity of nations. It needs to look forward rather than stay in the past and finally decide on the type of society it should develop into. A *loi Jirga* (grand *Jirga*) of all stakeholders should be held to debate all issues pertaining to governance, administration, law, *Sharia* and all other matters to decide the future course of action for the entire nation, and not only the FATA and the NWFP.

Annual Fatalities in Terrorist Violence in Pakistan, 2003-2009

Year	Civilians	Security Force Personnel	Terrorists/Insurgents	Total
2003	140	24	25	189
2004	435	184	244	863
2005	430	81	137	648
2006	608	325	538	1,471
2007	1,523	597	1,479	3,599
2008	2,155	654	3,906	6,715
2009*	1,392	620	4,874	6,886
Total	6,702	2,484	11,204	20,371

Source: Website of the Institute of Conflict Management, Delhi.

* Data till 16 November 2009.